

ENT. MED General



NEW MEXICO ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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RON CURRY Secretary
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 8, 2008

David Gregory
Federal Project Director
Los Alamos Site Office, Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A992
Los Alamos, NM 87545

RE: DENIAL OF REQUESTS FOR EXTENSION FOR SCHEDULING OF THE
BALANCE OF FISCAL YEAR 2008 WELL CONSTRUCTION
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-GROUNDWATER-MISC

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the United States
Department of Energy and Los Alamos National Security, LLC (collectively, the Respondents)
document entitled Scheduling of the Balance of Fiscal Year 2008 Well Construction and
Associated Requests for Extension (hereafter, the Request) dated March 26, 2008 and referenced
by EP2008-0156.

Under the March 1, 2005 Compliance Order on Consent (Order) Section III.J.2, a request for
extension may be made by the Respondents for good cause. NMED reviews such requests on a
case-by-case basis at such time that it can be determined that conditions exist that prevent a
specific milestone from being achieved by the Respondents. In the Request, the Respondents did
not provide a description of conditions specific to the installation of any individual well. NMED
therefore cannot evaluate the merits of extending any of the deadlines as proposed in the Request.

NMED appreciates that the Respondents acknowledge the importance of all of these wells in
improving the existing groundwater monitoring network to effectively monitor regional and



intermediate groundwater beneath the facility. Based on the Permittees' well network evaluation results, each of these groundwater monitoring wells plays a crucial role either in assessing groundwater contamination or supporting the corrective measures evaluation (CME) for cleanup of groundwater contamination or other subsurface contamination at Material Disposal Areas (MDAs) and Technical Areas (TAs) where contaminants have been released. Selection of remedies for the contaminated groundwater in Sandia Canyon, at TA-16, and for MDAs C, G, H and L, entirely or in part, depends on the availability of reliable groundwater monitoring data collected from these wells. Nevertheless, there is at best limited time to obtain reliable groundwater monitoring data to support the CMEs for these sites and still meet the Order milestones.

The primary, if not sole, reason the Respondents proffered for the Request is the lack of funds to conduct the required work. While the appropriation of adequate funds falls largely under the purview of Congress, DOE's budget requests have historically fallen short of the amounts needed to ensure compliance with the Order. In fact, DOE and LANL have paid substantial penalties for sites where funding has caused milestones to be missed. The Order includes strong, enforceable deadlines to ensure all clean up work at the lab is completed in a safe and timely manner, and to keep DOE's attention focused on cleanup at Los Alamos. In the past, Congress has specifically pointed out the cleanup order in your budget language; this should underscore for DOE the importance of meeting the milestones in the Order, now and into the future. These milestones represent DOE's commitment to New Mexico, and adequate funding represents DOE's commitment to the people of our state.

The cleanup work at Los Alamos is a top priority for NMED, Governor Richardson, and New Mexico. NMED urges DOE to communicate these priorities to Congress and the White House through your budget requests in the strongest possible manner.

For the reasons discussed above, the extension request is denied, and the Respondents must complete installation of these wells according to the schedules set by earlier NMED correspondence. Timely installation may mitigate at least some of the delays with the groundwater investigation and monitoring program. The alternative jeopardizes future milestones and only further delays cleanup.

Sincerely,



James P. Bearzi
Chief

Hazardous Waste Bureau

Messrs. Gregory and McInroy
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cc: J. Goldstein, NMED OOTS
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file: Reading and LANL General (Groundwater General)