General ENTERED

NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

RYAN FLYNN
Cabinet Secretary-Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 3, 2014

Peter Maggiore
Assistant Manager
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

RE: FORCE MAJEURE – FLOOD EVENTS OF SEPTEMBER 2013
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890018
HWB-LANL-MISC

Dear Messrs. Maggiore and Mousseau:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Notification of Force Majeure – Flood Event of September 2013* (Notification), dated September 25, 2013 and referenced by EP2013-0229. In accordance with Section III.H.3 of the March 1, 2005 Compliance Order on Consent (Consent Order), the Permittees provided an email notification to NMED on September 16, 2013.

The Permittees state in the Notification that during the week of September 10, 2013, rainfall totals in some areas of the Laboratory exceeded 7-inches. These storms included record runoff, flooding, and erosion. The Permittees estimate that 75% of canyon access roads are damaged and impassable to vehicles. Assessments of damage to infrastructure and equipment are ongoing.

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The Permittees anticipate significant delays in the completion of the scope of work for the Sandia Canyon grade-control structure (SCGS) project. Extensive repairs, regrading, and replanting will be required.

This correspondence constitutes written notice of NMED's agreement under Section III.H.3 of the Consent Order that a force majeure event has occurred. NMED agrees that the Permittees did not complete the SCGS on schedule. The Permittees submitted the SCGS completion report on December 19, 2013.

Please contact Ben Wear at (505) 476-6041 if you have questions.

Sincerely,

for

John E. Kieling
Chief
Hazardous Waste Bureau

cc: T. Blaine, NMED EHD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
T. Skibitski, NMED DOE OB
S. Yanicak, NMED DOE OB, MS M894
L. King, EPA 6PD-N
J. McCann, EP-CAP, MS A992
A. Russell, DOE-NA-00-LA

File: Reading and LANL 2014 – Misc, Sandia Canyon Grade-Control Structure