



BILL RICHARDSON  
Governor

DIANE DENISH  
Lieutenant Governor

*Permit*  
NEW MEXICO  
ENVIRONMENT DEPARTMENT

 **ENTERED**



RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

*Hazardous Waste Bureau*  
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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

July 13, 2009

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

David McInroy  
Remediation Services Deputy Project Director  
Los Alamos National Laboratory  
P.O. Box 1663, MS M992  
Los Alamos, NM 87545

**RE: LIST OF DOCUMENTS SUBJECT TO STIPULATED PENALTIES UNDER THE  
MARCH 1, 2005 CONSENT ORDER FOR FEDERAL FISCAL YEAR 2010**

Dear Messrs. Gregory and McInroy:

On June 22, 2009, the New Mexico Environment Department (NMED) forwarded to the U.S. Department of Energy (DOE) and the Los Alamos National Security, L.L.C. (collectively, the "Permittees") a list of submittals proposed to be subject to stipulated penalties in federal fiscal year (FFY) 2010 under the March 1, 2005 Consent Order (Order). Section III.G.1 of the Order requires that the Permittees and NMED confer on the proposed stipulated penalties list for the upcoming FFY on or before June 30th.

In a letter dated July 9, 2008, the Permittees indicated an error with the submittal date for of one of the documents (Fourth Quarter Periodic Vapor Monitoring Report for MDA T) on the proposed list. The submittal date has been corrected. The Permittees also proposed replacing the MDA C Remedy Completion Report with other reports due in FFY 2010. NMED has considered the Permittees' proposal, and agrees to replace the MDA C Report with another submittal. However, NMED has instead replaced the Report with the Twomile Canyon Aggregate Area Investigation Work Plan, due January 31, 2010.

In accordance with Section III.G.1 of the Order, NMED hereby transmits the attached final list of documents subject to stipulated penalties for FFY 2010.



Messrs. Gregory and McInroy

July 13, 2009

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Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

cc: J. Kieling, NMED HWB  
D. Cobrain, NMED HWB  
K. Roberts, NMED HWB  
A. Vollmer, NMED HWB  
C. deSaillan, NMED OGC  
L. King, EPA 6PD-N  
M. Graham, ADEP, MS J591  
G. Rael, DOE LASO, MS A316  
file: Reading and LANL General Consent Order

Consent Order Stipulated Penalty Documents for Federal Fiscal Year 2010

	<b>Deliverable</b>	<b>Consent Order Submittal Date</b>
1	Pajarito Canyon Sediment Monitoring Work Plan	10/1/2009
2	Monitoring Plan to Support Sediment Transport Mitigation in Los Alamos and Pueblo Canyons	10/15/2009
3	Delta Prime Site Aggregate Area Phase II Investigation Report	1/31/2010
4	Twomile Canyon Aggregate Area Investigation Work Plan	1/31/10
5	Summary Report for 2009 Remedial Activities for 260 Outfall (SWMU 16-021(c)-99)	3/1/2010
6	Completion Report for DP Canyon Grade Control Structure	3/1/2010
7	Completion Report for Pueblo Canyon Grade Control Structure and Replacement of Monitoring Station E060	3/1/2010
8	4 <sup>th</sup> Quarter Periodic Vapor-Monitoring Report for MDA T	4/30/2010
9	Completion Report for Sediment Removal and Sampling from LA-SMA-2	5/1/2010
10	Upper Sandia Canyon Aggregate Area Investigation Report	5/30/2010
11	SWMUs 49-001(a-g), 49-003, AOC C-49-008(d) (MDA AB, Areas 1, 3, 4, 11, and 12) Investigation Report	5/31/2010
12	SWMUs 49-005(a), 49-006, AOCs C-49-002, C-49-005(b), C-49-008(a, b) (Areas 5, 6, and 10) Investigation Report	5/31/2010
13	Pueblo Canyon Aggregate Area Phase II Investigation Report	6/30/2010
14	Lower Pajarito Canyon Aggregate Area Investigation Work Plan	7/31/2010
15	S-Site Aggregate Area Investigation Report	8/31/2010