



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

Permit

NEW MEXICO  
ENVIRONMENT DEPARTMENT



ENTERED

*Hazardous Waste Bureau*

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DAVE MARTIN  
Secretary

BUTCH TONGATE  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 23, 2012

Kevin W. Smith  
Manager  
Los Alamos Site Office  
Department of Energy/NNSA  
3747 West Jemez Road  
Los Alamos, NM 87544

Charles McMillan  
Director  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop A100  
Los Alamos, NM 87545

**RE: MODIFICATION TO THE MARCH 1, 2005 ORDER ON CONSENT TO CHANGE PERIODIC GROUNDWATER MONITORING FROM WATERSHED-SPECIFIC TO AREA-SPECIFIC MONITORING LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515**

Dear Messrs. McMillan and Smith:

The New Mexico Environment Department (NMED) hereby provides this proposed modification to the March 1, 2005 Order on Consent (Consent Order). According to Section III.J of the Consent Order, the parties (Department of Energy, Los Alamos National Security, L.L.C. (collectively, the "Respondents"), and NMED) may modify any of the provisions of the Consent Order, provided any such modifications are in writing and signed by all parties. This modification consists of changes to periodic groundwater monitoring requirements and submittal of General Facility Information in the Consent Order.

On August 17, 2011, the Respondents submitted a request to modify the Consent Order requirements to change periodic groundwater monitoring from being conducted on a watershed-specific basis to an area-specific basis. The change to well groupings by area is based on the results of groundwater investigations conducted across the Laboratory and the specific requirements for groundwater monitoring at sites or facilities that involve more than one watershed. NMED reviewed the request and modified additional references to watershed-specific monitoring that were not proposed by the Respondents. NMED then requested that the Respondents resubmit the request to include the additional reference changes. In addition, a

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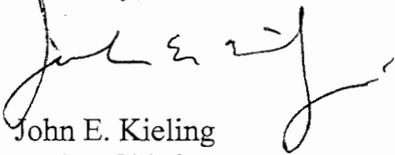
modification was included that changed the submittal of updates to the General Facility Information from annually to triennially. The Respondents resubmitted the modification request on January 23, 2012.

NMED has determined that the proposed modifications to the Consent Order are equivalent to a class 1 permit modification with prior approval of the Department as specified in 40 CFR 270.42(a)(2). The Respondents must comply with the public notice requirements for a class 1\* permit modification upon issuance of the modified Consent Order.

NMED requests that Mr. Smith sign the enclosed signature page, then forward it to Mr. McMillan. After his signing, please return the signature page to my office by February 24, 2012. This modification will become effective only when signed by all parties, at which time you will be provided a copy of the completed signature page and the finalized Consent Order.

Should you have any questions, please feel free to contact me at (505) 476-6035.

Sincerely,



John E. Kieling  
Acting Chief  
Hazardous Waste Bureau

cc: D. Martin, NMED Cabinet Secretary  
B. Tongate, NMED Deputy Cabinet Secretary  
J. Davis, NMED RPD  
D. Cobrain, NMED HWB  
N. Dhawan, NMED HWB  
C. de Saillan, NMED OGC  
S. Yanicak, NMED DOE OB, MS J993  
L. King, EPA 6PD-N  
G. Rael, DOE LASO, MS A316  
M. Graham, ENV MS M991  
file: Reading and LANL General '12