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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 18, 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: ACCEPTANCE OF PROPOSED SUBMITTAL DATE
RESPONSE TO DIRECTION FOR A WORK PLAN TO MITIGATE
CONTAMINATED SEDIMENT TRANSPORT IN
LOS ALAMOS AND PUEBLO CANYONS
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-04-006**

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 Permittees) document entitled *Response to the New Mexico Environment Department's Direction for a Plan to Install and Monitor New Weirs and Other Sediment-Transport Mitigation Efforts in Los Alamos and Pueblo Canyons* (Response) dated November 1, 2007 and referenced by EP2007-0675. NMED has reviewed the Response, and provides the following comments.

Section III.J.2 of the March 1, 2005 Consent Order states that the Permittees may seek and extension of time for submittal of a document for good cause. Section III.J.2 of the Consent Order requires that the Permittees provide the basis for such a request. While NMED acknowledges the issues cited in the four bulleted items in the Response, inadequate information



is provided to allow for an evaluation of the additional time necessary for the Permittees to prepare the required work plan. The Permittees stated the need to discuss some design elements with stakeholders in a meeting with NMED on October 18, 2007; however, no schedule is provided in the Response for conducting the discussions. Generally, the Response fails to address the August 30, 2007 Approval with Direction (Approval).

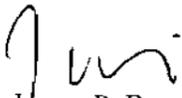
The Permittees commit to submitting a work plan by February 29, 2008 that “will address the specific requirements outlined in the [August 30, 2007] approval letter.” NMED hereby accepts the proposed submittal date. The work plan must provide the following, as also stated in the Approval, or propose a substantive alternative subject to NMED review and approval:

1. The proposed location and specific design of the weir in Los Alamos Canyon described in the first bulleted item in the Approval.
2. The proposed location and specific design of the weir in Pueblo Canyon described in the third bulleted item in the Approval.
3. Details of the proposed measures to enhance and stabilize the wetlands in Pueblo Canyon addressed in the fourth bulleted item in the Approval.
4. The design and locations of the surface water monitoring stations required by the fifth bulleted item in the Approval including the specifics of proposed monitoring and sampling to be conducted at the monitoring stations.
5. The specific steps to remove, characterize and dispose of accumulated sediments at the existing low head weir in Los Alamos Canyon required by the sixth bulleted item in the Approval.
6. The proposed design and placement of the enhancements to the existing low-head weir in Los Alamos Canyon required by the sixth bulleted item in the Approval.

The work plan also must include a proposed schedule for implementation of the plan that does not extend past either 180 days after NMED approval of the work plan or September 30, 2008, whichever is later, excluding ongoing monitoring and maintenance activities.

Should you have any questions or comments, please contact Dave Cobrain at (505) 476-6055.

Sincerely,


James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:dc

Messrs. Gregory and McInroy
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cc: D. Cobrain, NMED HWB
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file: Reading and LANL General (Los Alamos/Pueblo Canyon, LAPSAR)