



BILL RICHARDSON
Governor

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Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

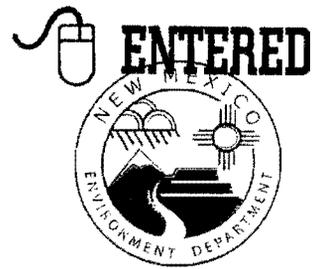
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JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 28, 2009

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: NOTICE OF DETERMINATION TO RESCIND APPROVAL OF PROPOSED
WELL ABANDONMENT METHOD AND INTERIM MEASURE FOR THE
PLUGGING AND ABANDONMENT OF MCOBT-4.4, LOS ALAMOS NATIONAL
LABORATORY
EPA ID #NM0890010515
LANL-MISC-GW**

Dear Messrs. Gregory and McInroy:

This letter constitutes written notice of the New Mexico Environment Department's (NMED) determination to rescind the December 7, 2007 approval of the proposed method to abandon intermediate groundwater well MCOBT-4.4 and that interim measures (IM) are required. The United States Department of Energy (DOE) and Los Alamos National Security, L.L.C., (collectively, the Permittees) must implement IM in accordance with Section VII.B.1 of the March 1, 2005 Compliance Order on Consent (Consent Order). The IM are specific to the plugging and abandonment of intermediate well MCOBT-4.4.

Following completion of MCOBT-4.4 in 2001, it was determined by the Permittees that the well was likely leaking contaminated groundwater to deeper portions of the subsurface. Subsequent evidence suggests that the perching layer for the intermediate aquifer was breached by the well's filter pack, allowing contaminated groundwater to drain downward in the direction of the regional aquifer. On October 31, 2007, NMED received the Permittees' "Work Plan to Plug and



Abandon Mortandad Canyon Wells Test Well 8 and MCOBT-4.4 (Plan). On December 7, 2007, NMED approved the Permittees' Plan. The Plan stated that MCOBT-4.4 would be plugged by June 31 [sic], 2008 and that a completion report would be submitted to NMED by August 15, 2008. On August 15, 2008, the day the completion report was due, NMED received the Permittees' *Requests for Extension to Complete the Plugging and Abandonment Activities at Test Well 8 and MCOBT-4.4*. NMED denied the request on August 26, 2008. On May 22, 2009, NMED issued a Notice of Violation (NOV) to the Permittees for violating Sections III.A, III.U, and VII.B.1 of the Consent Order for not completing the well abandonment process. Upon further evaluation related to the issuance of the NOV, NMED determined that the proposed method for abandonment was not appropriate for MCOBT-4.4.

In order to reduce or prevent the migration of contaminants to the regional drinking-water aquifer, the Permittees must promptly and properly abandon well MCOBT-4.4. The Permittees shall plug and abandon MCOBT-4.4 using the overdrilling method, which provides the greatest assurance that the breach of the perching horizon is completely sealed off from the overlying saturated unit to prevent the movement of contaminated groundwater below the perched zone.

The Permittees must submit an Interim Measures Work Plan for the Plugging and Abandonment of Intermediate Groundwater Well MCOBT-4.4 no later than June 12, 2009. All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
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T. Skibitski, NMED DOE OB
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