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JOHN A. SANCHEZ
Lieutenant Governor

03
NEW MEXICO
ENVIRONMENT DEPARTMENT

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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 16, 2015

Kimberly D. Lebak, Manager
NNSA Los Alamos Field Office
3747 West Jemez Road
Los Alamos, NM 87544

Charles F. McMillan, Director
Los Alamos National Security, LLC.
P.O. Box 1663
Los Alamos, NM 87545

**RE: INTENT TO ASSESS STIPULATED PENALTIES
INVESTIGATION REPORT FOR STARMER/UPPER PAJARITO CANYON
AGGREGATE AREA
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-10-077**

Dear Ms. Lebak and Mr. McMillan:

The New Mexico Environment Department (NMED) has not received the U.S. Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Respondents) *Investigation Report for Starmer/Upper Pajarito Canyon Aggregate Area*, (Report). The Report was scheduled to be submitted by December 31, 2014. This letter constitutes written notification of the NMED's intent to assess stipulated penalties pursuant to Section III.G.2 of the March 1, 2005 Order on Consent (Order). The Permittees failed to submit the Report by the revised deadline established in accordance with the Order.

An Approval with Modifications letter was issued for the *Investigation Work Plan for the Starmer/Upper Pajarito Canyon Aggregate Area* (dated March, 2011) on March 29, 2011. Through the approval letter NMED established the submittal date for the Investigation Report as December 31, 2012. The Permittees requested an extension on June 13, 2012 that upon NMED approval changed the submittal date to December 31, 2014. A second extension request, submitted on December 19, 2014, was subsequently denied by NMED. The Permittees did not submit the Investigation Report for Starmer/Upper Pajarito Canyon Aggregate Area by the due date of December 31, 2014.



Ms. Lebak and Mr. McMillan
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The NMED's demand for stipulated penalties will be sent in accordance with Section III.G.5 of the Order. The Permittees are subject to stipulated penalties beginning on the date of this letter.

Please contact me at 505-476-6035 should you have any questions.

Sincerely,

Handwritten signature of John Kieling in cursive, with a small 'fa' written below the signature.

John Kieling
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED RPD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Holton, NMED HWB
S. Yanicak, NMED DOE OB, MS M894
L. King, EPA 6PD-N
P. Maggiore, DOE-NA_LA, MS A316
M. Brandt, LANL ESH, MS K491

file: Reading and LANL 2015 Starmer/Upper Pajarito Canyon AA IR