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NEW MEXICO ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 8, 2015

Doug Hintze
Manager
Environmental Management
Los Alamos Field Office
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Michael T. Brandt
Associate Director
Environment, Safety, Health
Los Alamos National Laboratory
P.O. Box 1663, MS M991
Los Alamos, NM 87545

RE: APPROVAL WITH MODIFICATION
SEMIANNUAL PROGRESS REPORT FOR CORRECTIVE MEASURES EVALUATION/CORRECTIVE MEASURES IMPLEMENTATION FOR CONSOLIDATED UNIT 16-021(c)-99
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-15-016

Dear Messrs. Hintze and Brandt:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (collectively, the Permittees) document titled *Semiannual Progress Report for Corrective Measures Evaluation /Corrective Measures Implementation for Consolidated Unit 16-021(c)-99* (Report) dated April 2015 and referenced by EP2015-0084. The Report was received on April 24, 2015. NMED has reviewed the Report and hereby issues this approval with modification.

The Permittee's prior semiannual progress report document titled *Semiannual Progress Report for Corrective Measures Evaluation /Corrective Measures Implementation for Consolidated Unit 16-021(c)-99, October 2014* was received by NMED on October 24, 2014. NMED approved (with modification) the report on May 15, 2015. The modification as presented in the NMED response was specified as:

37415

7.0 RECOMMENDATIONS, page 6, fifth and last bullet:

Permittees' Comment: "With NMED concurrence, the Laboratory recommends combining the surface CMI efforts into one technical and regulatory approach. This approach will be presented in a CME report, to be delivered following the completion of drilling, data collection, aquifer testing, and data analysis activities described herein."

NMED Comment: With respect to the regulatory context of corrective measures related to the Permittee's *Corrective Measures Implementation Plan for Consolidated Unit 16-021(c)-99, Revision 1* (Plan), submitted and approved by NMED in 2007, the implementation process of associated projects must be finalized in a CMI report with recommendations for final remedy. Submit a summary update that provides the justification for the inability to complete the corrective measures required by the Plan. In addition, submit recommendations and a schedule for implementing the achievable corrective measures required by the Plan and discussed by NMED and the Permittees on April 15, 2015. The current surface CMI must remain in place until the final remedy implementation process is complete. Outstanding issues involving the CMI and the ground water CME will be addressed in future correspondence.

Note that NMED's response to the Permittee's October 2014 semiannual progress report, as shown above, was dated May 15, 2015, twenty-one days after the Permittee's April 2015 Report was received by NMED; therefore, the Permittees' April 2015 Report does not reflect NMED's modification requirement as presented in NMED's May 15, 2015 response. The comment above also applies to the April 2015 Report.

On October 29, 2015, NMED received the Permittee's document titled *Semiannual Progress Report for Corrective Measures Evaluation /Corrective Measures Implementation for Consolidated Unit 16-021(c)-99* dated October 2015 and referenced by EP2015-0182. NMED is currently reviewing this most recent progress report and will respond accordingly with respect to NMED's previous direction to separate the surface CMI from the groundwater CME efforts as well as the other regulatory and technical components of the document.

Please contact Michael Dale at (505) 476-3078 if you have questions.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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File: Reading and LANL 2015, Semiannual Progress Report, CME/CMI for 16-021(c)-99
April 2015