

State of New Mexico
ENVIRONMENT DEPARTMENT



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PETER MAGGIORE
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DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 13, 2001

Dr. John C. Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. Theodore Taylor, Project Manager
Los Alamos Area Office - Department of Energy
528 35th Street
Los Alamos, New Mexico 87544

**RE: Deviations from the Approved Phase II RFI Investigation of DP Tank Farm, PRS
21-029 and Compliance Order (CO) No. HRM-98-01 and 20 NMAC 4.2.II.201.7
LANL EPA ID No. NM0890010515**

Dear Dr. Browne and Mr. Taylor:

The New Mexico Environment Department (NMED) Hazardous Waste Bureau is in receipt of the letter entitled *Status of DP Tank Farm Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) [Potential Release Site (PRS) 21-029]*, dated February 1, 2001 (ER2001-0095). The letter serves as formal notification to NMED from Los Alamos National Laboratory (LANL) and Department of Energy (DOE) regarding unapproved deviations and omissions from the approved Phase II RFI Work Plan (LA-UR-98-4169) and Request for Supplemental Information (RSI) Response (E/ER:99-355). The Phase II RFI Investigation conducted at DP Tank Farm is in response to the Compliance Order (HRM-98-01) issued by NMED on June 8, 1998.

It is extremely important that LANL/DOE work closely with NMED to quickly resolve issues related to unapproved deviations and omission from the approved investigation. LANL/DOE is ultimately responsible for ensuring all approved investigation activities are conducted as outlined in approved work plans and sampling and analysis plans. As such, NMED requires that all approved investigation activities be completed at DP Tank Farm by July 31, 2001. The Phase II RFI Investigation Report for DP Tank Farm must be submitted to NMED by September 30, 2001.

Should LANL/DOE continue to fail to comply with the terms of Compliance Order HRM 98-01, NMED may seek remedies, including penalties, through a court of appropriate jurisdiction.



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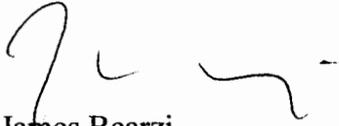
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Should you have any questions or require additional assistance regarding this issue, please feel free to contact Victoria Maranville at (505) 827-1558 extension 1044.

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

Cc: G. Lewis, Director, NMED WWMD
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