



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

TA21 ENTEF
NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 19, 2008

Donald L. Winchell, Jr., Manager
Los Alamos Site Office-Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

Richard Watkins, Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
Los Alamos Research Park
4200 Jemez Road, Suite 400
Los Alamos, NM 87545

**RE: DEMAND FOR PAYMENT
STIPULATED PENALTY FOR THE DELTA PRIME SITE AGGREGATE AREA
INVESTIGATION REPORT, TECHNICAL AREA 21
LOS ALAMOS NATIONAL LABORATORY,
EPA ID #NM0890010515
HWB-LANL-04-011**

Dear Messrs. Winchell and Watkins:

This letter constitutes written notice of the New Mexico Environment Department's (NMED) demand for payment of stipulated penalties pursuant to Section III.G of the March 1, 2005 Order on Consent (Order). This notice is for the Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (the Respondents) failure to substantially comply with the requirements set forth in the approved *Delta Prime Site Aggregate Area Investigation Work Plan* and the Order as documented in the Respondents' *Delta Prime Site Aggregate Area Investigation Report* (Investigation Report), dated November 7, 2007.

On November 20, 2007, the Department issued written notice of its intent to assess stipulated penalties and reaffirmed its intent in a letter dated December 18, 2007. On January 7, 2008, the Department issued a demand for the first and second 30 days of noncompliance (November 8, 2007 through January 6, 2008). On February 11, 2008, the Department issued a demand for the third 30 days of noncompliance (January 7, 2008 through February 5, 2008). In accordance with Section III.G.3 of the Order, the Respondents shall pay \$1,000 per day for the first thirty (30) days



30322

Messrs. Winchell and Watkins
March 19, 2008
Page 2

of noncompliance, and \$3,000 per day thereafter. This demand for payment is for the fourth 30 days of noncompliance (February 6, 2008 through March 6, 2008). Therefore, in accordance with Section III.G.5, \$90,000.00 is due to the Department within 45 days of the date of this letter.

The Respondents must follow the procedures for payment outlined in Section III.G.5 of the Order. In accordance with Section III.G.6 of the Order interest shall accrue at the rate specified in 28 U.S.C. § 1961. Interest shall accrue from the date the penalty is due until the date it is actually paid.

Should you have any questions, please contact me at 476-6016.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED HWB
D. Cobrain, NMED HWB
A. Vollmer, NMED HWB
B. Holton, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
G. Rael, DOE OLASO, MS A316
S. Stiger, LANL ADEP, MS J591

file: Reading and LANL TA-21 (SWMUs: 21-013(c), 21-024(c), 21-009, 21-012(b), 21-022(f), 21-024(a), 21-024(b), 21-024(d), 21-024(e), 21-024(g), 21-024(h), 21-024(i), 21-024(j), 21-024(k), 21-024(n), 21-024(o), 21-027(a), 21-027(c), CUs: 21-022(h)-99, 21-023(a)-99, 21-024(l)-99, 21-026(a)-99, 21-003-99, and AOC 21-002)b))