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**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*

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RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 4, 2008

Donald L. Winchell, Jr., Manager  
Los Alamos Site Office-Department of Energy  
528 35<sup>th</sup> 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 a written notice of the New Mexico Environment Department's (the Department) 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). On March 19, 2008,



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the Department issued a demand for the fourth 30 days of noncompliance (February 6, 2008 through March 6, 2008).

On March 27, 2008, NMED received the Respondents' *Delta Prime Site Aggregate Area Investigation Report, Revision 1* (Report), dated March 2008 and referenced by LA-UR-08-1834/EP2008-0062. Submittal of the revised Report substantially satisfies the requirements set forth in the approved work plan. With respect to this submittal, NMED now considers the Respondents to be in substantial compliance with the Order.

This demand for payment is for the final 21 days of noncompliance (March 7, 2008 through March 27, 2008). In accordance with Section III.G.5, \$63,000.00 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.

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.

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))