NEW MEXICO
ENVIRONMENT DEPARTMENT

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JOHN A. SANCHEZ
Lieutenant Governor

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

ENTERED

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 9, 2014

Peter Maggiore
Assistant Manager,
Environmental Projects Office
Los Alamos Field Office, DOE
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Michael Brandt
Associate Director,
Environment, Safety, Health
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: FOURTH EXTENSION REQUEST
TO SUBMIT THE REPORT FOR VADOSE ZONE MOISTURE MONITORING
AT MATERIAL DISPOSAL AREA T
AND
FOR THE INSTALLATION AND INSTRUMENTATION OF SIX BOREHOLES
AT MATERIAL DISPOSAL AREA T
AT TECHNICAL AREA 21
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-11-056**

Dear Messrs. Maggiore 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 entitled *Request for Extension to Submit the Report for Vadose Zone Moisture Monitoring at Material Disposal Area T and for the Installation and Instrumentation of Six Boreholes at Material Disposal Area T at Technical Area 21,* dated November 26, 2014 and referenced by ADESH-14-122.

The Permittees request an extension to submit the report on vadose zone moisture monitoring at MDA T, as well as to install and instrument six boreholes to monitor the vadose zone moisture

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content. This is the fourth extension request related to deliverables on this project (previous extensions were granted on November 21, 2011, June 11, 2012, and March 13, 2014). NMED has granted extensions based on the Permittees' need to divert resources to remove transuranic waste in accordance with the Framework Agreement. Based on the Permittees' statement that they will not be able to meet the deadlines that they committed to in the Framework Agreement, the request for extension for the installation and instrumentation of six boreholes is hereby denied. NMED also is aware that water application within the bermed area at MDA T that was required to begin my June 30, 2014 has not been initiated.

NMED is concerned over delays that affect the progress of corrective action including groundwater characterization and remediation. The protection of groundwater in NM has been prioritized, and any delay in application of water to the bermed area at TA-21 and the installation and instrumentation of the six boreholes is counter to this objective. The Permittee has currently missed the deadline to apply water to the bermed area as previously required to begin no later than June 30, 2014.

The Permittees are required to complete all work through installation and instrumentation of the six boreholes, as scheduled, no later than **December 31, 2014.** Because the Permittees received previous extensions to complete the field work past the due date for submittal of the Vadose Zone Moisture Monitoring Report, NMED has extended the submittal date for the Report by a length of time that corresponds to the original time frame to complete the moisture monitoring and prepare the report. The Permittees must submit a report on the vadose zone moisture monitoring to NMED no later than **April 20, 2014.**

Should you have any questions, please contact Dave Cobrain of my staff at (505) 476-6055.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

cc: B. Tongate, NMED EHD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
J. Kulis, NMED HWB
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File: Reading and LANL 2014 – Groundwater, TA-21, Vadose Zone Moisture Monitoring