



SUSANA MARTINEZ  
Governor  
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Lieutenant Governor

33  
NEW MEXICO ENTERED  
ENVIRONMENT DEPARTMENT

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RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

April 15, 2015

Kimberly D. Lebak, Manager  
NNSA Los Alamos Field Office  
3747 West Jemez Road  
Los Alamos, NM 87544

Charles F. McMillan, Director  
Los Alamos National Security, LLC.  
P.O. Box 1663  
Los Alamos, NM 87545

**RE: INTENT TO ASSESS STIPULATED PENALTIES  
INVESTIGATION REPORT FOR CHAQUEHUI CANYON AGGREGATE AREA  
TECHNICAL AREA 33  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID #NM0890010515  
HWB-LANL-09-072**

Dear Ms. Lebak and Mr. McMillan:

The New Mexico Environment Department (NMED) has not received the U.S. Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Respondents) Investigation Report for Chaquehui Canyon Aggregate Area (IR). The IR was scheduled for submittal no later than March 31, 2015. This letter constitutes written notification of the NMED's intent to assess stipulated penalties pursuant to Section III.G.2 of the March 1, 2005 Order on Consent (Order). The Permittees failed to submit the IR by the revised deadline established in accordance with the Order.

An Approval with Modifications letter was issued for the *Investigation Work Plan for Chaquehui Canyon Aggregate Area, Revision 1* (dated November 2010) on March 3, 2011. Through the approval letter, NMED established the submittal date for the IR as March 31, 2013. The Permittees requested an extension on June 14, 2012, that upon NMED approval changed the submittal date to March 31, 2015. The Permittees requested a second extension on February 23, 2015 that was denied by NMED. The Permittees did not submit the IR by the submittal deadline of March 31, 2015.

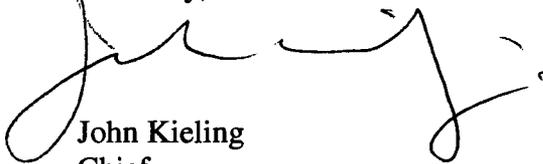


Ms. Lebak and Mr. McMillan  
April 15, 2015  
Page 2

The NMED's demand for stipulated penalties will be sent in accordance with Section III.G.5 of the Order. The Permittees are subject to stipulated penalties beginning on April 1, 2015, the day after the submittal date.

Please contact me at 505-476-6035 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Kieling". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

John Kieling  
Chief  
Hazardous Waste Bureau

cc: K. Roberts, NMED RPD  
D. Cobrain, NMED HWB  
N. Dhawan, NMED HWB  
B. Holton, NMED HWB  
S. Yanicak, NMED DOE OB, MS M894  
L. King, EPA 6PD-N  
C. Gelles, DOE-NA\_LA, MS A316  
M. Brandt, LANL ESH, MS K491

file: Reading and LANL 2015, TA-33, Chaquehui Canyon Aggregate Area