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# LOS ALAMOS COUNTY

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*Peter A. Dwyer*

July 14, 2006

Ms. Auralie Ashley-Marx  
Solid Waste Bureau  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87501

Re: Los Alamos County Groundwater Monitoring Suspension Petition

Dear Ms. Ashley-Marx,

Los Alamos County (County) filed a petition with the New Mexico Environment Department (Department) for a suspension of groundwater monitoring at the Los Alamos County Landfill (Landfill) on February 7, 2006. The petition was filed pursuant to section 801.C of the New Mexico Solid Waste Management Regulations, 20 NMAC 9.1 (the Regulations). The petition to suspend groundwater monitoring is a part of the County's landfill closure plan, originally submitted in 1999 and amended in September 2005.

During a meeting among Department and County representatives on June 7, 2006, the Department explained in response to the County's petition pursuant to 20.9.1 NMAC 801.C that Los Alamos National Laboratory (LANL) will be conducting groundwater monitoring in Los Alamos Canyon and Sandia Canyon watershed under the March 1, 2005 Compliance Order on Consent (Consent Order) between the New Mexico Environment Department and LANL. The Landfill is being addressed by the Consent Order investigation as part of the Sandia Canyon Investigation Work Plan. Consequently, the Department will not require the County to conduct groundwater monitoring. If future confirmed groundwater investigations by LANL show that the County's operation of the Landfill caused actual contamination that has the potential for hazardous waste or hazardous waste constituents to migrate to the uppermost aquifer during the active life of the Landfill or post-closure care period, the County may be required to begin groundwater monitoring at the site, to the extent required by law. The County will abide by existing agreements and regulations regarding the County's operations of the Landfill.

The County will use reasonable efforts not to impede or prevent DOE, LANL, or any other co-permittee of LANL from taking any corrective action(s) or other activities at the site that may be required by the Department under the Consent Order.

The County also understands that it is relieved of the financial assurance requirements for the costs of groundwater monitoring and Phase 1 and Phase II assessment as is allowed by the regulations sections 904a and 801C. If contamination by hazardous waste or hazardous waste constituents related to the County operations at the landfill is determined pursuant to the law to require further action, then the County may be fiscally responsible for any required actions to the extent required by law.



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Ms. Auralie Ashley-Marx  
NMED Solid Waste Bureau  
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Therefore, the County withdraws its petition for a suspension of groundwater monitoring at the Landfill upon direct reliance and representations by the State of New Mexico through the Department that (consistent with the statements set forth herein) the Department will not require the County to:

- 1) undertake groundwater monitoring and
- 2) provide financial assurances for the cost of groundwater monitoring.

The County and the Department have agreed and relied upon each others' representations set forth herein and in the letter from the Department to the County in response to this letter and agree that both letters will become part of the record for the Landfill closure plan upon approval of the Landfill closure plan by the Department .

Thank you,



Max Baker  
Administrator, Los Alamos County

cc: Peter Dwyer, County Attorney  
Anthony Mortillaro, Assistant County Administrator  
Regina Wheeler, Solid Waste Manager