



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

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](http://www.nmenv.state.nm.us)

ESHID-600309



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 18, 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  
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 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) confirmation that installation and instrumentation of six boreholes to monitor the vadose zone moisture content has been completed. The installation and instrumentation of these six boreholes was scheduled to be completed by December 31, 2014. 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 complete the installation and instrumentation of the six boreholes by the revised deadline established in accordance with the Order.

An Approval with Modifications letter was issued for the *Work Plan for Vadose Zone Moisture Monitoring at Material Disposal Area T at Technical Area 21* (dated August, 2011) on September 1, 2011. Through the approval letter, NMED established the submittal date to report the installation and instrumentation of the six boreholes as July 31, 2012. The Permittees requested an extension on November 10, 2011 that upon NMED approval changed the submittal date to July 31, 2014. The Permittees subsequently requested a second extension on January 13, 2014 that

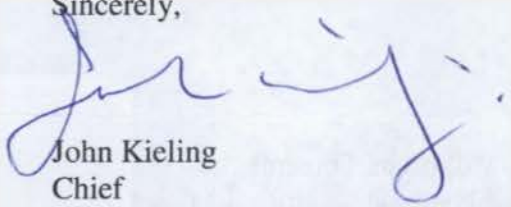
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upon NMED approval changed the submittal date to December 31, 2014. A third extension request, submitted on November 26, 2014, was denied by NMED. The Permittees have not demonstrated that the installation and instrumentation of the six boreholes at Material Disposal Area T was completed by the due date of December 31, 2014.

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 the date of this letter.

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

Sincerely,



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  
P. Maggiore, DOE-NA\_LA, MS A316  
M. Brandt, LANL ESH, MS K491

file: Reading and LANL 2015, TA-21, MDA T