

**Environmental Programs**

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Date: SEP 25 2013

Refer To: EP2013-0229

John Kieling, Bureau Chief
 Hazardous Waste Bureau
 New Mexico Environment Department
 2905 Rodeo Park Drive East, Building 1
 Santa Fe, NM 87505-6303

**Subject: Notification of Force Majeure – Flood Event of September 2013**

Dear Mr. Kieling:

The U.S. Department of Energy and Los Alamos National Security, LLC (DOE/LANS) submit this letter pursuant to the requirement in Section III.H.3 of the March 2005 Compliance Order on Consent (Consent Order). This letter provides written notice of a force majeure event that will cause delays or will prevent Los Alamos National Laboratory (the Laboratory) from completing an obligation under the Consent Order. Because of the extreme nature of the force majeure event DOE/LANS have not yet been able to fully ascertain all impacts caused by the event. The Laboratory, however, determined that there will be a delay to the Sandia Canyon grade-control structure (SCGS) report, and this letter identifies the delay to that deliverable and proposes a revised submittal date.

On September 16, 2013, Ms. Kathryn Roberts of DOE/LANS sent the New Mexico Environment Department (NMED) an email notification regarding the force majeure event (i.e., impacts from an unprecedented rain event). As required by Section III.H.3 of the Consent Order, this notification was made within 72 hours of when DOE/LANS first knew this event may cause a delay in work scope conducted under the Consent Order. This email stated delivery of the SCGS report would be delayed and also indicated that other Consent Order work, including surface water and groundwater sampling, would likely be impacted.

The following is a description of the event, the possible schedule impacts of the event, and actions that have been, and will be, taken to minimize any possible delays.

During the week of September 10, 2013, the Pajarito Plateau and much of New Mexico and Colorado were inundated with unprecedented rainfall. Rainfall totals in some areas of the Laboratory exceeded 7 inches in a 1-week time period, and much of the rain fell during an extremely large event that occurred between September 12 and 13, 2013. These storm events were accompanied by record runoff, flooding, and erosion.

Although the storm event was concentrated over a shorter duration, the widespread impacts to infrastructure have made it difficult to fully ascertain the expected duration of delay for all ongoing Consent Order work, particularly surface water and groundwater sampling activities being conducted in canyons. Laboratory field crews are conducting ongoing assessments of the damage to infrastructure and equipment. Initial estimates indicate that approximately 75% of canyon access roads have been damaged and are impassable to vehicles. Crews are accessing canyon areas by foot to determine the status of surface water monitoring equipment and groundwater monitoring wells to ascertain site-specific impacts. Routine work on mesa tops has resumed.

The schedule implications as currently estimated are discussed below.

DOE/LANS anticipate significant delays to complete the scope of work associated with the SCGS. Extensive repairs must be made at the SCGS project site, including construction of best management practice run-on and sediment controls, repair of the sump pond and diversion system, replacement of boulders, repair of the liner in the cascade structure, regrading of the landfill sediments, and replanting of areas where vegetation had been planted before the flood event. As a result, DOE/LANS propose to submit the completion report for the SCGS, currently due to NMED on October 1, 2013, on or before November 22, 2013.

DOE/LANS have taken all reasonable actions to mitigate or prevent any delays resulting from the flood event. DOE/LANS will continue to assess damages, will begin prioritizing repairs, and will continue to promptly notify NMED as the extent of flood damages and subsequent impacts on obligations under the Consent Order have been fully determined. DOE/LANS expect to complete damage assessment activities within 2 weeks and to identify additional impacts to Consent Order activities shortly thereafter.

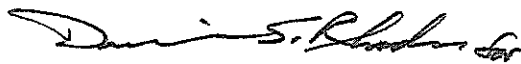
If you have any questions, please contact Kathryn Roberts at (505) 665-0006 (kroberts@lanl.gov) or David Rhodes at (505) 665-5325 (david.rhodes@mnsa.doe.gov).

Sincerely,



Jeff Mousseau, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,



Peter Maggiore, Assistant Manager
Environmental Projects Office
Los Alamos Field Office

JM/PM/VT/DM/JM:sm

Cy: Laurie King, EPA Region 6, Dallas, TX (date-stamped letter emailed)
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