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Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

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ESHID-600306



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 13, 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 UPPER WATER CANYON AGGREGATE  
AREA  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID #NM0890010515  
HWB-LANL-10-070**

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 Upper Water Canyon Aggregate Area*, (Report). The Report was scheduled to be submitted 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 submit the Report by the revised deadline established in accordance with the Order.

A Direction to Modify (DTM) letter was issued for the *Investigation Work Plan for the Upper Water Canyon Aggregate Area* (dated January, 2011) on February 18, 2011. Through the DTM NMED established the submittal date for the Investigation Report as December 31, 2012. The Permittees requested an extension on June 7, 2012 that upon NMED approval changed the submittal date to December 31, 2014. A second extension request, submitted on December 19, 2014, was subsequently denied by NMED. The Permittees did not submit the Investigation Report for Upper Water Canyon Aggregate Area by the due date of December 31, 2014.

Ms. Lebak and Mr. McMillan  
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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,

A handwritten signature in blue ink, appearing to read "John Kieling for".

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 Water Canyon AA IR