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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 16, 2019

Doug Hintze, Manager
Environmental Management
Los Alamos Field Office
P.O. Box 1663 MS-M984
Los Alamos, NM 87545

**RE: DENIAL
EXTENSION REQUEST
WESTBAY WELLS RECONFIGURATION COMPLETION REPORT
FISCAL YEAR 2019 MILESTONE # 14, APPENDIX B, CONSENT ORDER
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-MISC**

Dear Mr. Hintze:

The New Mexico Environment Department (NMED) has received the United States Department of Energy's (DOE's) *Request for Extension of Westbay Project Milestone* (Request), dated August 26, 2019 and referenced by EM-LA-30AD-00493. The Request was received on August 26, 2019.

Submission of fiscal Year 2019 Milestone #14, listed in Appendix B of the 2016 Consent Order (CO) was due on August 30, 2019. The Milestone #14 is "[W]estbay Wells Reconfiguration Completion Report for R-5, R-7, R-8, R-9i, R-19, R-25, and R-31". The extension request was submitted on August 26, 2019, four days prior to the due date.

Section XXVIII of the CO allows for extensions for good cause upon receipt of a timely request. In accordance with Section XXVIII.C.6 of the CO, the Request cited 'unanticipated breakage of a line of pipe' as a good cause for requesting extension and a justification for delay in completion of Wells R-5 and R-25. On September 4, 2019, NMED requested additional information on the status of five wells (R-7, R-8, R-9i, R-19, and R-31) that were also included in the milestone, but not mentioned in the Request.

DOE provided the requested additional information on September 11, 2019, which indicated that the status of the five wells is as follows:

- R-7: Baski System installation was completed on August 13, 2019. Remaining work consists of well pad construction, data analysis, and report preparation.
- R-8: Baski System installation was completed on August 30, 2019. Remaining work consists of well pad construction, data analysis, and report preparation.
- R-9i: Baski System installation was completed on August 11, 2019. Remaining work consists of well pad construction, data analysis, and report preparation.
- R-19: Baski System installation was completed on September 6, 2019. Remaining work consists of well pad construction, data analysis, and report preparation.
- R-31: On August 24, 2019, low flow condition was discovered at R-31 that would cause a delay in the completion of the work associated with the well.

It is indicated in the information provided by DOE on September 11, 2019 that the field work for wells R-7, R-9i, R-8, R-19, and R-31 did not start until May or June 2019.

DOE is requesting additional seven months to complete the tasks associated with Milestone #14, and which includes 45 days allocated after completion of the field work to draft the Report, and an additional 15 days to finalize and submit the report to NMED. As Milestones are managed as a whole and are not partitioned, the review and evaluation of the Request necessitated that NMED evaluate all wells under Milestone #14 to be assessed. Separate from the fact that work on three wells was delayed due to significant issues, May or June field start dates for the Milestone work was not sufficient to successfully meet the due date of August 30, 2019. Even in the case of the wells that were partially completed, two of which were completed in mid-August, one of which was completed on the Milestone due date, and one of which was completed after the Milestone due date, the Milestone due date was still destined to be breached based upon the 60 day timeframe DOE has associated with Report production and finalization. In reviewing the work associated with Milestone #14 as a whole, and the information provided by DOE, good cause has not been shown, and planning on the part of DOE is largely attributable to the delays associated with the achievement of Milestone #14. Therefore, pursuant to Consent Order Section XXVIII.D, NMED disapproves DOE's request for extension. DOE may invoke the Dispute Resolution provisions found in Consent Order Section XXV if it disputes the action taken by NMED herein.

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If you have any questions, please feel free to contact me at (505) 476-6035 or Neelam Dhawan at (505) 476-6042.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

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File: 2019 LANL, Denial Extension Request for Reconfiguration of Westbay Wells, Milestone # 14, Appendix B, FY 2019