



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 29, 2019

Arturo Duran, Designated Agency Manager (DAM)
Environmental Management
Los Alamos Field Office
P.O. Box 1663 MS-M984
Los Alamos, NM 87545

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

On September 16, 2019, the New Mexico Environment Department ("NMED") issued correspondence to the U.S. Department of Energy ("DOE") denying its request for extension of the deadline associated with Federal Fiscal Year 2019 ("FFY19") Milestone #14. Shortly thereafter, NMED also sent correspondence stating that it would be issuing stipulated penalties for Milestone #14 in accordance with Compliance Order on Consent Section XXXV.

After exchanging information regarding this matter, NMED and DOE have come to a resolution regarding FFY19 Milestone #14. To memorialize the resolution, the following has been agreed upon by both agencies:

- 1) FFY19 Milestone #14 will be bifurcated, with Westbay Wells R-25 and R-31 and associated activities becoming a new enforceable Milestones in FFY20. New deadlines will be set for R-25 and R-31 through the annual Milestone process.

- 2) The remainder of the FFY19 Milestone #14 activities associated with R-5, R-7, R-8, R-9i, and R-19 will be subject to stipulated penalties, which will be calculated from the original deadline to the date of submittal of each Milestone deliverable. A separate correspondence will be sent with the total stipulated penalty amount to be remitted once all deliverables have been submitted.

Please keep in mind for future Milestones that extensions should be the exception and not the rule, and every attempt should be made to schedule work appropriately to ensure timely completion. As NMED has expressed, stipulated penalties are warranted for Milestone #14, but extenuating circumstances also require part of it to become an enforceable Milestone in FFY20.

Thank you for your continued efforts, and please contact Neelam Dhawan at (505) -476-6042, if you have any questions.

Sincerely,



John E. Kieling
Chief

Hazardous Waste Bureau

LANL Compliance Order on Consent - Designated Agency Manager (DAM)

cc: S. Stringer, NMED RPD
J. Hower, NMED OOTS
N. Dhawan, NMED HWB
S. Yanicak, NMED DOE OB, MS M894
L. King, EPA Region 6, Dallas, TX
D. Hintze, DOE-EM-LA
C. Rodriguez, DOE-EM-LA
E. Lowes, N3B
emla.docs@em.doe.gov

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