



August 3, 2021

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Compliance and Permitting Manager  
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U.S. Department of Energy  
Environmental Management  
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Re: NMED Approval of Request for Deferral of Requirement for an Aquifer Rehabilitation Work Plan and Request for Extension to Revise the Modeling Work Plan, Chromium Plume Regional Monitoring Wells R-28 and R-42

Dear Troy Thomson and Arturo Duran,

The New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) received the U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office's (EM-LA) *Request for Deferral of Requirement for an Aquifer Rehabilitation Work Plan and Request for Extension to Revise the Modeling Work Plan* (Request) on July 23, 2021. Previously, on May 27, 2021, NMED issued a Notice of Non-Compliance (NONC or Notice) associated with the chromium plume regional monitoring wells R-28 and R-42 requesting that DOE submit a modeling workplan for NMED's approval within 30 days of the date of the Notice detailing DOE's proposed initial modeling of the contaminant migration associated with the wells. The NONC also requested that DOE perform two actions associated with the wells; (1) commence pumping R-28 and R-42 to effectively remove the new contaminants from the regional aquifer, and (2) submit a workplan within 60 day of the date of the Notice detailing the proposed aquifer rehabilitation effort at R-28 and R-42. DOE's Request proposes two things; 1) deferral of the requirement for an aquifer rehabilitation workplan until after extended pumping data has been collected and modeling has been completed, and 2) an extension of the deadline for submittal of the modeling workplan.

Regarding the rehabilitation workplan, on July 15, 2021, representative of EM-LA and N3B met by phone with staff from the NMED-GWQB to discuss EM-LA's concerns regarding submittal of the aquifer rehabilitation workplan, including the timeframe for its submission. EM-LA requested that the aquifer rehabilitation workplan be submitted, if necessary, after EM-LA has collected data from an extended pumping effort that will occur at R-42 and R-28 starting in early August 2021, and more importantly, after EM-LA has completed the requested modeling specified in an approved modeling workplan.

Regarding the modeling workplan, on June 25, 2021, DOE timely submitted the *Work Plan for Groundwater Modeling for Contaminant Migration from Wells R-42 and R-28* to NMED. Subsequently, on July 15, 2021,

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NMED provided EM-LA with extensive comments on the modeling workplan. NMED's comment letter requires the DOE to provide NMED with a revised modeling workplan within 30 days of the July 15 letter.

DOE's Request asks for 60 days from the July 15 letter to submit a revised modeling workplan for the following reasons:

- To facilitate further technical discussions between EM-LA and NMED regarding the modeling approach.
- To enable EM-LA to revise the modeling workplan based on NMED's comments and the outcome of these technical discussion.

**NMED hereby approves** these requests, for good cause, for deferral of the requirement for an aquifer rehabilitation workplan and request for extension to revise the modeling workplan. NMED will re-establish a submittal deadline for the rehabilitation workplan upon completion of the extended pumping effort and review of the associated data, and upon completion of the contaminant migration modeling.

Approval of the Request does not relieve DOE of the responsibility to comply with any other applicable federal, state, and/or local laws and regulations. This approval does not relieve the DOE of liability should operations associated with these time extensions result in significant additional pollution of groundwaters.

Thank you for your cooperation.

Sincerely,

**Steve Pullen**  
Digitally signed by Steve Pullen  
Date: 2021.08.03 16:07:06 -06'00'

Steve Pullen, Manager  
Ground Water Quality Bureau

SP:ar

cc: Laurie King, EPA Region 6, Dallas, TX  
Chris Catechis, NMED-DOE-OB/-RPB  
Steve Yanicak, NMED-DOE-OB  
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