



DEPARTMENT OF ENERGY
Environmental Management Los Alamos Field Office (EM-LA)
Los Alamos, New Mexico 87544

EMLA-2022-0338-04-001

Date: March 14, 2022

Mr. Rick Shean
Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Status Update and Request for Assistance Regarding Letter of Completion Report of R-73 and Collection of First Samples Fiscal Year 2022 Milestone #7, Appendix B of the 2016 Compliance Order on Consent

Dear Mr. Shean:

This letter is regarding the Letter of Completion Report of R-73 and Collection of First Samples for Fiscal Year 2022 Milestone #7 in Appendix B of the 2016 Compliance Order on Consent (Consent Order). Specifically, the U.S. Department of Energy Office of Environmental Management, Los Alamos Field Office (EM-LA) is: (1) providing a courtesy status update to the New Mexico Environment Department (NMED) regarding this milestone; and (2) requesting NMED's assistance in expediting approval of the New Mexico Office of the State Engineer (NMOSE) to start drilling activities for regional aquifer well R-73. NMOSE approval is a prerequisite for EM-LA to be able to complete the milestone.

On January 31, 2022, EM-LA transmitted the "WR-07 Application for Permit To Drill a Well with No Water Right" for R-73 to NMOSE. On February 17, 2022, NMOSE requested additional information from EM-LA to support NMOSE's review of the R-73 WR-07 permit application. On February 17, 2022, EM-LA provided the requested information to NMOSE. On February 18, 2022, NMOSE requested clarifications to the additional information. On February 24, 2022, EM-LA provided the requested information to NMOSE. On March 9, 2022, NMOSE requested additional information. On March 10, 2022, EM-LA provided the requested information. As of the date of this letter, EM LA has not received approval from NMOSE to drill R-73.

On December 14, 2021, EM-LA notified NMOSE of the upcoming submittal of the R-73 WR-07 permit application and the need for NMOSE's approval by the end of March 2022. EM-LA explained that the R-73 well installation was a Fiscal Year 2022 milestone under the Consent Order with a due date of August 31, 2022, and that NMOSE review and approval was required by the end of March 2022 to meet the Consent Order milestone due date. On December 17, 2021, NMOSE replied that the timeframe proposed was rigorous, and NMOSE could not guarantee they could review and approve within the stated window of time. NMOSE also noted that they process applications in the order received. The drilling subcontract was awarded in January 2022 and contract finalized on February 15, 2022. The driller's schedule demonstrates that the permit

is needed by March 21, 2022 so they can start drilling by April 1, 2022 to meet the August 31, 2022 milestone.

Historically, EM-LA has received NMOSE approval of WR-07 permit applications to drill wells within 11 to 21 calendar days. Prior to this permit application for R-73, the longest time it has taken NMOSE to review and approve a WR-07 permit application for EM-LA activities was 36 calendar days. It has now been 43 calendar days since EM-LA submitted the R-73 permit application to NMOSE.

NMOSE's extended duration in reviewing the R-73 WR-07 permit application has significant potential to adversely impact completion of the R-73 Consent Order by the milestone date. If NMOSE approval to drill R-73 is not received by March 21, 2022, then: (1) it is unlikely EM-LA will be able to meet the Consent Order milestone date of August 31, 2022; and (2) the drilling company currently scheduled to perform the work will have to be released from its contractual start date. Additionally, if the drilling company is released from doing the R-73 drilling work, it is uncertain when it would be able to start drilling R-73. Therefore, if NMOSE approval is not received by March 21, 2022, EM-LA will have to reassess when drilling activities can commence and be completed after NMOSE approval is obtained. To date, EM-LA has stayed in routine contact with NMOSE regarding their review. However, NMOSE has not committed to completing the review by March 21, 2022.

EM-LA remains committed to completing the drilling of R-73 and obtaining the first samples per Fiscal Year 2022 Milestone #7 in Appendix B of the Consent Order by August 31, 2022. However, EM-LA's ability to meet this date depends on NMOSE's approval of the R-73 WR-07 permit application by March 21, 2022.

It is our understanding that NMED Hazardous Waste Bureau (HWB) has been working closely with NMOSE regarding wells involved in the Chromium Interim Measures and Characterization Campaign. As such, EM-LA respectfully requests that NMED engage with NMOSE to expedite approval of the pending R-73 WR-07 permit application to ensure timely completion of this milestone—which is in our mutual best interest, as well as that of the public.

If you have any questions, please contact Christian Maupin at (505) 695-4281 (christian.maupin@em-la.doe.gov) or Cheryl Rodriguez at (505) 414-0450 (cheryl.rodriguez@em.doe.gov).

Sincerely,

**ARTURO
DURAN**

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Arturo Q. Duran
Compliance and Permitting Manager
Environmental Management
Los Alamos Field Office

cc (date-stamped letter emailed):

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