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Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

EP2012-5066

February 23, 2012

Kevin W. Smith
Manager
Los Alamos Site Office
Department of Energy/NNSA
3747 West Jemez Road
Los Alamos, NM 87544

Charles McMillan
Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, NM 87545

**RE: MODIFICATION TO THE MARCH 1, 2005 ORDER ON CONSENT TO
CHANGE PERIODIC GROUNDWATER MONITORING FROM
WATERSHED-SPECIFIC TO AREA-SPECIFIC MONITORING
LOS ALAMOS NATIONAL LABORATORY,
EPA ID #NM0890010515**

Dear Messrs. McMillan and Smith:

The New Mexico Environment Department (NMED) hereby provides this proposed modification to the March 1, 2005 Order on Consent (Consent Order). According to Section III.J of the Consent Order, the parties (Department of Energy, Los Alamos National Security, L.L.C. (collectively, the "Respondents"), and NMED) may modify any of the provisions of the Consent Order, provided any such modifications are in writing and signed by all parties. This modification consists of changes to periodic groundwater monitoring requirements and submittal of General Facility Information in the Consent Order.

On August 17, 2011, the Respondents submitted a request to modify the Consent Order requirements to change periodic groundwater monitoring from being conducted on a watershed-specific basis to an area-specific basis. The change to well groupings by area is based on the results of groundwater investigations conducted across the Laboratory and the specific requirements for groundwater monitoring at sites or facilities that involve more than one watershed. NMED reviewed the request and modified additional references to watershed-specific monitoring that were not proposed by the Respondents. NMED then requested that the Respondents resubmit the request to include the additional reference changes. In addition, a

Messrs. McMillan and Smith
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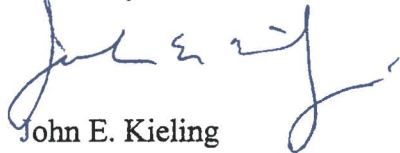
modification was included that changed the submittal of updates to the General Facility Information from annually to triennially. The Respondents resubmitted the modification request on January 23, 2012.

NMED has determined that the proposed modifications to the Consent Order are equivalent to a class 1 permit modification with prior approval of the Department as specified in 40 CFR 270.42(a)(2). The Respondents must comply with the public notice requirements for a class 1* permit modification upon issuance of the modified Consent Order.

NMED requests that Mr. Smith sign the enclosed signature page, then forward it to Mr. McMillan. After his signing, please return the signature page to my office by February 24, 2012. This modification will become effective only when signed by all parties, at which time you will be provided a copy of the completed signature page and the finalized Consent Order.

Should you have any questions, please feel free to contact me at (505) 476-6035.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Martin, NMED Cabinet Secretary
B. Tongate, NMED Deputy Cabinet Secretary
J. Davis, NMED RPD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
C. de Saillan, NMED OGC
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
G. Rael, DOE LASO, MS A316
M. Graham, ENV MS M991
file: Reading and LANL General '12

COE-00M-2.24.2011-420641

Modification to the March 1, 2005 Order on Consent consists of changes to the well groupings for the purpose of periodic groundwater monitoring and to the submittal requirements for updates to the General Facility Information. This modification to the March 1, 2005 Order on Consent is hereby AGREED and CONSENTED TO by the Parties, pursuant to Section III.J:

Dave Martin
Cabinet Secretary
New Mexico Environment Department

Date



Kevin W. Smith
Manager
Los Alamos Site Office
Department of Energy

3/1/2012
Date

Charles McMillan
Director
Los Alamos National Laboratory

Date