



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 15, 2015

Kimberly D. Lebak, Manager
NNSA Los Alamos Field Office
3747 West Jemez Road
Los Alamos, NM 87544

Charles F. McMillan, Director
Los Alamos National Security, LLC.
P.O. Box 1663
Los Alamos, NM 87545

**RE: INTENT TO ASSESS STIPULATED PENALTIES
INVESTIGATION REPORT FOR CHAQUEHUI CANYON AGGREGATE AREA
TECHNICAL AREA 33
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-09-072**

Dear Ms. Lebak and Mr. McMillan:

The New Mexico Environment Department (NMED) has not received the U.S. Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Respondents) Investigation Report for Chaquehui Canyon Aggregate Area (IR). The IR was scheduled for submittal no later than March 31, 2015. This letter constitutes written notification of the NMED's intent to assess stipulated penalties pursuant to Section III.G.2 of the March 1, 2005 Order on Consent (Order). The Permittees failed to submit the IR by the revised deadline established in accordance with the Order.

An Approval with Modifications letter was issued for the *Investigation Work Plan for Chaquehui Canyon Aggregate Area, Revision 1* (dated November 2010) on March 3, 2011. Through the approval letter, NMED established the submittal date for the IR as March 31, 2013. The Permittees requested an extension on June 14, 2012, that upon NMED approval changed the submittal date to March 31, 2015. The Permittees requested a second extension on February 23, 2015 that was denied by NMED. The Permittees did not submit the IR by the submittal deadline of March 31, 2015.

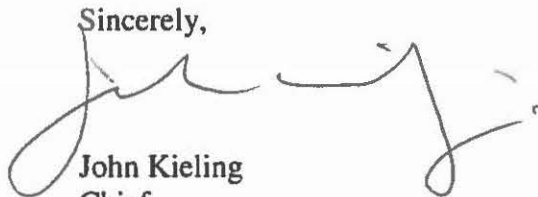
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Ms. Lebak and Mr. McMillan
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The NMED's demand for stipulated penalties will be sent in accordance with Section III.G.5 of the Order. The Permittees are subject to stipulated penalties beginning on April 1, 2015, the day after the submittal date.

Please contact me at 505-476-6035 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Kieling', written over a horizontal line.

John Kieling
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED RPD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Holton, NMED HWB
S. Yanicak, NMED DOE OB, MS M894
L. King, EPA 6PD-N
C. Gelles, DOE-NA_LA, MS A316
M. Brandt, LANL ESH, MS K491

file: Reading and LANL 2015, TA-33, Chaquehui Canyon Aggregate Area

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From: [Gallegos, Anita M](#)
To: [locatesteam](#)
Subject: FW: Letter to Ms. Lebak and Mr. McMillan
Date: Wednesday, April 15, 2015 1:41:44 PM
Attachments: [LANL 2015_TA-33 Chaquehui Canyon Aggregate Area.pdf](#)

Letter from NMED – please copy Brandt, Lansing, Marquez, and Dave Sosinski.

Thanks,
Anita

From: Martinez, Cynthia, NMENV [mailto:cynthia.martinez1@state.nm.us]
Sent: Wednesday, April 15, 2015 1:29 PM
To: kimdavis.lebak@nnsa.doe.gov; McMillan, Charlie
Cc: Roberts, Kathryn, NMENV; Kieling, John, NMENV; Cobrain, Dave, NMENV; Dhawan, Neelam, NMENV; HOLTON, BRIAN, NMENV; Wear, Benjamin, NMENV; christine.gelles@em.doe.gov; Brandt, Michael Thomas; king.laurie@epa.gov; Yanicak, Stephen M
Subject: Letter to Ms. Lebak and Mr. McMillan

Good Afternoon All,
Please see attachment.

*Cynthia Martinez
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg.1
Santa Fe, New Mexico 87505
Phone 505-476-6000*

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