



NEW MEXICO  
ENVIRONMENT DEPARTMENT



*Hazardous Waste Bureau*

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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

December 27, 2018

ESHID-603353

Pete Maggiore, Deputy Assistant Manager  
National Nuclear Security Administration  
U.S. Department of Energy  
Los Alamos Site Office  
3747, West Jemez Road, A316  
Los Alamos, NM 87544

Enrique Torres, Division Leader  
Environmental Protection and Compliance Division  
Triad National Security, LLC  
P.O. Box 1663, MS K491  
Los Alamos, NM 87545

**RE: APPROVAL EXTENSION REQUEST  
SUPPLEMENTAL ENVIRONMENTAL PROJECTS  
SETTLEMENT AGREEMENT AND STIPULATED FINAL ORDER  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID #NM0890010515**

Dear Messrs. Maggiore and Torres:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and Triad National Security, LLC.'s (Triad) *Supplemental Information for the Supplemental Environmental Project, Settlement Agreement and Stipulated Final Order-Request for Extension of Time* (Request), dated December 19, 2018 and referenced by EPC-DO:18-484. A request for extension of time, *Supplemental Environmental Project, Settlement Agreement and Stipulated Final Order-Request for Extension of Time*, was previously submitted to NMED on November 30, 2018 (referenced by LA-UR-18-31185). NMED requested supplemental information during a meeting held between NMED, DOE, and Triad on December 10, 2018.

The Settlement Agreement and Stipulated Final Order (SA) was signed between NMED, DOE, and Los Alamos National Security, LLC. (LANS) on January 22, 2016. Please note that since LANS was replaced by Triad on November 1, 2018 as a co-operator for the Los Alamos National Laboratory; DOE and Triad are now collectively referred to as the Respondents.

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Pursuant to the Section III.I. (Extensions of Time for Good Cause Shown) of the SA, the Respondents may seek an extension of time to perform a requirement of the SA by submitting a written request to NMED with a proposed revised deadline or schedule. The Respondents are requesting an extension of time to fulfill requirements of following Supplemental Environmental Projects (SEPs), Addendums 1, 2, and 4 of the SA.

### **Addendum 1: Work Plan for SEP-LANL Improvements of Transportation Routes Used for Transportation of Transuranic Waste To WIPP**

The Respondents are requesting an extension of 427 days to complete 100% final design for the East Jemez/NM 4 road intersection. According to the tentative schedule included in the Addendum 1 that was submitted to NMED (dated May 26, 2017), development of design and construction estimates for the SEP were to be completed by June 30, 2018. According to Section VI.c of the Addendum 1, Cost and Schedules, final schedules including actual dates and deadlines, and designs for each project were to be incorporated as Attachment A to the Addendum 1 and posted to the LANL Electronic Public Reading Room (EPRR). The Respondents did not develop and post the final schedule to the EPRR and instead worked with the tentative schedule that was included in the Addendum 1.

The reason provided by the Respondents for the delay of completion of 100% final design for the East Jemez/NM 4 road intersection is that the final conceptual design report for the intersection design was completed in October 2018 and the final design package completion will take approximately eight months. The other three subprojects were completed on time. NMED hereby approves the Respondents' request to complete 100% final design for the East Jemez/NM 4 road intersection by **August 31, 2019**.

### **Addendum 2: Work Plan for SEP-Storm Water Engineering Structure**

The Respondents are requesting an extension of 98 days beyond last milestone listed in Attachment A, Construction Scope and Schedule, of Addendum 2 of the SA. Addendum 2 was submitted to NMED on December 12, 2016 and is referenced by ADESH 16-214. In accordance with the requirements of Section VII.B of the Addendum 2, Attachment A, final scope and schedule for the SEP was developed and posted to the EPRR on December 4, 2018 (referenced by LA-UR-18-30919). NMED notes that the Respondents were late in posting Attachment A to the EPRR. It should have been posted to EPRR by May 9, 2018 as required by Addendum 2 (no later than 72 weeks after the date work plan was approved by NMED, i.e., December 21, 2016).

The extension request is for three subprojects, all other subprojects were completed on time. The reason provided by the Respondents for the delays are:

- a. Upper Cañon de Valle subproject start was significantly delayed due to fire restrictions in summer 2018;
- b. Mid-Mortandad Controls subproject was delayed because of delays in procurement of construction subcontractor and construction was also delayed because of early winter weather conditions; and

- c. Phase II of the Low Impact Development (LID) 1 subproject, Main Gate Pond, was delayed because the location was inaccessible. The location is shared with the SEP for Water Line Improvement and Metering Project and that project has been delayed. The Respondents state that Water Line Improvement and Metering Project activities have to be completed before the site becomes accessible for the implementation of LID 1 Phase II project.

The Respondents have provided justification for the delay in completion of these three subprojects. NMED hereby approves the Respondents' request of extension from January 22, 2019 to **April 30, 2019** to complete the above mentioned three subprojects.

#### **Addendum 4: Work Plan for SEP-Water Line Improvement and Metering Upgrade**

The Respondents are requesting an extension of 274 days beyond the milestone listed in Attachment A, Final Construction Scope and Schedule, of Addendum 4 of the SA. Addendum 4 was submitted to NMED on December 12, 2016 (referenced by ADESH 16-210) and as required by Section VI.B of the Addendum 4, Attachment A, final construction scope and schedule for the SEP was developed and submitted to NMED on January 31, 2018 (referenced by LA-UR-17-31305 and EPC-DO-052) and is posted on the EPRR.

The Respondents are requesting an extension for the submittal of substantial construction completion for Phase A and B of the SEP that was due November 30, 2018 based on the schedule in Attachment A of Addendum 4. The reasons provided are delay in construction progress, due to unknown subsurface rock formation that required realignment and redesigning of pipes. In addition, the delay was caused by other construction technical and safety issues, and weather delays. The Respondents state that substantial completion of Phase A and B must be completed prior to awarding Phase C and D scope. The scope and schedule for Phase C and D will be submitted to NMED for review and approval prior to August 31, 2019, based on remaining funds available.

NMED hereby approves the extension request to complete final installation of Phase A and B water lines and to submit scope and schedule for Phase C and D metering equipment installation from November 30, 2018 to **August 31, 2019**.

If you have any questions regarding this approval letter, please contact Neelam Dhawan at (505) 476-6042.

Sincerely,



John E. Kieling

Chief

Hazardous Waste Bureau

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Messrs. Maggiore and Torres  
December 27, 2018  
Page 4

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File: 2018, Extension Request for SEPs, SA & SFO

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**State of New Mexico  
ENVIRONMENT DEPARTMENT**

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**NAME** Angelia Martinez  
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**DATE** 1/4/19

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