



New Mexico Environment Department

Los Alamos National Laboratory Compliance Order on Consent Public Information Meeting – FY2022 Milestones (Appendix B)

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AGENDA

- NMED:
 - Corrective Action Overview
 - Annual Planning Process
 - Appendix B Status & Updates
- DOE:
 - Budget Update
 - Milestones Achieved and Work Completed in FY 2021
- Public Comment Period



Corrective Action Overview

History and Relation to the Hazardous Waste Permit

- The Compliance Order on Consent (Consent Order) was signed by the New Mexico Environment Department (NMED) and the U.S. Department of Energy (DOE) in June 2016.
- Most corrective action for releases of hazardous waste or hazardous constituents at Los Alamos National Laboratory (LANL) are conducted under the Consent Order, not under the facility's Hazardous Waste Permit.
- Compliance with the terms of the Consent Order constitutes compliance with the requirements for corrective action under the Federal Resource Conservation and Recovery Act (RCRA) and the New Mexico Hazardous Waste Act (HWA).
- The Consent Order is an “enforceable document” pursuant to 40 C.F.R. § 64.101 and is the sole mechanism for enforcing corrective action activities at LANL, with the exception of specific conditions which are addressed under the Permit.

Campaign Approach

- Corrective action activities at LANL are organized by campaign using a risk-based approach.
- There are 17 identified campaigns (e.g., Chromium Interim Measures and Characterization, RDX Characterization Campaign and Remedy Campaign, Technical Area (TA)-21 Demolition & Decommissioning (D&D) and Cleanup Campaign, Material Disposal Area (MDA) C Remedy Campaign, etc.).
- So far, one campaign, Known Cleanup Sites, has been completed.
- Campaigns are provided in Appendix C and are updated as needed.

Milestones and Targets

- Appendix B of the Consent Order.
- Current FY milestones are generally based on previous year's targets.
- Each year DOE identifies 10-20 milestones for the upcoming FY and 10-20 targets for the 2 subsequent FYs.
 - **Milestones** for upcoming FY are subject to stipulated penalties.
 - **Targets** for subsequent 2 FYs are not subject to stipulated penalties.



Annual Planning Process



Annual Planning Process

- The annual planning process (Section VIII.C) allows for revisions to **milestones, targets, and cleanup campaigns** due to factors such as actual work progress, changed conditions, risk, and funding.
- FY milestones and targets are finalized after DOE receives its FY appropriation. Upon finalization, an updated Appendix B is posted on NMED's Hazardous Waste Bureau's website and a public informational meeting is held to discuss work progress and funding levels.
- During each annual planning process, DOE is required to provide NMED with an estimated date as to when all work under the Consent Order will be completed.

FY 2022 Planning

- DOE submitted updated proposed Appendix B on **July 29, 2021**.
- NMED met with DOE several times between September and November 2021 to discuss DOE's proposed Appendix B.
- Proposed Appendix B was updated based on NMED's input.
- DOE submitted final FY2022 Appendix B on **December 2, 2021**.
- DOE Estimated completion date remains at **2036**
- FY2022 Appendix B is available on the NMED website:
<https://www.env.nm.gov/hazardous-waste/lanl>



Status & Updates



FY 2021 Appendix B

- DOE submitted proposed Appendix B on **August 7, 2020**.
- DOE proposed 15 milestones for FY 2021, 16 targets for FY 2022 and 17 targets for FY 2023.
- NMED found proposed Appendix B to be deficient and invoked dispute resolution (Section XXV).
- NMED and DOE did not settle their dispute and Appendix B for FY 2021 was never finalized.
- NMED filed a Complaint for enforcement of Compliance order in New Mexico District Court on February 24, 2021.

FY 2021 Appendix B (cont'd)

- DOE and NMED tentatively agreed on 18 milestones for FY 2021, 16 targets for FY2022 and 18 targets for FY 2023.
- 13 agreed upon proposed milestones submitted on time.
- 5 milestones which remained in dispute were not submitted.
- 81 documents submitted in addition to milestones

FY 2022 Appendix B

- **19** milestones selected for FY2022
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- **20** targets selected for FY2023
- **15** targets selected for FY2024

FY2022 Milestones (cont'd)

- **Multi campaigns- 1 milestone**
 - Interim Facility-Wide Groundwater Monitoring Plan
- **Chromium IM & Characterization Campaign-8 milestones**
 - 1 workplan for chromium interim measures and characterization
 - 1 annual progress report for Chromium IM
 - 3 drilling work plans for regional well R-73, R-77, and replacement well for R-28
 - 3 letter completion reports for R-71, R-72, and R-73

FY2022 Milestones (cont.)

- **RDX Characterization Campaign-2 milestones**
 - 1 drilling work plan for regional well R-74
 - Fate and Transport Modelling and Risk Assessment Report, revision 1
- **Supplemental Investigation Reports-2 milestones**
 - Technical Area 49 sites inside Nuclear Env. Site boundary
 - Technical Area 49 sites outside Nuclear Env. Site boundary
- **Southern External Boundaries Campaign- 1 milestone**
 - North Ancho Canyon Aggregate Area Progress Report

FY2022 Milestones (cont.)

- **Pajarito Watershed Campaign-3 milestones**
 - Twomile Canyon Aggregate Area Progress Report
 - Phase II Threemile Canyon Aggregate Area Progress Report
 - Starmer/Upper Pajarito Canyon Aggregate Area Progress Report
- **MDAs G & L Remedies Campaign-2 milestones**
 - Final Report for soil vapor extraction for VOCs at MDA L
 - Periodic Monitoring Report for 2021 vapor sampling activities at MDA L

THANK YOU!

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