



NOTICE OF NON-COMPLIANCE

Certified Mail - Return Receipt Requested

August 4, 2022

Joseph Murdock, Program Manager
Environmental, Safety and Health
N3B-Los Alamos
1200 Trinity Drive, Suite 150
Los Alamos, New Mexico 87544

Arturo Q. Duran
Office of Quality and Regulatory Compliance
U.S. Department of Energy
Environmental Management
Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, New Mexico 87544

RE: Request for Additional Time for the Submittal of a Corrective Action Plan, Los Alamos National Laboratory Underground Injection Control Wells, DP-1835, NMED Response

Dear Joseph Murdock and Arturo Duran:

On August 31, 2016, the New Mexico Environment Department (NMED) issued a Discharge Permit, DP-1835, (copy enclosed) to the United States Department of Energy (DOE) and to Los Alamos National Security, LLC (LANS) (collectively, the Permittees) pursuant to Section 20.6.2.3109 NMAC of the Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations (20.6.2 NMAC). On April 24, 2018, LANS provided written notification to NMED that LANS was transferring its permit responsibilities under DP-1835 to Newport News Nuclear BWXT-Los Alamos, LLC (N3B) effective April 30, 2018. The notification stated that DOE would remain a co-permittee under DP-1835. Section 20.6.2.3104 NMAC requires the permittee to comply with the terms and conditions of DP-1835.

On June 6, 2022, NMED issued a Notice of Violation to the Permittees for exceedances of the 20.6.2.3103 NMAC groundwater standard for total dissolved chromium and required the submittal of a Corrective Action Plan by July 6, 2022. On July 6, 2022, the Permittees provided NMED with a response, requesting additional time to submit a Corrective Action Plan that proposes measures to mitigate damage from the discharge for the following reasons:

To enable the Permittees to develop a robust Corrective Action Plan, the Permittees agree to engage with NMED, consult with the Pueblo de San Ildefonso, and confer with Los Alamos County regarding the Corrective Action Plan. DOE/N3B request to provide NMED with an update on the status of the Corrective Action Plan by August 31, 2022, and the submittal of a final Corrective Action Plan by September 30, 2022.

NMED hereby approves an extension for the submittal of a Corrective Action Plan. Approval of the Request is contingent upon the DOE/N3B submitting the following items in the *draft Corrective Action Plan*, due by **August 15, 2022**, for NMED approval:

- Pursuant to Sections 20.6.2.3107(A)(9) and 20.6.2.3107(A)(10) NMAC and in accordance with Condition 19 of DP-1835, the Permittees shall provide procedures for detecting failure of the discharge system and provide contingency plans to cope with current and future failures of the discharge permit or system.
- A detailed description of the proposed actions to identify and control the source or actions that have resulted in the exceedances in the groundwater for the standard for total dissolved chromium as identified in 20.6.2.3103 NMAC.
- A proposal to identify the extent of contamination of total dissolve chromium in the regional aquifer.
- A proposal to mitigate the exceedances in R-45 screen interval 2.
- An implementation schedule to mitigate groundwater contamination in a timely manner.

The August 15, 2022 due date of the *draft Corrective Action Plan* is intended to coincide with the Permittees' consult with the Pueblo de San Ildefonso. Upon NMED approval of the draft Corrective Action Plan, DOE/N3B shall submit a final corrective action plan to NMED by September 31, 2022.

Approval of the request for additional time does not relieve the Permittees of the responsibility to comply with any other applicable federal, state, and/or local laws and regulations. This approval does not relieve the Permittees of liability should operations associated with this time extension result in actual pollution of ground or surface waters.

If you have any questions regarding this matter, please contact Jason Herman, Acting Program Manager of the Ground Water Pollution Prevention Section, at (575) 649-3871 or Andrew Romero at (505) 660-8624.

Sincerely,

Justin Ball Digitally signed by Justin Ball
Date: 2022.08.03 17:55:28
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Justin Ball, Chief
Ground Water Quality Bureau

Encl: DP-1835, dated August 31, 2016

cc: J. Rhoderick, NMED-WPD
J. Herman, NMED-GWQB
M. Sandoval, NMED-GWQB

P. Longmire, NMED-GWQB
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