



February 6, 2024

VIA EMAIL

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RE: Response to DOE December 5, 2023 Letter
Response to New Mexico Environment Department September 6, 2023, Letter,
"Corrective action under DP-1835 associated with the chromium plume"

Dear Messrs. Mikolanis and Duran:

This letter responds to your correspondence from December 5, 2023, regarding the New Mexico Environment Department's (NMED) proposal towards a path forward for the shared goal of protecting public health.

NMED, including both the Groundwater Quality Bureau (GWQB) and Hazardous Waste Bureau (HWB), maintain the responsibility of ensuring the protection of the human health and the environment, which requires safeguarding the sole-source drinking water surrounding the Los Alamos National Laboratory (LANL). As the Department of Energy (DOE) Office of Environmental Management Los Alamos Field Office (EM-LA) stated in the December 5, 2023, letter, there is an urgent need to resume the operation of the IM due to higher chromium concentration measurements in groundwater monitoring wells. NMED provided a list of acceptable corrective actions that would allow the partial restart of the injection wells in the areas of concern and alleviate the concerns shared by NMED, New Mexicans and EM-LA. EM-LA does not agree with the conditions required as part of the acceptable corrective actions and has requested to restart the use of injection wells CrIN-2, CrIN-3, CrIN-4, and CrIN-5 without implementing the protective measures proposed by NMED.

As stated in the September 6, 2023, letter to DOE, NMED recognizes the gravity of the situation, the urgent need to take immediate action and the potential risks to groundwater safety, including the contamination risk to the Pueblo de San Ildefonso, if action is not taken. To this end, NMED is proposing another compromise for partial operation with the implementation of acceptable corrective actions. We hope DOE will utilize the opportunity to

submit a revised Corrective Action Plan that includes the actions identified in the attached Revised Appendix A enclosure to this letter (20.6.2.3107 (A)(10) NMAC). The proposed actions in the enclosure allow for partial operation of the injection wells in a manner that is protective of the Pueblo de San Ildefonso while ensuring to hold EM-LA accountable for long-term solutions to the concerns raised by NMED. The enclosure proposes to allow a two-year temporary authorization to inject into CrIN-3 and CrIN-4 while an alternative injection location is constructed. The alternative injection location must be designed to dispose of the treated water from at a minimum of two extraction wells. This matter remains of utmost urgency and an immediate response will demonstrate EM-LA's understanding of the importance of submitting and implementing a revised Corrective Action Plan as soon as possible.

NMED has agreed to have the Savannah River National Laboratory, and affiliated National Laboratories, conduct a technical review of the interim measures to provide expertise on the differing technical positions preventing progression of the remediation. To ensure the technical review represents the best interests of New Mexicans, NMED has proposed the inclusion of subject matter experts that are not affiliated with the DOE. However, we urge EM-LA action prior to the completion of the review to demonstrate a bias for action to protect the groundwater and prevent potential contamination risks immediately. NMED will consider modifications to the regulatory direction in response to the completion of the technical review but requires prompt action while undergoing the review process. It is crucial for EM-LA to consider both the compromise exhibited by NMED in the proposed acceptable corrective action in the enclosure and the potential impacts a prolonged shutdown may cause with refusal to reach an agreement.

Please note that nothing in this letter or the enclosure shall be construed as relieving the Permittees of the obligation to comply with all requirements of DP-1835 and all other applicable state and federal laws, regulations, permits, and orders.

If you have any questions, please contact Justin Ball, GWQB Chief, at (505) 231-3773 or Ricardo Maestas, HWB Chief, at 505-690-6148.

Sincerely,

John Rhoderick

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Rhoderick
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John Rhoderick, Director
Water Protection Division
New Mexico Environment Department

Rick Shean

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Rick Shean, Director
Resource Protection Division
New Mexico Environment Department

Enc: GWQB Acceptable Corrective Actions

Revised Appendix A
GWQB Acceptable Corrective Actions

DP-1835

NMED would accept restart of injection for a period of 24 months based on implementation of the following actions by LANL in a revised CAP (20.6.2.3107 (A)(10) NMAC):

1. During a two-year temporary recommencement of injections, LANL will develop, install, and operate an alternative disposal location for injection of treated water.
 - a. The alternative disposal location must be designed to be able to dispose of the amount of water extracted from a minimum of two extraction wells.
 - b. The alternative disposal location must be outside of the plume and not hydrologically affect the plume. Outside of the plume will be defined as 1200 feet from the outer boundary of an area where the plume is well-defined as indicated by data.
 - c. The alternative disposal location can be used on an ongoing basis to inject treated water as an alternative to injecting into CRIN 1 and CRIN 2.
2. LANL/DOE recommences injection into CRINs 3 and 4 for a maximum of two-years.
 - a. During the two-year temporary recommencement of injection, with the approval and oversight of the Pueblo of San Ildefonso, LANL will install and sample SIMR 3 on San Ildefonso land.
 - i. If SIMR 3 sampling shows any evidence of levels of Chromium above background, LANL will cease injection immediately.
 - ii. If SIMR 3 sampling does not show any evidence of Chromium contamination, LANL may continue injection into CRINs 3 and 4 and may commence injection into CRIN-5.
 - b. No injections may recommence into CRINs 1 and 2 until R-80 is installed, sampled, and evaluated. Additional wells or analysis may be required to make any determination of the effects of CRINs 1 and 2 on nearby wells.
 - i. If data shows that R-45 Screen 2 will continue to be impacted by injections into CRINs 1 and 2, those injections will remain paused.
 - ii. If hard data shows that R-45 Screen 2 will not be impacted further by injections into CRIN-1 or CRIN-2, LANL may commence injection into one, the other, or both.

cc: Rep. Joanne J. Ferrary
Sen. Jeff Steinborn
Rep. Eliseo Lee Alcon
Rep. Cathrynn N. Brown
Rep. Christine Chandler
Sen. David M. Gallegos
Rep. Stefani Lord
Sen. Brenda G. McKenna
Sen. Shannon D. Pinto
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