Via electronic delivery

November 3, 2026

Randall T. Ryti, Council Chair
Los Alamos County Council
1000 Central Avenue, Suite 350
Los Alamos, New Mexico 87544

RE: State Participation and Enforceable Milestones on the LANL Hexavalent Chromium Plume Response

Dear Council Chair Ryti,

Thank you for your letter dated October 29, 2026, regarding the ongoing efforts to investigate, control, and remediate the hexavalent chromium groundwater plume originating from Los Alamos National Laboratory (LANL). The New Mexico Environment Department (NMED) fully share Los Alamos County's concern regarding the proximity of the plume to County water supply wells and the urgent need to protect this critical, shared regional aquifer.

NMED desires nothing less than a coordinated, collaborative resolution alongside Los Alamos County, the Pueblo de San Ildefonso, the U.S. Department of Energy (DOE), and the Office of the State Engineer (OSE). However, addressing your concern regarding NMED and OSE participation in recent technical scoping sessions requires clarity on why technical dialogue in isolation is no longer advancing effective remediation.

As you noted, representatives of NMED, the Pueblo, and DOE met at DOE Headquarters in Washington, D.C., on August 26, 2026, establishing what appeared to be a productive path forward to resolve outstanding administrative compliance orders through enforceable technical solutions. On September 3, 2026 — eight days following that meeting — NMED transmitted draft settlement documents memorializing these verbal agreements. In the last nine weeks, DOE has provided no feedback or proposed revisions; indeed, counsel for DOE Environmental Management at LANL recently indicated that DOE will not provide comments on the draft settlement agreements.

Technical consensus cannot substitute for an enforceable legal instrument. Without an executed agreement, deadlines remain purely aspirational, deliverables cannot be legally compelled, and technical disputes lack a binding mechanism for resolution. If DOE declines to formalize our agreement, NMED must fulfill its statutory duty to protect public health and groundwater resources through active enforcement.

To demonstrate why informal scoping cannot replace a binding agreement, consider the tangible physical and operational milestones DOE *would have already completed* over the past two months had they executed the negotiated settlement documents:

1. **Enforceable Scoping Plan:** Within seven days of an initial scoping session in mid-September, DOE was required to submit a formal Scoping Plan defining target drilling locations, hydrogeologic criteria, depth intervals, and design specifications for at least two new injection wells outside the plume. Instead of working from an approved regulatory blueprint, parties at the October 21 meeting spent time informally debating general locations for a single well.

2. **Final Drilling Work Plan:** By September 30, 2026, DOE was required to submit a final Drilling Work Plan to NMED and the Pueblo for a high-capacity injection well outside the plume. Under the settlement framework, NMED's mandatory 15-day review would have concluded in mid-October, preserving procurement and drilling schedules to meet a March 2028 operational deadline. A month past that date, DOE has yet to submit a work plan.

3. **Emergency State Engineer Filings:** By September 30, 2026, DOE was required to submit Form WR-06 and formally request emergency authorizations from OSE to extract and land-apply treated water and conduct short-term operational injection into CrIN-1 and CrIN-2. Rather than initiating this administrative process, DOE has relied on informal scoping conversations, leaving necessary state authorizations uninitiated.

4. **Data Sharing and Flow Modeling:** By September 30, 2026, DOE was obligated to provide NMED and the Pueblo with its 2D groundwater flow model and all simulation data from Appendix A of the Independent Technical Review (ITR) report. These foundational datasets have still not been delivered.

5. **Land Application and Dedicated Metering:** By October 30, 2026, DOE was required to: (1) modify its work plan to implement continuous extraction and land application of 150,000 to 170,000 gallons per day under DP-1793 to remediate contamination while new injection wells are constructed; (2) install dedicated, auditable flow meters on injection wells CrIN-1 and CrIN-2; and (3) submit its first monthly monitoring report detailing daily discharge volumes, pumping rates, and concentration trends. None of these physical and operational milestones have been locked down or executed.

As you can see, the informal scoping discussions are moving far slower than the legally binding path NMED negotiated with DOE in August. Continued technical dialogue alone will not safeguard County water-supply wells unless DOE either formalizes the commitments made at our August 26 meeting or is held firm to legally binding commitments.

NMED remains fully prepared to re-engage in the technical scoping discussions the moment DOE demonstrates good-faith commitment by executing the enforceable agreement to formalize these vital milestones. We value Los Alamos County's partnership and urge the County Council to publicly and formally call upon DOE to execute the settlement documents agreed to in August so a binding, enforceable agreement that results in genuine remediation can proceed without further delay.

Sincerely,

James C. Kenney
Cabinet Secretary

cc: The Honorable Michelle Lujan Grisham, Governor of New Mexico
Dan Schlegel, Chief of Staff, Office of Governor Michelle Lujan Grisham
The Honorable Christopher Moquino, Governor, Pueblo de San Ildefonso
The Honorable Lt. Governor Raymond Martinez, Pueblo de San Ildefonso
Pueblo de San Ildefonso Council
Secretary Josett D. Monette, Esq., New Mexico Indian Affairs Department
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Russell Lashley, Acting Division Director, NMED Resource Protection Division
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