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NEW MEXICO ENVIRONMENT DEPARTMENT

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 30, 2012

Kevin W. Smith, Manager
Los Alamos Site Office
Department of Energy
3747 W. Jemez Rd., MS-A316
Los Alamos, NM 87544

Charles McMillan, Director
Los Alamos National Laboratory
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS A100
Los Alamos, NM 87545

**RE: TERMINATION
SETTLEMENT AGREEMENT AND STIPULATED FINAL ORDER
HWB 07-27 (CO)
LOS ALAMOS NATIONAL LABORATORY
EPA ID# NM 0890010515
HWB-LANL-12-MISC**

Dear Messrs. Smith and McMillan:

The New Mexico Environment Department (NMED) has received the *Request to Terminate CO HWB 07-27 (Chromium Settlement Agreement)* (Request), from the United States Department of Energy and Los Alamos National Security, LLC (collectively the Permittees). The Request is dated October 22, 2012 and referenced by LC-LESH: 12-001. The Request was submitted in confidence by the Permittees and is in reference to the Settlement Agreement and Final Order (Agreement) between the Permittees and NMED, dated June 14, 2007.

NMED has reviewed the Agreement and concludes that the terms of the Agreement have been met as specified below.

1. The Permittees paid a civil penalty in the amount of \$251,870.00 on July 13, 2007 (Agreement Item 24).
2. The March 1, 2005 Consent Order (Consent Order) was modified, on June 18, 2008, to

add a section (IV.A.3.g) that lists notification requirements related to detections and increases in contaminant concentrations in groundwater (Agreement Item 26).

3. The Consent Order modification was implemented in a manner equivalent to a class 2 permit modification as described in 40 CFR 270.42(b) (Agreement Item 27).
4. The Permittees have created a publicly accessible database containing information related to the presence and concentrations of contaminants in environmental media (Agreement Item 28).
5. The Permittees will maintain, and to continue to update, the database in accordance with Section III.Z of the Los Alamos National Laboratory Compliance Order on Consent Dated March 1, 2005 as modified on October 29, 2012 (Agreement Item 29).

NMED hereby terminates the Settlement Agreement and Final Order HWB 07-27 (CO).

If you have questions regarding this correspondence, please contact Jim Davis, Director, Resource Protection Division at 505-827-1758.

Sincerely,



Dave Martin
Secretary
New Mexico Environment Department

cc: J. Davis, NMED RPD
R. Flynn, NMED OGC
J. Kielling, NMED HWB
P. Maggiore, DOE-LASO, MS-A316
J. Mousseau, LANS, MS M991
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L. King, EPA 6PD-N