



# AGENDA

**BUCKMAN DIRECT DIVERSION BOARD**  
**MARCH 04, 2021 AT 4:00 PM**  
**ATTEND VIRTUALLY**



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## **AMENDED AGENDA FOR BUCKMAN DIRECT DIVERSION BOARD MEETING**

(amended agenda to add item 7e)

**Attendance:** In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Buckman Direct Diversion Board meeting will be conducted virtually.

**Viewing:** Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this meeting will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

**Agenda:** The agenda for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

**Written Comments:** The public may submit written comments on any of the consent items to be considered on the Consent Agenda, through 1:00 p.m. the day of the meeting, via the virtual comment "button" at [santafe.primegov.com/portal/search](https://santafe.primegov.com/portal/search).

**Public Comment:** To provide live public comment during the *Public Comment* section, you must join the Zoom meeting by internet or phone, as follows:

**Internet:** To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/93201507518?pwd=RldNlUC8vZzNueGxXNFBaaEpmMnEzdz09>

Passcode: 683250

Attendees should use the "Raise Hand" function to be recognized by the Chairman to speak at the appropriate time.

**Phone:** To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: US: 1 346 248 7799, Webinar ID: 932 0150 7518 Passcode: 683250

Phone attendees should press \*9 to use the "Raise Hand" function to be recognized by the Chairman to speak at the appropriate time.



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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF CONSENT AGENDA**
5. **APPROVAL OF MINUTES**
  - a. Approval of Minutes from the February 5, 2021 Buckman Direct Diversion Board Meeting.
6. **MATTERS FROM THE PUBLIC:**

Buckman Direct Diversion Board will take matters from the public in written form via email through 1:00pm on Thursday March 4, 2021. Emails must identify the submitting party's name and should be sent to Jamie-Rae Diaz, City of Santa Fe, Public Utilities, Administrative Manager, [jldiaz@santafenm.gov](mailto:jldiaz@santafenm.gov). These comments will be distributed to the Board for review prior to the meeting and placed in the minutes of the meeting

7. **PRESENTATION/INFORMATIONAL ITEMS**
  - a. Monthly Update on the BDD Operations. (Randy Sugrue, BDD Operations Superintendent, [rcsugrue@santafenm.gov](mailto:rcsugrue@santafenm.gov), 955-4501)
  - b. Report from the Facilities Manager. VERBAL. (Rick Carpenter, BDD Facilities Manager, [rrcarpenter@santafenm.gov](mailto:rrcarpenter@santafenm.gov), 955-4507)
  - c. Report on March 2, 2021 Fiscal Services Audit Committee (FSAC) VERBAL. (Mackie Romero, BDD Financial Manager, [mmromero1@santafenm.gov](mailto:mmromero1@santafenm.gov), 955-4506)
  - d. Update on BDD Board priorities regarding Rio Grande water quality issues (Rick Carpenter, BDD Facilities Manager, [rrcarpenter@santafenm.gov](mailto:rrcarpenter@santafenm.gov), 955-4507 and Kyle Harwood, BDD Legal Counsel, [kyle@egolflaw.com](mailto:kyle@egolflaw.com))



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- e. Presentation on New Mexico Environment Department v US Department of Energy, D-101-CV-2021-00386. (Rick Carpenter, BDD Facilities Manager, 955-4507, rrcarpenter@santafenm.gov and Kyle Harwood, BDD Legal Counsel, kyle@egolflaw.com)

## 8. ACTION ITEMS: DISCUSSION AND ACTION

- a. Request for approval and recommendation to Santa Fe County Board of County Commissioners and City of Santa Fe City Council to approve the Fiscal Year 2022 Buckman Direct Diversion Operating Budget and Other Fund Contributions. (Rick Carpenter, BDD Facilities Manager, rrcarpenter@santafenm.gov, 955-4507)
  - a.) Presentation of the proposed FY2022 BDD Operating Budget and Other Fund Contributions.
  - b.) Public Comment
  - c.) Request for approval of the proposed Fiscal Year 2022 Operating Budget and Other Fund Contributions and recommendation to approve by the County Commission and the City Council.
- b. Energy Efficiency Equipment Projects (LED Lighting and Solar Arrays) at the Buckman Direct Diversion Facility; Request for Approval of Agreements to Authorize and Implement the Projects.
  - Request for Approval of an Agreement between the City and the Buckman Direct Diversion (BDD) Board Allowing for the Installation of Energy Efficient Equipment and Improvements at the BDD Project and Providing for the Transfer of such Equipment and Improvements to the BDD Board.
  - Request for Limited Approval of a Cost Sharing Agreement among the City of Santa Fe, Santa Fe County, Las Campanas Water and Sewer Cooperative and the Club at Las Campanas for the Lease-Purchase of Energy Efficiency Measures to Reduce the Energy Use of the Buckman Direct Diversion Project;(Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)
- c. Appointment by the Chair of Committee Members to FSAC (Fiscal Services and Audit Committee) of the Buckman Direct Diversion Board. (Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)



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9. **MATTERS FROM THE BOARD**
10. **NEXT MEETING: Thursday, April 1, 2021 at 4:00 PM**
11. **ADJOURN**
12. **EXECUTIVE SESSION**

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDDB is a participant, including, without limitation: Buckman Direct Diversion Board v. CDM Smith, et al., First Judicial District Court Case No. D-101-CV-2018-01610.(Nancy R. Long, BDD Legal Counsel, nancy@longkomer.com, 982-8405)

**Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.**

**MINUTES OF THE**  
**THE CITY OF SANTA FE & SANTA FE COUNTY**  
**BUCKMAN DIRECT DIVERSION BOARD MEETING**

**February 4, 2021**

1. This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Councilor JoAnne Vigil Coppler, Chair, at approximately 4:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings. All votes were conducted by roll call.

[For clarity purposes, repetitive identification and confirmations of those on the line and their audibility have been eliminated and/or condensed in this transcript.]

2. Roll was called and the following members were present:

**BDD Board Members Present:**

Councilor JoAnne Vigil Coppler, Chair  
Commissioner Anna Hansen, Vice Chair  
Commissioner Anna Hamilton  
J.C. Helms, Citizen Member  
Councilor Carol Romero-Wirth  
Tom Egelhoff, Las Campanas [non-voting]

**Member(s) Excused:**

None

**BDD Board Alternate Members Present:**

Peter Ives, Community Alternate  
James Lightfoot, Las Campanas Alternate

**Others Present:**

Rick Carpenter, BDD Facilities Manager  
Nancy Long, BDD Legal Counsel  
Kyle Harwood, BDD Legal Counsel  
Bernardine Padilla, BDD Public Relations Coordinator  
Randy Sugrue, BDD Operations Superintendent  
Jamie-Rae Diaz, City Administrative Assistant  
Joe Abeyta, City IT  
Marcos Martinez, City Assistant Attorney  
John Dupuis, County Water Division Director  
Monique Maes, BDD Contract Administrator  
Jesse Roach, City Water Division Director

**Others Present** (cont.):

Daniela Bowman, BDD  
Bill Schneider, City Water Conservation  
Caryn Gross, City Project Administrator  
David Batts, EMPSi - Consultant  
Regina Wheeler, Public Works Director  
Joni Arends, CCNS

**3. APPROVAL OF AGENDA**

CHAIR VIGIL COPPLER: Are there any changes from staff?

RICK CARPENTER (Facilities Manager): Yes, there is one change. Staff, after considerable discussion today and yesterday, would like to recommend that Consent item 8.a. be removed from this agenda and be brought back in March. There are some unanswered questions that staff would like to discuss at the staff level before bringing this item back. So the recommendation is to take it off of this agenda and to move it to the March Board meeting.

CHAIR VIGIL COPPLER: Okay, thank you. Do I have a motion to approve the agenda as amended?

Commissioner Hamilton so moved and Mr. Helms seconded. The Chair requested a roll call vote and the motion passed unanimously [5-0].

**4. APPROVAL OF CONSENT AGENDA**

**8. b. Request for Approval to enter into a Service Agreement with TLC Company, Inc. in the amount of \$59,118.89 exclusive of NMGRT to replace and install a new chiller unit located at Booster Station 4A and 5A.**

**1. Request for Approval of a Budget Amendment Resolution (BAR) in the amount of \$64,108.00**

Commissioner Hamilton moved to approve (item 8.b.). Commissioner Hansen seconded. The motion passed by unanimous [5-0] roll call vote.

**5. APPROVAL OF MINUTES: January 7, 2021**

CHAIR VIGIL COPPLER: I will state for the record and our minutes that the only matters discussed during the executive session of our last Board meeting of January 7, 2021 was the matter as stated in the motion to go into executive session and no further action was taken.

Do I have a motion to approve the minutes of January 7<sup>th</sup>?

COMMISSIONER HANSEN: I move to approve the minutes of January 7<sup>th</sup>.

COMMISSIONER HAMILTON: Second.

CHAIR VIGIL COPPLER: Okay, it's been moved by Commissioner Hansen and seconded by Commissioner Hamilton to approve the January 7<sup>th</sup> minutes.

**The motion passed by unanimous [5-0] roll call vote.**

**6. MATTERS FROM THE PUBLIC**

CHAIR VIGIL COPPLER: I believe we have one person who would like to make a comment. So please let Ms. Arends in.

JOE ABEYTA (City IT): Ma'am, I will unmute her. Ms. Arends, you have the floor.

JONI ARENDS (CCNS): Hi, good afternoon. Thank you for this opportunity to speak. I am with Concerned Citizens for Nuclear Safety and we would appreciate an update about the incomplete application of the Department of Energy and Los Alamos County to the New Mexico State Engineer to transfer 679 acre-feet per year in water rights to the Hexavalent Chromium Plume Remediation Project at Los Alamos National Laboratory. Thank you in advance for your consideration of our request. Thank you.

CHAIR VIGIL COPPLER: Thank you for your public comment. We appreciate it.

**7. PRESENTATION/INFORMATIONAL ITEMS**

**a. Monthly Update on BDD Operations**

CHAIR VIGIL COPPLER: Randy Sugrue.

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair, members of the Board. For January 2021, BDD diversions and deliveries averaged 1 million gallons per day. Raw water diversions were 4.3 million gallons per day average. Our drinking water deliveries through our Booster Station 4A/5A combined averaged about 4.14 million gallons per day. Las Campanas did not divert in January. Our onsite treated and non-treated water storage was about 160,000 gallons per day. BDD is providing approximately 69 percent of the water supply to the City and County for the month. Page 2 does have a regional demand drought summary and some updated storage information.

The BDD year to date diversions for the first part of the year now, for January, we're approximately 133 million gallons. That is essentially it. We've had it good in January considering weather and river flow. I stand for questions.

CHAIR VIGIL COPPLER: Are there any comments from the Board? Okay, thank you, Randy.

MR. SUGRUE: Thank you so much.

CHAIR VIGIL COPPLER: Great job on your report.

**b. Report from the Facilities Manager**

MR. CARPENTER: Thank you, Madam Chair and members of the Board. I don't have a whole lot to report out on at this meeting. It is sort of our slow time of year. I have been trying to keep the Board up to date on our efforts to fill several critical positions at the BDD; namely, the automation and security position that has been vacant for awhile.

Mackie's old position, financial administrator, and then the maintenance supervisor position. All three of those are in process. They are loaded up in the City's Munis system where they currently reside. They are pending further action by the City's HR Department. And that's all I have to update the Board on.

CHAIR VIGIL COPPLER: Okay, thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I'm wondering, Rick, if at the next meeting we could have an update on the status of the MOU with LANL and the Triennial Review and the chromium six plume from LANL.

MR. CARPENTER: Yes, that's really timely. I think we have had some discussions at the staff level to do just that and it's on our radar to do that presentation at our next meeting.

COMMISSIONER HANSEN: Fantastic. Thank you so much.

MR. CARPENTER: Thank you.

CHAIR VIGIL COPPLER: Any other comments or questions for Rick? Okay, thank you, Rick.

### **c. Proposed San Juan-Chama Return Flow Pipeline Status Update**

JESSE ROACH (City Water Division Director): Madam Chair, member of the Board, thank you. I will share my screen and step through some slides that are also in the packet. These slides were presented to City Council about three weeks ago and so they may be a little bit familiar to the councilors.

We just wanted to provide sort of an update on where we are with our San Juan-Chama return flow pipeline and also a little bit of how we got here. We, as a water utility for the City, do engage in long-range planning on a regular basis and we've been doing that for at least 30 years, probably longer. And I wanted to point out some of the results that we have taken from our most recent efforts. In 2015, the Santa Fe Basin Study, we for the first time – and this was in collaboration with the County – took climate change consideration into the long-range planning process and a couple of the key results that came out of that was that if we do nothing, almost independent of demand, if we do nothing, climate change does represent a threat and a potential for shortages in our system. This graph is from the Basin Study update which showed sort of the timing of those potential shortages. One of the interesting things on this graph – and this is showing the annual shortage and thousands of acre-feet per year on the Y axis and the year on the X axis – there's a range of uncertainty in the shading which is representative of the uncertainty associated with global climate models, the GCMs. But also there's a large uncertainty in demand in terms of what will the demand for potable water be out into the future. But the takeaway is that we need to work towards being ready for a changing climate and potential growing demand. And the low-hanging fruit that came out of this study, as it had for multiple studies prior, was that the effluent that we generate at the Paseo Real Water Reclamation Facility is a key to our long-term resiliency.

So we followed that study up with a 2017 study called the Santa Fe Water Reuse Feasibility Study and this essentially was trying to answer the question of, what is the best way, the most resource efficient way, the best way from a triple bottom line evaluation to utilize that effluent. And returning water originating from the BDD to the Rio Grande was contemplated in the original BDD design and it's been identified in

multiple rounds of planning sort of as a preferred – well, it’s been identified as an idea going back all the way to the ‘70s pre-BDD – but it is this 2017 feasibility study that identified a return flow credit as the preferred alternative for utilizing effluent to increase our potable water supply.

Another view of water resources from the four different sources in the City for the past – this is 2013 through 2019, so that’s seven years of data – and we see that BDD is our largest single source at the City. And it has represented 45 percent of our potable water during that period. About one-third from Canyon Road, also surface water, and the remainder from our two groundwater supplies about equally split between them.

One of the key aspects to this return flow pipeline is it only is using – it’s proposed use is only for San Juan-Chama water and San Juan-Chama water represents a portion of New Mexico’s legal share of Colorado River water. I think everyone on this call is probably familiar with San Juan-Chama water but to repeat some of the main facts are the City’s full allocation is about 5,230 acre-feet per year and we do have the right to fully consume that imported water.

If we look at the wheel here on the right is the same one I just showed before showing the distribution of water sources from where we have produced potable water from 2013 through 2019. In that same period, on an annual average basis almost two-thirds of that water is actually collected through the sewer collection system and flows to the Paseo Real Water Reclamation Facility. The other third is lost to outdoor use or leaks in the system. So we’re looking at 5,600 acre-feet approximately of influent over that period of time of which 2,666 acre-feet a year on average were what we will call unconsumed San Juan-Chama water arriving at the reclamation facility.

Also, I should have said, I would be very happy if anyone interrupts me as I go. That helps me sort of understand what I’m explaining well and what I might need to explain a little bit further. So please feel free.

And then this is what, if we had this return flow pipeline in place, this is what the system would have looked like in that same seven years, 2013 through 2019. There still would have remained almost 2,000 acre-feet per year of discharge to the lower Santa Fe River which for comparison sake is about half of the total Santa Fe River resource that flows into McClure on an annual basis. And then there would have been this other amount available to return to the Rio Grande for a return flow credit.

So how does that look? When we talk about return flow credits what do we mean? And the goal is for us as the City to achieve full consumption of San Juan-Chama water by getting a credit for what we return to the river. We do not get any credit for what discharge that we make to the lower Santa Fe River. In the current situation any amount of water that the City wants to divert as San Juan-Chama water at BDD has to be released completely from upstream reservoirs and in addition a small carriage fee, so that’s about 2 percent from Heron to BDD. So that is currently everything that we divert in the river from upstream reservoir releases.

The proposed return flow pipeline would for the same diversions – so these arrows are representative of the magnitude of the diversion – with the same diversion from the river could be supported with less of a release from the upstream reservoirs because the river essentially would be made whole from a quantity perspective by returning effluent to a point just downstream of the diversion location. So there would be somewhere on the order of hundreds of feet between the diversion and the return. So no

actual molecules of effluent that are being returned to the river would be diverted into the BDD facility. But the river itself if you look above the diversion and return complex there would be no change to native Rio Grande flows from above the diversion complex to below the diversion and return complex. Ultimately, we're trying to make the same diversions at BDD with a smaller release from upstream reservoirs and that's how we stretch our San Juan-Chama water.

This is kind of specific to some of the things that the City has done in the last year, a little bit more than a year now since December 2019 when a resolution was passed essentially calling for the water division to develop a 40, and 80-year water plans with public outreach and community input as important parts of shaping those plans. And that we look into implementing the design and construction of return flow pipeline. So from the planning perspective first, we have laid out a five-year planning process and we have made it through the first year of that planning process in which we have engaged with the public and have sort of finalized this five-year plan. This current calendar year, 2021, we are slated to develop supply and demand projections with the latest generation of climate change models and then next year utilize an updated water model, a water resources model, to evaluate what the shortages might look like without any action, without any new resource development. And then in the fourth year of the process, evaluate adaptation strategies and finally sort of formalize that in a plan.

This process is a process that the City and the County are working on in parallel so that we are working from the same set of underlying assumptions; although, we will each develop our own water resources plans and our own capital improvement project plans as outcomes from this and those will be independent.

When the cycle ends and an updated plan is in place then we can start again so we can have an updated plan every five to ten years depending on our needs. In addition, we have ongoing studies that can support our understanding of potential adaptation strategies. So some of the things that we will be looking at independent of the planning process are aquifer storage and recovery either along the Santa Fe River or potentially in some of the Buckman wells and some of the work going on at the Paseo Real Water Reclamation Facility.

And as I mentioned, we did do some public outreach this past year. We had 42 individuals at a couple of webinars in October. Another 18 individuals in breakout sessions and based on feedback we finalized a roadmap for this process and it is available on our website. This calendar gives a high level overview. Again, I mentioned the five years and what we're trying to get done in each of the years. And then this culls out opportunities for public engagement and public input and the specific deliverables that we're trying to generate from this process. We did generate the final five-year planning process documents, it's on our website. And now we'll be working on supply and demand scenarios and then sort of a project list of adaptation strategies and finally the plans.

That's kind of where we have been so far on the planning side and then some next steps, where are we going next on planning and design and permitting for the return flow pipeline. The yellow color represents a public process. We are working with the US BR on multiple fronts related to planning.

I'm going to home in on the return flow pipeline piece. We are ready with a request for proposals – I guess it's called something different now, so don't hold me to

that acronym. But we do have a document ready to go out to the street for engineering firms to develop engineering designs for the return flow pipeline. And we're getting ready to work with Reclamation on a cooperative funding agreement for technical services associated with environmental permitting. We'll have an agenda item related to that later in this agenda. And there will be public notice and scoping opportunities associated with the environmental permitting and there also will be public notice associated with the State Engineer return flow application.

The next slide here shows how these things layer together in time. We're sort of working on three fronts. There's an environmental permitting front, and again this is going to be the NEPA Environmental Assessment. There's a State Engineer permitting front and then there's a design front. So we're very close to being ready to initiate the public portion of all three of these. At this points these have flipped a little bit and I think that in early second quarter, early April right now we're targeting being ready to sort of roll all of these things out to the public and make this whole process public. And in terms of how long it will take, we're thinking a couple of years for the environmental permitting. The State Engineer, we're hopeful that that permit process will also be on a similar timeline and the design on a similar timeline as well. So by the end, near the end of 2022 we would be hopeful that we would have the permits in place and the design in place to go towards construction. And I think that is my last slide. So with that I'll go back to this one that has a little bit more information on it and I would be happy to stand for any questions.

CHAIR VIGIL COPPLER: Okay, thank you. I don't see everybody on the screen share – you might have to go back to the slide but we'll see what the questions are, Jesse. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair and Jesse. I have a number of questions. On the return flow pipeline, I haven't heard you mention the County's portion of the water in the return flow pipeline credit for us. Is that something that you are working on or considering?

DR. ROACH: Madam Chair and Commissioner Hansen, that is something that we are working on but it is not – we don't have anything formal. We don't have a formal agreement in place with the County yet so we don't have anything that we're able to share publicly. I can just say that we are on a promising trajectory in terms of having some involvement in this pipeline with the County I believe.

COMMISSIONER HANSEN: So, I just want to state for the record that this 2017 Carollo study it might have had the County's name on it but we were really not participants in that study. For some reason, our logo was used but not our expertise. I just wanted to say that.

One of the questions I have is that I represent the Village of Agua Fria and they have a mutual domestic with water rights and they have sewers that go to the Paseo Real. So their water once it leaves the village their water goes to the Paseo Real plant, so how are you calculating that part of the Village of Agua Fria's Mutual Domestic water credit and then how are you categorizing the water coming from, the sewer water coming from Aldea or Las Campanas that also has a sewer plant? So I'll let you answer those and then I'll go on.

DR. ROACH: Okay, those are very good questions. There is a certain amount of water that enters what is called a "sewer shed." There is a certain amount of

water in the sewer shed that is not sourced from the four potable City of Santa Fe sources that I mentioned. And we do have a handle on estimating that. There are domestic wells, Agua Fria as you mentioned, there are placed where water enters the sewer system from other sources. We estimate those at approximately 300 acre-feet per year and those inflows are taken into account when we account for how much unconsumed San Juan-Chama water is available for the return flow pipeline. So those returns will not end up in the return flow pipeline.

COMMISSIONER HANSEN: So will that be added to the downstream water users or into the river?

DR. ROACH: That water will go into either non-potable reuse/the purple pipe or the lower Santa Fe River.

COMMISSIONER HANSEN: Well, if it goes to the purple pipe and it's coming from the County then it seems like the purple pipe takes care of City parks and City facilities and if my mutual domestic water is going – I believe there should be some return flow credit from the mutual domestic for their water and I don't know how that would work, if it would work on the Santa Fe River for John D'Antonio, the State Engineer. But this has just been brought to my attention and I've been trying to think about what actually – what that does. I can imagine the citizens of Agua Fria would want that water to stay in the river wherever it went and especially since it's County water, I think that they would want it to stay in the County.

DR. ROACH: Commissioner, I apologize. I'm sorry to interrupt. I would like to answer that question. It is my understanding and perhaps somebody on the phone who knows it better can confirm that in the City and County Water Resources Agreement all effluent at the Paseo Real Water Reclamation Facility does belong to the City.

COMMISSIONER HANSEN: Okay, I'll have to read the Annexation Agreement again. I've only read it like three times, four times, or five times but I'll see what it says – and you may be right. But I was speaking with somebody who does water resources and they mentioned that mutual domestics have ability to have return flow credits.

BILL SCHNEIDER (City Water Resources Coordinator): Madam Chair, this is Bill Schneider speaking and that is correct. The ultimate goal in terms of holistic planning with respect to credits for releases of native water, not San Juan-Chama water, that would go to the lower Santa Fe River, are achievable for discharge credits. That is certainly something that we anticipate will come out of the City and County water planning efforts here over the next couple of years. So, certainly, that is of interest I think of all parties to your point.

COMMISSIONER HANSEN: Okay, well I just wanted to bring that up because I feel like it is an important point that I don't want it to be forgotten and I really have concern about this return flow credit pipeline.

One other item that Commissioner Hamilton and I are both concerned about I know and I might let her speak to it if she wishes to but is making sure that the pipeline goes close enough to the Buckman treatment plant that that water could then be used during a very severe drought for water to go back into the system for drinking and Commissioner Hamilton I can't see you but if you'd like to chime in, I'm happy to have your input.

COMMISSIONER HAMILTON: We've over time had plenty of interactions with the City with Bill Schneider and Jesse and all on potential for future DPR and I think those discussions are still on the table. And frankly could also, I assume, that they'll be integrated into the five- year cycle of water planning for consideration; is that a rational assumption Dr. Roach?

DR. ROACH: It is a rational assumption. I think the current alignment of the pipeline goes right back to BDD. At this time we don't have plans for DPR but should the technical and economic and hydrologic landscapes change sufficiently then it would be an option. It will always be an option that we would consider.

COMMISSIONER HAMILTON: And that would be the same for ASR for example, right? You indicated some studies of ASR that you anticipate to support the planning process.

DR. ROACH: Correct. And that's exactly where the planning process fits in. If we do have this return flow pipeline in place and we're able to stretch our water resources then the planning process also helps us look at in this sort of interim period where we have built for the future one of the best ways to look at utilizing aquifer storage and recovery, for example, on lower times in the year when there's less demand, so all of those ideas – no idea is off the table in the planning process and those ideas certainly have already filtered up to the top of things that we're considering.

COMMISSIONER HAMILTON: So just in that regard, and I'm sorry to take up your time Commissioner Hansen, but would that adding DPR as a near term future study might be a good idea if there's more information that is needed on it before it could be considered in the future.

DR. ROACH: Yes, I think – in my opinion and in the opinion of the feasibility study, at this time it is not an established enough technology and it's more resource efficient to move the water to the Rio Grande and then bring it back in – bring other water back in. It remains on the table for us if conditions change in any of those aspects enough. And if and when and ask that's happening in the planning process then additional study is certainly the right thing to do.

COMMISSIONER HAMILTON: And you're actually considering doing projections for future – climate change impacts and whatnot – to examine more closely – I mean the difference between demand and supply might be affected by hydrologic conditions which may or may not make the consideration of something like that and change its priority.

DR. ROACH: Yes, that's correct. So it will be interesting to see if when we look out 80 years into the future the latest stat of climate change models show a hydrologic condition that is different enough that in our planning model, DPR has a significant advantage over a return flow credit.

COMMISSIONER HAMILTON: Thank you. Thank you, Commissioner.

COMMISSIONER HANSEN: Thank you, Commissioner Hamilton. So I think for the public it would be really helpful for you to define DPR and ASR. We might know what it means but I think the public needs to understand those terms.

DR. ROACH: Yes, thanks, Commissioner. So DPR stands for Direct Potable Reuse and this would be the technology that essentially and as I understand it, it would probably involve reverse osmosis at this point. A very energy intensive process, which could allow you to treat effluent to potable drinking standards. So that's DPR,

direct potable reuse. And then ASR is Aquifer Storage and Recovery and the idea there is to enhance in some fashion recharge to an aquifer during periods where you have water available to do so, so that you can then extract that water later when you're in a drier condition.

COMMISSIONER HANSEN: So back to the Santa Fe River and the La Cienega, Cieneguilla and downstream. So that area of the Santa Fe River – residents are really quite concerned about their springs and their wells drying up and even my constituents in Agua Fria are complaining about their wells drying up. So I want to know how this is going to help them. How are we going to make sure that we do actually have aquifer restorative water in the lower Santa Fe River?

DR. ROACH: So from the perspective of Agua Fria which is upstream of Paseo Real Water Reclamation Facility I do actually believe that there's a benefit to Agua Fria as well with this return flow pipeline. Because the return flow pipeline gives us flexibility to utilize our Santa Fe River water differently. So one of the ideas that I mentioned is aquifer storage and recovery on the Santa Fe River. If we are able to get a permit for that, we may have more flexibility in how we release water. Currently, the Living River is just bypass flows. We don't release water from storage to support the Living River. With an aquifer storage and recovery program on the Santa Fe River, that could change and we could actually be able to release water from storage. So there's potential for flexibility with operations if we're able to utilize our San Juan-Chama water more efficiently.

In terms of the downstream users below Paseo Real Water Reclamation Facility, I believe that there's maybe two answers to your question. One answer is if the County, as we have had conversations with the County about their potential involvement in the return flow pipeline, the lower Santa Fe River is an issue that needs to be addressed as part of that potential partnership and some sort of a planning process on the lower Santa Fe River. So we'll have to standby for that, but that is one potential scenario. And then the other is we believe operationally, this is a perennial stretch of water. So there's constantly recharged to wells along this stretch of river and although historically in the last seven years there's been almost 4,000 acre-feet a year – no more than 4,000 acre-feet a year of discharge to the lower Santa Fe River, 2,000 acre-feet per year for irrigators and wetlands I believe is sufficient. If we can find a way to manage ours operationally use our native resources so that we are maintaining – so that we distribute this flow through the year in a way that is helpful to those downstream users.

COMMISSIONER HANSEN: Okay, I think that's all the questions I have for right now. Thank you, Madam Chair.

CHAIR VIGIL COPPLER: Thank you. I don't see any other hands. Does anyone have any other comments for Jesse? Jesse, I think your report is really nicely prepared. I like some of this software. Thank you.

DR. ROACH: Thank you.

**9. ACTION ITEMS: Discussion and Action**

**a. Discussion and Possible Action on BDD Board support for NEPA permit changes consistent with the Proposed SJC Return Flow Pipeline**

CHAIR VIGIL COPPLER: Kyle and Rick.

[Mr. Harwood shares his screen]

KYLE HARWOOD (BDD Counsel): Unfortunately, Jamie and I had a little bit of a crossfire with getting this memo into the packet. As Ms. Long pointed out, fortunately, it's not a very long memo. So you all got this memo earlier today and I'd like to just go ahead and walk through it briefly by way of introduction.

CHAIR VIGIL COPPLER: Kyle, excuse me. It looks to me to be the same thing we have in our packets. Are you saying that what's in our packets is not correct?

MR. HARWOOD: Councilor, you may have it in your packet. I don't know that it went out initially last week.

CHAIR VIGIL COPPLER: Okay, just in case anybody can't see it, it's in our packets. Thank you.

MR. HARWOOD: Thank you, Councilor. And I want to apologize for any cross wires.

[A discussion ensued regarding the location of the memo within either the Boarddocs or Primegov packets]

CHAIR VIGIL COPPLER: Okay, as long as we're all on the same page. Kyle, please do you want to continue.

MR. HARWOOD: Thank you, Madam Chair, and, again, I apologize for any confusion around the memo. It's before you as well on the shared screen.

The NEPA permits requested for the BDD projects 18 years ago requested and received coverage for up to 8,730 acre-feet per year of combined diversion of San Juan-Chama project water and what we call native pre-1907 Rio Grande water. Those NEPA permits are held and managed by the Board pursuant to the Board agreements to support the diversion of water rights under State Engineer permits that are held and managed directly by the project partners. The proposed San Juan-Chama pipeline that Dr. Roach has just finished describing to you contemplates increased San Juan-Chama project water diversions only with no changes to the BDD project intake, the BDD project rights-of-way and easements for the water treatment plant. In order to make the BDD project's NEPA permit changes consistent with the proposed SJC return flow pipeline, the City will make application to the relevant federal agencies and a scoping process with stakeholder input will be conducted.

To add one additional detail to this background and summary before I speak to the recommendation, with the construction of this pipeline that Dr. Roach has just finished describing to you, the BDD project will be asked to go over the 8,730 limit of its current permits. And what we want to make sure of is it is consistent with all of the other permitting that is going on with the project – I'm sorry, with the return flow project that the BDD project as it currently sits is asked to divert 8,731 acre-feet for that first addition acre-foot and everything above it is only San Juan-Chama water. We want to ensure that

those permissions that we sought some 18 years ago are made consistent with the proposed project that Dr. Roach has just described.

Board staff, counsel and consultants are all joining in this recommendation that the BDD Board vote, this is an action item on your agenda this evening, that the BDD Board vote to support those requested changes to the BDD permits consistent with the proposed pipeline. As Dr. Roach said, there is a scoping process with extensive stakeholder input that is contemplated in the near couple of week or a month or so and that will provide an ample and robust process for hearing and addressing all the concerns that the public wishes to raise.

I want to clarify for the Board that I have been thinking about the process project as components. I shared this mental model with Dr. Roach and I think it fits with his intent and that is that there's sort of the footprint of the new pipeline, that's one major component of this proposed project. There are obviously the Santa Fe River issues that have been raised at this meeting and other meetings. And then the third major component is discharging this water to the Rio Grande and then allowing for increased diversions out of the Rio Grande at the current BDD intake. So the issue before the Board this evening, is really just half of one of those thirds as an action item. Obviously, you all have asked extensive questions about the whole proposed pipeline as you will. But I just want to be very clear for the Board this evening that this action is really related to one-half of one-third of the elements of this proposed project. I'll go ahead and stop screen-share so people can actually see each other.

I also just want to note that in addition to Dr. Roach we do have John Dupuis who has Zoomed in as a participant and also the City's main environmental permit advisor and consultant, David Batts, who many of us have worked with on projects around New Mexico. He has a national practice on working on NEPA permitting. Okay, there he is with a smiling face, in front of another water project somewhere in the west. We stand for any questions that you may have. I will say that given the scoping process that Dr. Roach has mentioned we are asking for Board action on this matter this evening if that's what you wish to do. So with that I'll stop and stand for questions.

CHAIR VIGIL COPPLER: Thank you, Kyle. I see Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. So this makes sense and the scoping process, I've been involved with those, I get that. But I assume that they'll be the NEPA aspect of just this half of the third of the whole scoping process, but part of this will go to the State Engineer; right? And they'll be numbers associated with it that come with the scoping? Is that a correct assumption? That's just the prelude to the question. So in thinking about it, and this is a general ask right now but then the permit revision will be a specific ask so I'm wondering if we might make this so that we approve the processes going forward but then get a report back before the permit requests are submitted for a presentation and Board approval for actual submittal of the permit request or something along those lines. Make it a two-step process because there are no specific numbers associated with this. I can think of lots of reasons that it would be beneficial for water operations to alter this permit that, you know, we've been talking for awhile about this.

MR. HARWOOD: I'd like to hand the microphone to Dr. Roach because the City has been heading up its own discussions with the Office of the State Engineer

about the exact numbers that they're going to be seeking in both the State Engineer process.

CHAIR VIGIL COPPLER: Thank you. Jesse.

DR. ROACH: Madam Chair, Commissioner Hamilton, thank you. So we will have a specific number for our OSE permit. That OSE permit is sort of separate from this action but that number will be consistent with the Environmental permit that we're talking about here. We will have that number, I believe, and David please jump in and correct me if I'm wrong, but we will have that number once we sort of begin this process.

COMMISSIONER HAMILTON: The reason I'm asking – and thank you, David, but before you jump in – there's a number associated with the Environmental permit now but that number is going to be increased and it just makes some sense to me not to hamstring the process going forward but literally because the Board is approving an unscoped request which is fine, you need to do that now. But we could approve the unscoped request to get the scoping and then have it come back to us with the more complete information, just a thought. If there are serious procedural reasons not to do it, I would love to hear them. But I don't know what everybody else thinks. I'm throwing it out because it makes some sense to me.

CHAIR VIGIL COPPLER: Commissioner Hansen, are you going to respond to that because we have Councilor Romero-Wirth next.

COMMISSIONER HANSEN: Okay, fine, go ahead, Councilor.

COUNCILOR ROMERO-WIRTH: I'm sorry, Madam Chair. Did Dr. Roach want to answer the question about whether this would seriously hamstring things to come back to us. I don't think we got an answer to that.

CHAIR VIGIL COPPLER: Right.

DR. ROACH: I think I'm a bit over my head with the environmental permitting process side of things. So I don't know if Kyle or David has any answer – I don't think I have an answer to that specific question.

MR. HARWOOD: Sure, I was going to formally invite David to unmute his microphone and let us know what number he thinks might go into the application so we can perhaps progress on the question that has been raised.

DAVID BATTS (Consultant): Chair, we will be coming up with a number and I don't want to give a specific number without being able to consult with what I have here. I can probably look it up very shortly for you. But that number will be part of what we call our proposed action that will go out to the public that we can hear about and what it will be associated with. This is a very public process once it goes into the NEPA realm so we really have to have all our ducks in a row and we'll have to make sure that we have all of our understanding of what that maximum diversion amount could be and we'll have to explain how that San Juan-Chama water works to the general public because it is very confusing, obviously. So we'll have all of that laid out and how that looks from an accounting standpoint before we go to the public.

COMMISSIONER HAMILTON: I would just for the other Board members to clarify my thinking, this is a – the process is logical but it's technically the BDD Board holds the permit; right? So it wouldn't – I think it would be nice for us to hear it before it gets submitted. That's what I think is the only kind of issue that I'm

raising. It would be nice and I think it would be appropriate for that to be a part of the process we're approving or being asked to vote on.

MR. BATTS: I think that's fair and I hope I'm not speaking out of turn but I will tell you how we're thinking about this is that at this time we have a facility whose capability is far beyond its permit. We feel that we will probably be looking for a diversion somewhere near plant capacity so that we don't do this again until such time as we may want to expand plant capacity.

COMMISSIONER HAMILTON: And that makes sense.

MR. BATTS: So is that enough information or do we need to nail down a number? And if we do, I think we can come back but we would probably come right back at the next Board meeting.

COMMISSIONER HAMILTON: No, I wasn't asking for the nailed down number. I think just in the process I was asking before it goes – I mean, we vote on this tonight and it initiates the process but before it goes all the way through to changing the permit, since it is our permit, to hear the report back on what's been scoped and what's going to be presented. That's all.

MR. HARWOOD: I certainly expect for my part in supporting the work that is being done and not knowing what the outcome might be yet of the Board because the scoping is still to come, is that there would be regular reports back to the Board over the coming probably several quarters, right, David? If scoping is started in March or April they'll be some work to report back in the late spring and summer surely, right?

MR. BATTS: Absolutely. We will be giving periodic reports, so what we'll do are what we call, scoping reports. That will be one of our first outcomes and we'll be able to report to you what the public is saying about this proposal and then we'll have a draft document and we'll have that out for public review. It's about a six-month process once we officially kick it off. So you are correct, Kyle, we'll probably be able to come back every two months or so and give you some form of a viable update.

COMMISSIONER HAMILTON: That's acceptable to me. I would just like to confirm that the Board would see those reports and get a briefing on it and be incorporated in the ongoing process.

MR. HARWOOD: What I'd like to suggest Commissioner, if it's okay, is that we plan on coming back in April and June at a minimum so we can give you a sense of the scoping kickoff and then see how those updates go and how many more are consistent with the natural progression of the process. But certainly April and June seem like they're going to be heavy lift months for the public and stakeholder engagement part of the process. I'm volunteering Jesse's consultant David when I said that, but I think it's probably responsive to your request Commissioner.

COMMISSIONER HAMILTON: That would be.

MR. BATTS: And I would only just say maybe not specifically April – let's not promise April, let's promise the first Board meeting after we begin scoping. That gives us enough time to get information into the packet.

COMMISSIONER HAMILTON: I'm fine with that. That's responsive, I appreciate it.

CHAIR VIGIL COPPLER: Thank you. Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: I was just going to make a motion that we approve the staff recommendation as it is. Was that okay, Commissioner Hamilton, with the information that you got about the reporting?

COMMISSIONER HAMILTON: I would still like the reports but I don't feel any hard need for it to be in the motion. I trust the staff will bring it back to us and there will be real opportunity if the Board has substantive questions we'll have the opportunity to address them.

COUNCILOR ROMERO-WIRTH: So you're okay with the motion being just to move forward with the recommendation?

COMMISSIONER HAMILTON: I probably am, yeah.

COUNCILOR ROMERO-WIRTH: So then, Madam Chair, I would like to move the staff recommendation.

CHAIR VIGIL COPPLER: Do I hear a second?

MR. HELMS: Second.

CHAIR VIGIL COPPLER: Okay, it's been seconded by J.C. Helms. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So at the moment on this agreement it says, receive coverage for up to 8,730 acre-feet per year of combined diversion of San Juan-Chama project water and native. So that covers, at the moment, that covers all of the water that the County and the City and our native water that we have access to and more than possibly we have access to?

MR. HARWOOD: Commissioner, that is a great question: 8,730 is made up of several constituent numbers. It was the City's projected need back in 2002 of 5,230 acre-feet and it was County's projected need of 1,700 acre-feet back at that time, and Las Campanas's projected need of 1,800 acre-feet as the private partner in the project. Those three numbers summed 8,730 and each of the different utilities has a little different composition of water rights within those projected needs and of course – certainly the City and County continue to do all of the out year planning that Jesse started his informational item with which is underpinning the proposed project. Does that help answer that question?

COMMISSIONER HANSEN: So does that number need to go up as these are 2002 numbers?

MR. HARWOOD: Well, the diversion capacity of 8,730 – that ceiling needs to be raised, yes, ma'am, in order to allow for the increased diversion of San Juan-Chama water at the intake.

COMMISSIONER HANSEN: So that is what you will do with this permit, right, raise the number?

MR. HARWOOD: Yes, ma'am. And the raising for that number just to be really clear and I think we've been consistent and I just want to underscore, the additional water over 8,730 will all be San Juan-Chama water only which in our current environmental permits was deemed to have a no affect on endangered species and other issues of concern downstream of the project. That's why all of the analysis that Jesse has described has really pointed at this to be the logical next step for really Santa Fe area water planning.

COMMISSIONER HANSEN: But the Buckman Board holds the environmental permit for this NEPA project; correct?

MR. HARWOOD: The Board currently holds the current project's NEPA permits and the individual utilities hold their State Engineer permits, yes, ma'am.

COMMISSIONER HANSEN: Okay, and it will stay that way?

MR. HARWOOD: There's nothing proposed to be changed about that arrangement with this proposed project.

COMMISSIONER HANSEN: Okay. I think I have answers to all my questions at the moment.

MR. HARWOOD: Wonderful.

CHAIR VIGIL COPPLER: Thank you. Any other discussion on this matter?

**The motion passed by unanimous [5-0] roll call vote.**

**b. Request for BDDB Acknowledgment of BDD Shared Pool Agreement between the City of Santa Fe and Santa Fe County**

JOHN DUPUIS (County Water Utility Director): Good evening, Madam Chair. The agreement has passed the City Council and County Commission. It was discussed previously that once that occurred, we would bring the agreement back for acknowledgment by the BDD Board. The agreement is attached to the packet materials and if there are any questions regarding it – I believe we have given a broad overview of it before, but if there are follow-up questions, I am more than willing to answer them. There are others who could help as well.

COUNCILOR ROMERO-WIRTH: Move to acknowledge.

CHAIR VIGIL COPPLER: Okay, do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR VIGIL COPPLER: Any discussion? Okay, thank you.

**The motion passed by unanimous [5-0] roll call vote as follows.**

**c. Election of Chair and Vice Chair of the Buckman Direct Diversion Board**

NANCY LONG (BDD Board Counsel): Yes, Madam Chair and members of the Board, as you all are aware, we annually elect a chair and a vice chair. That is provided for in the Joint Powers Agreement. Our rules of order provides that that election happens in February and that we rotate the position between the City and the County for the chair and then the vice chair shall be elected from the opposite entity. Since you, Madam Chair, are a City Councilor, the chair for this next ensuing term will be from the County and the vice chair from the City. So you may now ask for some nominations.

CHAIR VIGIL COPPLER: All right. I'm going to take the prerogative of the Chair and first speak and thank everyone for a wonderful year. I have to admit at first this Board just flew over my head because I'm not really an engineer water-scientific kind of person but I really have learned a lot and I enjoyed chairing the Board. It's just

been a great thing and I've loved working with all of you. So I'll still be here but obviously I won't be running the meetings – what a relief. Again, I appreciate all of you.

I would like to nominate Anna Hansen for Chair starting with the next meeting.

COMMISSIONER HAMILTON: I'll second that.

CHAIR VIGIL COPPLER: Okay. I think that's all we can do right now.

**The motion passed by unanimous [5-0] roll call vote.**

CHAIR VIGIL COPPLER: Okay, I think I see Commissioner Hamilton's hand up.

COMMISSIONER HAMILTON: Yes, first of all, thank you for your service this past year.

CHAIR VIGIL COPPLER: You're welcome.

COMMISSIONER HAMILTON: It was very much appreciated and very well done. And then I would like to nominate Councilor Carol Romero-Wirth for vice chair.

CHAIR VIGIL COPPLER: Okay, do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR VIGIL COPPLER: Seconded by Commissioner Hansen.

**The motion passed by unanimous [5-0] roll call vote.**

CHAIR VIGIL COPPLER: I just want everyone to know that we didn't use the Lyndon B. Johnson deal where he said, If nominated I will not accept and if elected I will not serve. You all are in, so that's it.

MR. HELMS: I would like to say one thing.

CHAIR VIGIL COPPLER: Yes.

MR. HELMS: I have really enjoyed having JoAnne as the Chair. I think she's fabulous and I like the fact that she's not a technical type. I'm not particularly a technical type either and I have enjoyed her high spirits and good sense of humor the whole way. Thank you for your service.

CHAIR VIGIL COPPLER: I appreciate that, J.C., thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I want to acknowledge you also Councilor Vigil Coppler. You have been a wonderful chair and it's been an honor to have worked with you also on this Board and so I'm grateful and I am looking forward to being chair of the Buckman Director Diversion Board. And I'm looking forward to working with Councilor Romero-Wirth and all the members of this Board as we move forward because we're going to have a big year. And every year seems to be a big year at the Buckman Direct Diversion and I think it will be really important for all the work that we do. So thank you everybody.

CHAIR VIGIL COPPLER: Thank you, Commissioner. Councilor Romero-Wirth.

COUNCILOR ROMERO-WIRTH: Councilor, I just want to say thank you for the last year of service on this Board and for leading the charge, appreciate it.

CHAIR VIGIL COPPLER: Thank you. I appreciate that too. Now don't forget I'll still be so when I show up next meeting don't kick me out. [laughter]

**10. MATTERS FROM THE BOARD**

CHAIR VIGIL COPPLER: Anyone have any Board matters? No more matters. I think this is the fastest that we've gotten out of this meeting in a long time and we don't have an executive session.

**11. NEXT MEETING: Thursday, March 4, 2021 at 4:00 p.m.**

**12. ADJOURNMENT**

Chair Vigil Coppler declared this meeting adjourned at approximately 5:15 p.m.

Approved by:

\_\_\_\_\_  
JoAnne Vigil Coppler, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

**ATTEST TO**

\_\_\_\_\_  
KRISTINE BUSTOS-MIHELIC  
SANTA FE CITY CLERK

**From:** [Joni Arends](#)  
**To:** [DIAZ, JAMIE-RAE](#)  
**Subject:** Public Comment to Buckman Board today  
**Date:** Thursday, March 4, 2021 12:59:54 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Last week the New Mexico Environment Department (NMED) brought a lawsuit against the Department of Energy (DOE) over the failed 2016 Consent Order for Los Alamos National Laboratory (LANL). This is an important lawsuit for the Buckman Direct Diversion Board to be aware of and monitor. CCNS is urging the Environment Department to create opportunities for the public to participate in the negotiations. We are also recommending the Department update and reissue its May 2, 2002 *Imminent and Substantial Endangerment to Health or the Environment Determination* that supported the draft Consent Order. CCNS urges the BDDDB to also recommend to the Department these two items.

Recent reports and data from the NMED and LANL reveal the evidence of PFASs in the canyon bottoms and springs at the Rio Grande. There are detections below the 70 parts per trillion (ppt), as well as exceedances in the environmental samples.

We had hoped to be able to submit a map of the contamination to the Board today. Once it has been finalized, we will submit it to the Board.

Thank you for your consideration of our comments.

Sincerely,

Joni Arends, Executive Director  
Concerned Citizens for Nuclear Safety  
P. O. Box 31147  
Santa Fe, NM 87594-1147  
505 986-1973  
[www.nuclearactive.org](http://www.nuclearactive.org)

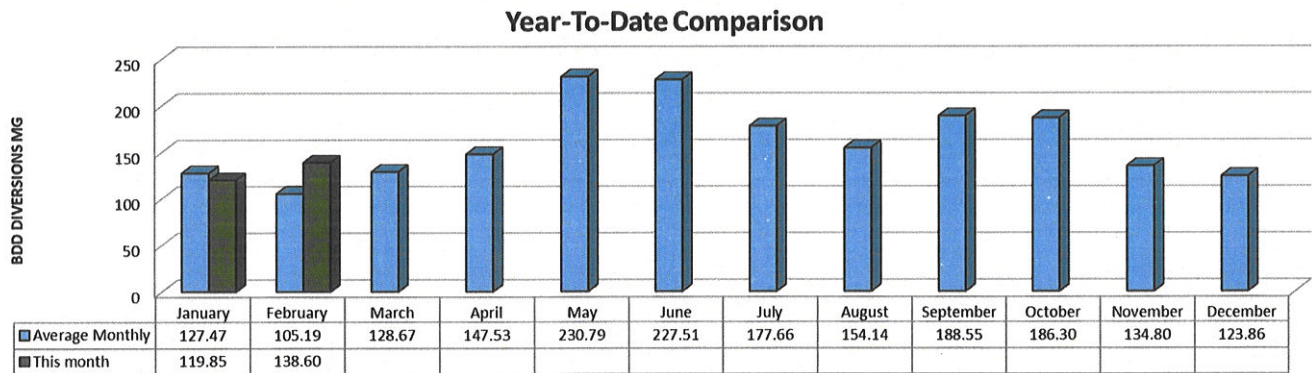




**Date:** March 4, 2021  
**To:** Buckman Direct Diversion Board  
**From:** Randy Sugrue, BDD Operations Superintendent  
**Subject:** Update on BDD Operations for the Month of February 2021

**ITEM:**

1. This memorandum is to update the Buckman Direct Diversion Board (BDDDB) on BDD operations during the month of February 2021. The BDD diversions and deliveries have averaged, in Million Gallons Per Day (MGD) as follows:
  - a. Raw water diversions: 4.95 MGD.
  - b. Drinking water deliveries through Booster Station 4A/5A: 4.70 MGD.
  - c. Raw water delivery to Las Campanas at BS2A: 0.00 MGD.
  - d. Onsite treated and non-treated water storage: 0.25 MGD Average.
2. The BDD is providing approximately 81% percent of the water supply to the City and County for the month.
3. Regional Demand/Drought Summary and Storage-see page 2.
4. The BDD year-to-date diversions are depicted below:



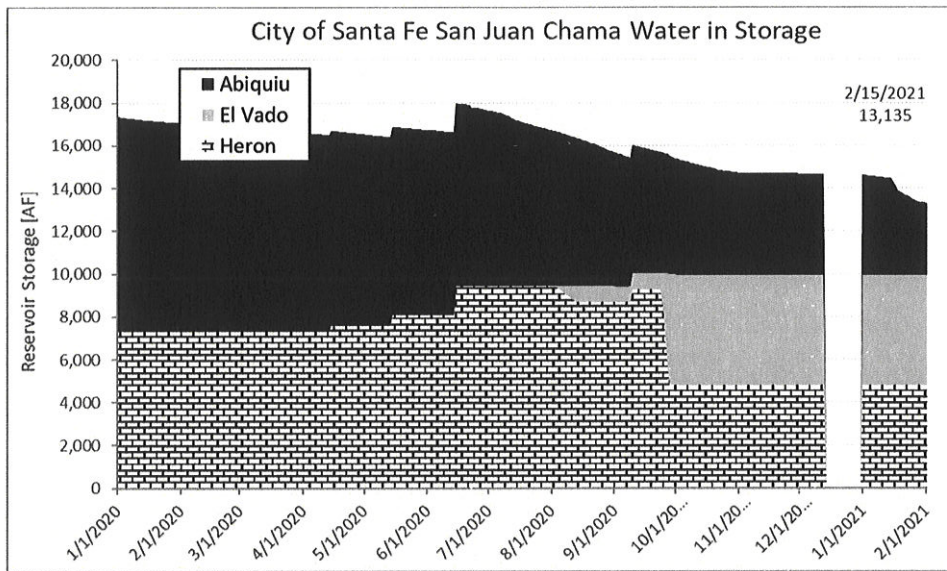


### Regional Water Overview

Daily metered regional water demand for the month of February 2021 is approximately 6.1 MGD.

Rio Grande flows for February 2021 averaged approximately 550 CFS (cubic feet per second.)

City/County/LC Storage- as updated by partners.



### ENSO Summary

February 15, 2021

**ENSO Alert System Status: La Niña Advisory** La Niña is present.\*Equatorial sea surface temperatures (SSTs) are below average from the west-central to eastern Pacific Ocean. The tropical atmospheric circulation is consistent with La Niña. There is a ~60% chance of a transition from La Niña to ENSO-Neutral during the Northern Hemisphere spring 2021 (April-June).



<b>Buckman Direct Diversion Monthly SJC and Native Diversions</b>							
<b>Feb-21</b>	<b>In Acre-Feet</b>						
<b>Month</b>	<b>Total SJC + Native Rights</b>	<b>SP-4842 RG Native COUNTY</b>	<b>SD-03418 RG Native LAS CAMPANAS</b>	<b>SJC Call Total</b>	<b>SP-2847-E SJC Call CITY</b>	<b>SP-2847-N-A SJC Call LAS CAMPANAS</b>	<b>All Partners Conveyance Losses</b>
JAN	371.899	35.469	0.000	336.429	336.429	0.000	3.456
FEB	425.502	208.450	0.000	217.051	217.051	0.000	3.820
MAR	0.000	0.000	0.000	0.000	0.000	0.000	0.000
APR	0.000	0.000	0.000	0.000	0.000	0.000	0.000
MAY	0.000	0.000	0.000	0.000	0.000	0.000	0.000
JUN	0.000	0.000	0.000	0.000	0.000	0.000	0.000
JUL	0.000	0.000	0.000	0.000	0.000	0.000	0.000
AUG	0.000	0.000	0.000	0.000	0.000	0.000	0.000
SEP	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OCT	0.000	0.000	0.000	0.000	0.000	0.000	0.000
NOV	0.000	0.000	0.000	0.000	0.000	0.000	0.000
DEC	0.000	0.000	0.000	0.000	0.000	0.000	0.000
<b>TOTAL</b>	<b>797.401</b>	<b>243.919</b>	<b>0.000</b>	<b>553.481</b>	<b>553.481</b>	<b>0.000</b>	<b>7.276</b>



## Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-20							
In Acre-Feet							
Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	438.797	134.433	0.000	304.364	298.249	6.115	2.759
FEB	396.508	218.194	0.000	178.314	178.314	0.000	1.679
MAR	357.764	185.598	0.000	172.165	172.165	0.000	1.621
APR	372.408	187.945	0.000	184.463	122.188	62.275	1.737
MAY	641.374	529.897	0.000	111.477	111.477	0.000	0.889
JUN	637.220	509.818	0.000	127.402	1.618	125.784	1.017
JUL	784.520	0.000	0.000	784.520	784.520	0.000	3.663
AUG	886.856	12.503	0.000	874.354	839.919	34.435	4.214
SEP	762.357	0.000	0.000	762.357	682.674	79.683	3.556
OCT	593.109	0.000	0.000	593.109	539.638	53.472	5.845
NOV	390.743	353.481	0.000	37.261	37.261	0.000	0.345
DEC	392.394	355.317	0.000	37.077	37.077	0.000	0.377
<b>TOTAL</b>	<b>6,654.050</b>	<b>2,487.186</b>	<b>0.000</b>	<b>4,166.864</b>	<b>3,805.100</b>	<b>361.764</b>	<b>27.701</b>

## In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	43.789	0.000	98.103	96.304	1.975	141.892
FEB	71.073	0.000	57.454	57.454	0.000	128.527
MAR	60.456	0.000	55.473	55.473	0.000	115.928
APR	61.220	0.000	59.435	39.440	20.101	120.655
MAY	172.605	0.000	35.812	35.812	0.000	208.417
JUN	166.065	0.000	40.927	0.520	40.407	206.992
JUL	0.000	0.000	252.754	252.754	0.000	252.754
AUG	4.073	0.000	281.681	271.072	11.113	285.754
SEP	0.000	0.000	245.686	219.960	25.726	245.686
OCT	0.000	0.000	191.019	174.109	17.252	191.019
NOV	115.140	0.000	12.008	12.008	0.000	127.148
DEC	115.738	0.000	11.937	11.937	0.000	127.676
<b>TOTAL</b>	<b>810.158</b>	<b>0.000</b>	<b>1,342.289</b>	<b>1,226.843</b>	<b>116.574</b>	<b>2,152.447</b>



Dec-19		In Acre-Feet					
Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	327.677	56.671	0.000	271.007	271.007	0.000	2.483
FEB	278.357	71.266	0.000	207.090	207.090	0.000	1.908
MAR	134.335	88.610	0.000	45.725	45.725	0.000	3.498
APR	126.924	114.750	0.000	12.175	12.175	0.000	0.110
MAY	550.285	550.285	0.000	0.000	0.000	0.000	0.000
JUN	546.222	546.222	0.000	0.000	0.000	0.000	0.000
JUL	649.014	23.285	0.000	625.729	519.383	106.345	2.907
AUG	422.340	17.075	0.000	405.265	318.606	86.659	1.912
SEP	518.606	169.956	0.000	348.650	261.901	86.749	1.564
OCT	531.254	15.373	0.000	515.881	477.452	38.429	4.676
NOV	325.023	42.180	0.000	282.843	280.865	1.978	2.936
DEC	334.880	48.808	0.000	286.071	286.071	0.000	2.893
<b>TOTAL</b>	<b>4,744.916</b>	<b>1,744.482</b>	<b>0.000</b>	<b>3,000.434</b>	<b>2,680.275</b>	<b>320.160</b>	<b>24.886</b>

### In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	18.460	0.000	87.342	87.342	0.000	105.802
FEB	23.214	0.000	66.739	66.739	0.000	89.953
MAR	28.863	0.000	13.735	13.735	0.000	42.598
APR	37.378	0.000	3.924	3.924	0.000	41.302
MAY	179.246	0.000	0.000	0.000	0.000	179.246
JUN	177.923	0.000	0.000	0.000	0.000	177.923
JUL	7.585	0.000	201.598	167.635	34.262	209.183
AUG	5.562	0.000	130.586	102.846	27.974	136.148
SEP	55.360	0.000	112.401	84.384	28.017	167.762
OCT	5.008	0.000	166.279	154.168	12.409	171.287
NOV	13.739	0.000	91.045	90.407	0.638	104.785
DEC	15.899	0.000	92.109	92.109	0.000	108.008
<b>TOTAL</b>	<b>568.235</b>	<b>0.000</b>	<b>965.760</b>	<b>863.292</b>	<b>103.299</b>	<b>1,533.995</b>



## Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-18

In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	383.578	77.954	0.000	305.624	305.624	0.000	2.708
FEB	343.467	75.227	0.000	268.240	268.240	0.000	2.415
MAR	363.780	267.512	0.000	96.268	96.268	0.000	4.036
APR	662.407	569.253	0.000	93.154	93.154	0.000	3.898
MAY	941.240	209.538	0.000	731.702	615.366	116.336	8.171
JUN	912.903	30.894	0.000	882.009	740.070	141.939	8.707
JUL	905.897	0.000	0.000	905.897	816.188	89.709	4.255
AUG	678.383	1.466	0.000	676.917	676.917	0.000	6.087
SEP	694.411	0.000	0.000	694.411	694.411	0.000	6.404
OCT	608.789	0.000	0.000	608.789	599.228	9.560	5.805
NOV	404.616	82.390	0.000	322.226	316.641	5.585	3.196
DEC	369.186	2.966	0.000	366.220	366.220	0.000	3.392
<b>TOTAL</b>	<b>7,268.656</b>	<b>1,317.200</b>	<b>0.000</b>	<b>5,951.456</b>	<b>5,588.327</b>	<b>363.129</b>	<b>59.073</b>

### In Acre-Feet

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	77.954	0.000	302.916	302.916	0.000	380.870
FEB	75.227	0.000	265.825	265.825	0.000	341.052
MAR	267.512	0.000	92.231	92.231	0.000	359.744
APR	569.253	0.000	89.256	89.256	0.000	658.509
MAY	209.538	0.000	723.531	608.494	115.037	933.069
JUN	30.894	0.000	873.302	732.764	140.538	904.196
JUL	0.000	0.000	900.737	811.539	89.198	900.737
AUG	1.466	0.000	670.830	670.830	0.000	672.295
SEP	0.000	0.000	688.007	688.007	0.000	688.007
OCT	0.000	0.000	602.984	593.515	9.469	602.984
NOV	82.390	0.000	319.030	313.500	5.530	401.420
DEC	2.966	0.000	362.829	362.829	0.000	365.794
<b>TOTAL</b>	<b>1,317.200</b>	<b>0.000</b>	<b>5,891.477</b>	<b>5,531.706</b>	<b>359.772</b>	<b>7,208.677</b>



# Memorandum



Buckman Direct Diversion

Date: February 24, 2021

To: Buckman Direct Diversion Board

From: Rick Carpenter, BDD Facility Manager  
Kyle Harwood, BDD Legal Counsel

Subject: Update to BDD Board priorities regarding Rio Grande water quality issues

## Item and Issue

### 1. BDD Board protest of LANL Cr6 OSE permit

Counsel have discussed a revision to the OSE permit for the Cr6 contamination remediation system that would be consistent with remediation operations. This revision would demonstrate the injection and return to the local aquifer of water diverted for the remediation system and would describe the net impacts on the aquifer that is connected to the Rio Grande surface water. An update will be provided to the Board when a resolution to this OSE protest is provided to counsel.

### 2. LANL MOU negotiation

Staff, consultants and counsel have reinitiated negotiations with LANL staff regarding the Board's requested terms for a new MOU. The current 2021 MOU is an extension of the prior 2018 through 2020 MOU, and we hope to have a new MOU for the Board's consideration in the coming months. We have made progress on areas of agreement and disagreement, and a technical staff site visit to the E109.9 / E110 station reach of the Los Alamos/Pueblo canyon watershed is anticipated in the coming weeks in order to reach a consensus on that Board request. Board consultant Glorieta GeoScience (Jay Lazarus and James Bearzi) are working with their LANL colleagues on several technical items and an update to the Board will be provided in the coming months.

### 3. NMED Triennial Review

Staff, consultants and counsel recommend monitoring only of the current Triennial Review process, with no direct participation in the Triennial Review hearing. At the Board's direction, comments have been provided to NMED in 2020 regarding the Triennial Review. No changes to Segment 114 (which is the segment of the Rio Grande where the BDD intake is located) have been proposed by other stakeholders. The deadline for filing a Notice of Intent to present technical testimony, including pre-filed written direct testimony, is April 12, 2021.

### 4. LANL SWEIS



The County and City of Santa Fe are considering or have passed resolutions requesting the initiation of a new Site-wide Environmental Impact Statement (SWEIS) for activities at LANL. The last SWEIS was completed in 2008 and the regulations for such studies indicate that a SWEIS should be completed approximately every 5 years. LANL did complete a 2018 review supplement to the 2008 SWEIS, however there was little stakeholder or public input.

#### 5. BDD Project SWPP

The BDD Board funded and authorized a Source Water Protection Plan (SWPP) last year which has been on hold because of the limitations on in-person meetings during the covid pandemic. Staff and consultant are now ready to proceed with public outreach and engagement consistent with the current limitations on meetings.



Date: February 27, 2021

To: Buckman Direct Diversion Board

From: Rick Carpenter, BDD Facility Manager  
Kyle Harwood, BDD Legal Counsel

Subject: New Mexico Environment Department (NMED) Complaint for Enforcement of Compliance Order on Consent Against U.S. Department of Energy (DOE)

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## Item and Issue

On February 24, 2021, the New Mexico Environment Department filed a complaint pursuant to NMSA 1978, Section 74-4-10 seeking enforcement of a June 2016 Compliance Order on Consent, which addresses the cleanup of legacy contaminants at and around Los Alamos National Laboratory.

The Complaint alleges that the U.S. Department of Energy has failed to comply with requirements under the 2016 Compliance Order on Consent, and “(t)his ongoing failure ... continues to pose a long-term threat to New Mexico’s drinking water sources”.

## Background

The Board has been briefed previously regarding the 2005 and 2016 Consent Orders, and the ongoing coordination with NMED staff and counsel regarding Rio Grande water quality issues relating to LANL legacy contamination.

## Recommendation

Board staff, consultants and counsel will prepare a recommendation for the Board’s consideration if so directed.

## Attachments

Complaint and summons.





**STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT**

**NEW MEXICO ENVIRONMENT DEPARTMENT,**

**Complainant,**

v.

Case assigned to Mathew, Francis J.  
No.D-101-CV-2021-00386

**U.S. DEPARTMENT OF ENERGY,**

**Respondent.**

**COMPLAINT FOR ENFORCEMENT OF COMPLIANCE ORDER ON CONSENT**

The New Mexico Environment Department ("NMED"), files this complaint seeking enforcement of a June 2016 Compliance Order on Consent ("2016 Consent Order"), attached as NMED Exhibit 1, issued pursuant to NMSA 1978, Section 74-4-10, and agreed and consented to by NMED and the U.S. Department of Energy ("DOE" or "the Respondent"), which addresses the cleanup of legacy hazardous and mixed waste at and around Los Alamos National Laboratory ("Facility"), located in Los Alamos, New Mexico. Respondent has yet to comply with the requirements of the 2016 Consent Order for the current annual planning period, despite attempts by NMED and DOE to reach agreement through dispute resolution. This failure by the Respondent has been a continuing pattern during the five years since the 2016 Consent Order came into force, and even prior to that, during the term of the prior (2005) Consent Order. This ongoing failure means that hazardous and radioactive substances continue to exceed standards and pose health risks to adjacent communities, that contaminated groundwater continues to pose a long-term threat to New Mexico's drinking water sources, that tribal communities are unable to engage in longstanding cultural uses of their lands, and that recreational and economic activities in the area

are at continued risk. Therefore, NMED requests a judicial order to address the continuing pattern of delay and noncompliance by Respondent in accordance with NMSA 1978, Section 74-4-10 and Section XXXVI of the 2016 Consent Order.

### **JURISDICTION AND VENUE**

1. NMED is an executive level state agency, established by the Department of Environment Act, NMSA 1978, §§ 9-7A-1 to -12.
2. NMED's main offices are at 1190 St. Francis Drive, Santa Fe, New Mexico.
3. Respondent DOE is a department of the United States government and is the owner and a co-operator of the Facility.
4. Venue in this court is proper under NMSA 1978, Section 38-3-1(A).

### **FACTUAL BACKGROUND**

5. The Facility currently comprises approximately 36 square miles (approximately 23,000 acres) and is located on the Pajarito Plateau in Los Alamos County in north central New Mexico, approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe. At one point during its history, the Facility comprised up to roughly 41 square miles (26,337 acres). The Facility is surrounded by the Pueblo of San Ildefonso, Los Alamos County, Bandelier National Monument, Santa Fe National Forest, and Santa Fe County.
6. The Pajarito Plateau is dissected by 19 major surface drainages or canyons and their tributaries. These canyons drain into the Rio Grande, which flows along part of the eastern border of the Facility. Water supply wells at the Facility, in Los Alamos County, and on Pueblo of San Ildefonso property withdraw water from the regional aquifer beneath the Pajarito Plateau for drinking and other domestic purposes.
7. The Facility began operations in 1943 when the United States Army Manhattan Engineer

District was established for the development and assembly of an atomic bomb. Current and historical operations have included nuclear weapons design and testing; high explosives research, development, fabrication, and testing; chemical and materials science research; electrical research and development; laser design and development; and photographic processing.

7. As a result of operations at the Facility from approximately 1943 to the present, the Respondent has generated, treated, stored, disposed of, and otherwise handled solid wastes, including hazardous wastes, hazardous waste constituents, and mixed wastes (containing both hazardous waste and radioactive waste) at the Facility.

8. The Respondent has disposed of hazardous wastes, hazardous constituents and mixed waste at the Facility, and waste management activities at the Facility have resulted in the release of hazardous wastes, hazardous waste constituents, and mixed wastes. In addition, certain groundwater contaminants listed pursuant to NMSA 1978, Section 74-6-4 (2019) at 20.6.2.3103 NMAC, certain toxic pollutants listed at 20.6.2.7.(T)(2) NMAC, and certain explosive compounds, as defined below, are present in the environment at the Facility. The Respondent has disposed of such wastes in septic systems, pits, surface impoundments, trenches, shafts, landfills, and waste piles at the Facility. The Respondent has also discharged industrial wastewater and other waste from outfalls into many of the canyon stream systems at the Facility.

9. On August 13, 1980, the Respondent submitted to the United States Environmental Protection Agency (“EPA”) a “Notification of Hazardous Waste Activity” for the Facility pursuant to Section 3010(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6930(a).

10. By letter dated November 19, 1980, the Respondent submitted to EPA a Part A RCRA permit application for the Facility. The Respondent also sent a copy of the Part A application to

the Environmental Improvement Division of the New Mexico Department of Health and Environment, the predecessor to the Environment Department. The application covered hazardous waste treatment, storage, and disposal activities at Technical Area 54 (“TA-54”) and included 129 hazardous waste streams. The Respondent revised the Part A permit application several times since the November 1980 submittal, including, among other things, to notify the State that the Respondent would not seek a state permit for hazardous waste disposal activities at the Facility.

11. On January 25, 1985, EPA granted authorization to the State of New Mexico to implement its hazardous waste program under the New Mexico Hazardous Waste Act (“HWA”), NMSA 1978, §§ 74-4-1 to -14, in lieu of the Federal program. 50 Fed. Reg. 1515 (Jan. 11, 1985). EPA approved subsequent program revision applications by the State of New Mexico effective on April 10, 1990, July 25, 1990, December 4, 1992, August 23, 1994, December 21, 1994, July 10, 1995, January 2, 1996, March 10, 1997, June 13, 1998, October 1, 2003, and March 1, 2009. 40 C.F.R. § 272.1601.

12. The HWA defines “hazardous waste” as “any solid waste or combination of solid wastes that because of their quantity, concentration[,] or physical, chemical[,] or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of[,] or otherwise managed.” NMSA 1978, § 74-4-3(K).

13. The HWA also provides that each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste have a permit issued by NMED. On November 8, 1989, NMED’s predecessor agency issued a Hazardous Waste Facility Permit to the Respondent to operate a hazardous waste treatment and storage facility at the Facility pursuant to Section 74-4-

4.2 of the HWA. Respondent submitted its most recent Part A and Part B permit application for renewal to NMED in June 2020.

14. In the late 1980s, the Respondent identified for EPA “Potential Release Sites,” including solid waste management units (“SWMUs”) and “areas of concern” (“AOCs”), where hazardous wastes, hazardous constituents, solid wastes, or mixed wastes may have been disposed of prior to November 19, 1980. Of those sites, EPA identified over 1200 to be investigated and included on the Hazardous and Solid Waste Amendments (“HSWA”) portion (known as the “HSWA Module”) of the Facility’s RCRA permit.

15. On March 8, 1990, EPA issued to the Respondent the HSWA portion of the Facility’s RCRA Permit, effective on May 23, 1990, covering those requirements of RCRA added by the HSWA. This EPA portion of the permit required corrective action for continuing releases of hazardous waste and hazardous waste constituents at and from the Facility, pursuant to Section 3004(u) and (v) of RCRA, 42 U.S.C. § 6924(u) and (v).

16. On July 25, 1990, EPA granted authorization to the State of New Mexico to expand its hazardous waste program under the HWA in lieu of the federal program, including the authority to regulate the hazardous component of mixed waste. 55 Fed. Reg. 28397 (July 11, 1990).

17. Effective January 2, 1996, EPA granted final authorization to the State of New Mexico to implement the state’s corrective action program under the HWA. *See* 60 Fed. Reg. 53,708 (Oct. 17, 1995); 61 Fed. Reg. 2450 (Jan. 26, 1996).

18. Between 1995 and 1999, the Respondent submitted a RCRA permit renewal application to NMED for permitted and interim status storage and treatment units at the Facility. This RCRA permit, which was originally set to expire in November 1999, was administratively continued to 2010 pursuant to 20.4.1.900 NMAC (incorporating 40 C.F.R. § 270.51), which provides for

continuation of the conditions of an expiring permit when a permit application is timely submitted and administratively complete.

19. On May 2, 2002, pursuant to Sections 74-4-10.1 and 74-4-13 of the HWA, NMED issued a Determination of an Imminent and Substantial Endangerment to Health or the Environment (“Determination”) concerning the Facility, to the Respondent and the Regents of the University of California (“University”), the Facility operator prior to 2006. The Determination found that the past or current handling, storage, treatment, or disposal of any solid waste or any hazardous waste may present an imminent and substantial endangerment to health or the environment based on the documentation of waste handling and disposal practices at the Facility, analytical results from soil, sediment, surface water and groundwater sampling, and other documented information.

20. On May 2, 2002, NMED also issued a draft order pursuant to Sections 74-4-10.1 and 74-4-13 of the HWA, entitled “In Re: Proceeding Under the New Mexico Hazardous Waste Act §§ 74-4-10.1 and 74-4-13” (“Draft Order”). The Draft Order proposed a series of investigation and corrective action activities for the Respondent and the University to complete at the Facility in order to address the sources of contamination which led to the Determination.

21. On June 3, 2002, the University filed a Complaint for Declaratory and Injunctive Relief and for Review of Agency Action in the United States District Court for the District of New Mexico (No. CIV 02-637 MV/DJS) challenging the Determination. Also, on June 3, 2002, the University and the United States each filed a Notice of Appeal with the New Mexico Court of Appeals (Ct. App. Nos. 23,172 and 23,173) challenging the Determination.

22. On October 9, 2002, the United States, on behalf of the Respondent, filed a Complaint in the United States District Court for the District of New Mexico (No. CIV 02-1273-LH/RHS), challenging a September 9, 2002, Installation Work Plan Work Schedule (“Work Schedule”)

issued by NMED. The Work Schedule imposed requirements similar to those contained in the Draft Order.

23. On November 26, 2002, NMED issued to the Respondent a final order entitled “Re: Proceeding Under the New Mexico Hazardous Waste Act §§ 74-4-10.1 and 74-4-13” (“Final Order”). The Final Order incorporated the findings and conclusions of the Determination and contained a set of investigation, monitoring, and corrective action activities, and a schedule for implementation of those activities. On November 26, 2002, NMED also withdrew the Determination.

24. On December 18, 2002, the University dismissed its complaint in the United States District Court challenging the Determination because NMED had withdrawn that Determination.

25. On December 24, 2002, the United States filed an Amended Complaint, challenging both the Work Schedule and the Final Order. The United States also filed a Notice of Appeal in the New Mexico Court of Appeals (Ct. App. No. 23,693) challenging the Final Order.

26. On December 26, 2002, the University filed a Complaint for Declaratory and Injunctive Relief and for Review of Agency Action in the United States District Court for the District of New Mexico (No. CIV 02-1631 LFG/WDS), challenging the Final Order. On December 26, 2002, the University also filed a Notice of Appeal with the New Mexico Court of Appeals (Ct. App. No. 23,698) challenging the Final Order.

27. From December 2002 through December 2003 and from February through March 2004, the Parties engaged in settlement negotiations to resolve the issues raised in the United States’ and the University’s lawsuits. To facilitate the settlement discussions, the Parties agreed to stay the pending litigation during the settlement process.

28. On April 25, 2003, in a related but separate matter, NMED issued Administrative

Compliance Order HWB 03-02, alleging that the Respondent and the University failed to implement interim measures at the Airport Landfill at the Facility. The Respondent answered the Compliance Order, denying NMED's allegations. That action was also stayed during settlement negotiations.

29. On March 1, 2005, NMED, the Respondent, and the University, entered into a Compliance Order on Consent ("2005 Consent Order") intended to address legacy waste cleanup at the Facility - which had also been the focus of the Determination, Draft Order, and Final Order. In addition, as the result of the settlement negotiations and the execution of the 2005 Consent Order, NMED withdrew the Determination, the Final Order, the Airport Landfill Compliance Order, and Work Schedule. The United States and the University dismissed their lawsuits.

30. As set forth in Section III.A of the 2005 Consent Order, the purposes of the order were to fully determine the nature and extent of environmental contamination at the Facility, to identify and evaluate alternatives for cleanup of environmental contamination, and to implement cleanup. Section XII of the 2005 Consent Order set forth an agreed upon mandatory schedule for completing more than 80 specific action tasks for investigation and cleanup and a final corrective action compliance date for one area of the Facility was set for December 6, 2015.

31. Section III of the 2005 Consent Order provided for extensions of time to perform actions required under by the order. By 2012, the Respondent had made a pattern of requesting extensions for many of the action deadlines.

32. As a result of an unrelated but significant event in June 2011, the Las Conchas Fire, the Respondent and the State of New Mexico entered into a non-binding Framework Agreement in 2012 to prioritize removing non-cemented above-ground wastes from the Facility, work which had not been anticipated in the 2005 Consent Order.

33. In the course of negotiating the 2012 Framework Agreement, the Respondent acknowledged to NMED that meeting the milestones of the 2005 Consent Order was difficult, given past and anticipated funding shortfalls. As part of the 2012 Framework Agreement negotiations, the Parties agreed to discuss renegotiation of the 2005 Consent Order.

34. From approximately mid-2015 through June 2016, NMED and the Respondent negotiated the terms of a revised Consent Order, which is the subject of this complaint.

35. On June 24, 2016, NMED and the Respondent entered into the 2016 Consent Order, which was intended to continue to address legacy waste cleanup at the Facility. The 2016 Consent Order, which superseded the 2005 Consent Order, did not contain the completion deadlines nor the penalty provisions contained in the 2005 Consent Order for any failures by the Respondent to make timely progress on agreed upon annual action items. The lack of these compliance incentives in the 2016 Consent Order was controversial with many community members in the region, and led to litigation. *See Nuclear Watch New Mexico v. United States Department of Energy et al.*, No. 1:16-cv-00433-JCH-SCY (D.N.M.).

36. Three and a half years later, on January 9, 2020, at an NMED community meeting, members of the public again repeatedly expressed their concerns that the Respondent was not meeting the expectations for full funding of all DOE obligations in the 2016 Consent Order. Fourteen of the sixteen comments made at the meeting raised the issue of the lack of cleanup progress by the Respondent and the lack of compliance with completion deadlines. As one participant stated, “the 2016 [Consent Order] has removed schedule and enforceable deadlines and ... the scope of work [is] based on budget and allows DOE to determine what are priorities.”

37. A core premise of the 2016 Consent Order, contained in Section XXX(A), “is the expectation of the Parties that all obligations of DOE arising under this Consent Order will be fully

funded through Congressional appropriations. Consistent with Congressional limitations on future funding, DOE shall take all necessary steps and use its best efforts to obtain timely funding to meet its obligations under this Consent Order, including, but not limited to, the submission of timely budget requests.”

38. Section VIII(B)(3) of the 2016 Consent Order requires that corrective action activities be organized into Campaigns.

39. Pursuant to Section VIII(B)(4) of the 2016 Consent Order, “Appendix B (Milestones and Targets) [of the 2016 Consent Order] shall list milestones for campaigns, projects, tasks, and/or deliverables for the current fiscal year [FY], as well as targets for the next two years (FY+1, FY+2) for campaigns, projects, tasks, and/or deliverables planned for the next two FYs, which substantially contribute to completion of the campaigns.”

40. A “milestone” is defined in Section III(Z) of the 2016 Consent Order as “an enforceable deadline listed in Appendix B for the current FY.”

41. A “target” is defined in Section III(OO) of the 2016 Consent Order as “a non-enforceable deadline listed in Appendix B for the next two FYs (i.e., FY+1 and FY+2).”

42. Section VIII(C) of the 2016 Consent Order contains an “Annual Planning Process,” during which the Respondent shall update the milestones contained in Appendix B.

43. In accordance with Section VIII(C)(3) of the 2016 Consent Order, “...[f]or purposes of the annual planning process, milestones to be listed in the current FY’s Appendix B shall be based on the FY+1 targets listed in the previous FY’s Appendix B.”

44. In July of each year, the Respondent provides to NMED a forecast indicating proposed changes to Appendix B and identifies in the forecast any foreseeable impacts that could affect the FY+1 targets to enable the Parties to account for those foreseeable impacts before the Parties

establish milestones for the next FY. *See* NMED Exhibit 1 at Section VIII(C)(3)(a). This annual planning forecast also includes a completion date, provided by the Respondent, for addressing all of the legacy waste cleanup. The Respondent included a completion date of 2036 in its FY 2019 and 2020 forecasts.

45. Upon receipt of their actual fiscal year appropriation, the Respondent provides an updated Appendix B to NMED. If deemed acceptable by NMED, it is incorporated into the 2016 Consent Order as Appendix B. If it is not acceptable, NMED and the Respondent meet to resolve NMED's concerns. NMED Exhibit 1 at Section VIII(C)(3)(b).

46. On August 7, 2020, the Respondent submitted to NMED its proposed revisions to Appendix B for federal FY 2021 ("FY21").

47. FY21 began on October 1, 2020, and concludes on September 30, 2021.

48. NMED found the proposed revisions deficient. While the proposed milestones, under the 2016 Consent Order, must be based on the FY+1 targets from the previous FY, Respondent's FY21 proposal included few milestones, and many of the milestones that were included were not based on the FY+1 targets as required. Other milestones contained little or no field work and were simply administrative reports for work completed in the previous year or monitoring data.

49. On September 3 and 24, 2020, the Respondent and NMED met to discuss the proposed revisions to Appendix B. During those meetings, the Respondent and NMED came to agreement on some items but were not able to resolve all issues. NMED asserted that the Respondent's proposal was still inadequate due to the lack of substantive and appropriate milestones and targets for the upcoming years, that such inadequacy would delay cleanup progress toward the cleanup completion date of 2036 and was contrary to the goal of protecting public health and the environment. Respondent stated that they were redirecting funding originally allocated for projects

in the 2016 Consent Order for FY21 to other projects unrelated to the 2016 Consent Order without consulting NMED.

50. Unable to come to resolution on the deficiencies in the Respondent's proposed revisions to Appendix B, on October 1, 2020, NMED invoked Dispute Resolution in accordance with Section XXV of the 2016 Consent Order.

51. Under the 2016 Consent Order, any dispute between NMED and Respondent related to work under the Consent Order is subject to the Dispute Resolution Provisions contained in Section XXV.

52. After pursuing Dispute Resolution through informal negotiations, Tier 1, and Tier 2 negotiations, with the latter concluding on January 22, 2021, the Respondent and NMED were unable to resolve the deficiencies in Respondent's proposed revisions to Appendix B.

53. Pursuant to 2016 Consent Order Section XXV(E), "[i]f the Parties are unable to resolve a dispute by [Dispute Resolution], the Parties may agree to seek to resolve the dispute through non-binding mediation or another non-binding dispute resolution method, or the Parties may pursue any available legal remedy to resolve the dispute, which may include, for NMED, bringing an enforcement action or, for DOE, petitioning a court to resolve the matter. The decision or other action forming the basis of the dispute shall be deemed final for purposes of judicial review once the Tier 2 negotiations are complete."

54. In accordance with Section XXXVI of the 2016 Consent Order, the Order is an enforceable document and NMED may use all statutory authority provided to it to enforce the Order, including but not limited to NMSA 1978, Section 74-4-10, which authorizes NMED to seek judicial relief and penalties.

55. Pursuant to NMSA 1978, Section 74-4-10(F), "...[i]f any person named in an order fails

to comply with the order, the secretary may assess, and the person shall be liable to the state for, a civil penalty in an amount not to exceed ten thousand dollars (\$10,000) for each day of noncompliance with the order.”

### **CONCLUSIONS OF LAW**

56. Respondent is a “person” within the meaning of Section 74-4-3(M) of the HWA, and the Hazardous Waste Management Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10).

57. Los Alamos National Laboratory is a “facility” within the meaning of the Hazardous Waste Management Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10).

58. Respondent is an “owner” and an “operator” of the Facility within the meaning of the Hazardous Waste Management Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10).

59. Respondent has engaged in the “storage,” “treatment,” and “disposal” of “hazardous waste” at the Facility, and is currently engaged in the “storage” and “treatment” of “hazardous waste” at the Facility, within the meaning of Sections 74-4-3(P), (T), (E), and (K) of the HWA, and the Hazardous Waste Management Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10).

60. NMED has determined that hazardous wastes and hazardous constituents have been “release[d]” from the Facility into the environment within the meaning of Section 74-4-10(E) of the HWA.

### **CLAIMS**

61. Paragraphs 1 through 60 re-alleged are incorporated herein by reference.

62. Respondent has failed to meet the terms of the 2016 Consent Order due to the following deficiencies in the FY21 Annual Planning Process:

*a. Chromium Interim Measure & Characterization Campaign*

i. Well R-71 - The Respondent delayed the submittal date for completion of R-71 and collection of first samples from January 29, 2021, to February 28, 2022, which is a delay of 13 months. NMED stated it would accept a six-month extension, due to the COVID-19 pandemic, with a revised submittal date of June 30, 2021. Respondent did not agree.

ii. Well R-72 - The Respondent pushed back a submittal date for a report documenting the completion of R-72, along with the collection of first samples, from December 18, 2020, to April 29, 2022 - a delay of over 16 months. NMED stated it would accept an extension to June 30, 2021, due to the COVID-19 pandemic. Additionally, the Respondent did not comply with the 2016 Consent Order requirement that first year targets from the previous year's Appendix B become milestones for the following fiscal year. NMED asserted that this well was required to be included as a FY21 milestone, as it was a FY+1 target in FY20. Respondent did not agree. Independent of the 2016 Consent Order dispute resolution process, New Mexico's Congressional Delegation helped secure the funding for this Well through an additional Congressional appropriation in January 2021.

iii. Well R-73 - Both Parties have agreed this additional well is necessary. NMED has stated that a drilling work plan for Regional well R-73 should be added as a FY21 milestone to be submitted by December 31, 2020, now extended to March 31, 2021, due to the lengthy dispute resolution process. Additionally, NMED has stated that completion of the well and collection of first samples should be added as a FY22 target by January 2,

2022. Respondent did not agree to either of these deadlines.

iv. Chromium Project Corrective Measures Evaluation (“CME”) - The Respondent delayed the target submittal date by more than a year from September 30, 2021, to December 16, 2022. NMED stated it would accept an extension due to the COVID-19 pandemic with a revised FY22 target submittal date of March 31, 2022. Respondent did not agree.

b. *Royal Demolition Explosive (“RDX”) Characterization Campaign*

i. Well R-74 - NMED has stated that a drilling work plan for Regional Well R-74 should be added as a FY21 milestone to be submitted by January 2, 2021, now extended to March 31, 2021, due to the lengthy dispute resolution process. NMED has stated that a report documenting completion of R-74 and first samples collected should be added as a FY22 target to be submitted by January 2, 2022. Respondent did not agree to these deadlines.

ii. Well R-75 - NMED requires a Drilling Work Plan for Regional Well R-75 to be submitted by January 2, 2021, now extended to March 31, 2021, due to the lengthy dispute resolution process. NMED stated that a report documenting completion of R-75 and first samples collected should be added as a FY22 target to be submitted by July 31, 2022. Respondent would not agree to the completion date.

c. *Technical Area (“TA”)-21 Decommissioning and Decontamination (“D&D”) and Cleanup Campaign* - The Respondent did not include a target for the Delta Prime Site Aggregate Area Progress Report that was previously scheduled to be submitted September 30, 2021, due to higher than anticipated radiological activity at or near the site. NMED

stated that an additional FY23 target should be added for the Respondent to provide an Investigation Report by March 31, 2023 to support future planning. The Respondent did not agree.

d. *MDA A & T Remedy Campaign*

i. Moisture Monitoring - The Respondent delayed the submittal date for the MDA T Moisture Monitoring Instrumentation Installation Characterization Sampling Completion and Field Summary Report from September 30, 2021, to September 30, 2022, a one-year delay. NMED stated it would accept a revised submittal date of March 31, 2022, which provides a six-month extension due to the COVID-19 pandemic. Respondent did not agree.

ii. MDA Corrective Measures Evaluation (CME) Report - The Respondent delayed the submittal date for the MDA T CME Report to November 30, 2022, from November 30, 2021, another one-year delay. NMED stated it would accept a FY22 submittal date of June 1, 2022, which provides a six-month extension due to the COVID-19 pandemic. The Respondent did not agree.

e. *Southern External Boundary Campaign* - The Respondent delayed the submittal date for the Potrillo and Fence Canyons Aggregate Area Progress Report from September 30, 2022, to September 30, 2023, a one-year delay. NMED stated that the original date of September 30, 2022, should be kept as a FY22 target. Respondent did not agree.

f. *Pajarito Watershed Campaign*

i. Twomile Canyon Aggregate Area Progress Report - The Respondent delayed the submittal date for the Twomile Canyon Aggregate Area Progress Report from September

30, 2021, to September 30, 2022. NMED stated it would accept a FY22 target date with a submittal date of March 31, 2022, providing a six-month extension due to the COVID-19 pandemic. Respondent did not agree.

ii. Twomile Canyon Aggregate Area Investigation Report - The Respondent delayed the submittal date for the Twomile Canyon Aggregate Area Investigation Report from March 31, 2022, to March 31, 2023, a one-year delay. NMED stated it would accept a FY22 target with a submittal date of September 30, 2022, which provides a six-month extension due to the COVID-19 pandemic. Respondent did not agree.

iii. Starmer/Upper Pajarito Canyon Aggregate Area Progress Report - The Respondent delayed the submittal date for the Starmer/Upper Pajarito Canyon Aggregate Area Progress Report to September 30, 2022, from September 30, 2021, another one-year delay. NMED stated it would accept FY23 target with a submittal date of March 31, 2022, which provides a six-month extension due to the COVID-19 pandemic. Respondent did not agree.

iv. Starmer/Upper Pajarito Canyon Aggregate Area Investigation Report - The Respondent delayed the submittal date for the Starmer/Upper Pajarito Canyon Aggregate Area Investigation Report from June 30, 2022, to March 31, 2023, a nine-month delay. NMED stated it would accept a FY23 target with a submittal date of January 3, 2023, which provides a six-month extension due to the COVID-19 pandemic. Respondent did not agree.

v. Lower Pajarito Canyon Aggregate Area Progress Report - The Respondent delayed the submittal date for Lower Pajarito Canyon Aggregate Area Progress Report from September 30, 2022 to September 30, 2023 - another one-year delay. NMED stated it would accept a FY23 target with a submittal date of March 31, 2023, which provides a

six-month extension because of the COVID-19 pandemic. Respondent did not agree.

vi. Lower Pajarito Canyon Aggregate Area Investigation Report - NMED stated that the Lower Pajarito Canyon Aggregate Area Investigation Report should be added as a FY23 target with a submittal date of September 30, 2023. Respondent did not agree.

*g. Upper Water Watershed Campaign*

i. Cañon de Valle Aggregate Area Progress Report - The Respondent delayed the submittal date for the Cañon de Valle Aggregate Area Progress Report from September 30, 2022, to September 30, 2023, another one-year delay. NMED stated it would accept a FY23 target a submittal date of March 31, 2023, which provides a six-month extension due to the COVID-19 pandemic. Respondent did not agree.

ii. Cañon de Valle Aggregate Area Investigation Report - NMED stated that the Cañon de Valle Aggregate Area Investigation Report should be added as a FY23 target with a submittal date of September 30, 2023. Respondent did not agree.

g. MDA-H Remedy - The Respondent delayed the submittal date for the Corrective Measures Evaluation (CME) Report for MDA-H from March 2, 2022, to March 2, 2023, again, a one-year delay. NMED stated that the original date of March 2, 2022, should be kept as a FY22 target. Respondent did not agree.

63. This extensive list of delays by the Respondent, and Respondent's unwillingness to agree to most of NMED's requested reductions in completion delays, can largely be attributed to Respondent's failure to adhere to core bases of the 2016 Consent Order: to adequately acquire the necessary appropriations or plan for the necessary acquisition of appropriations, as set forth in Section XXX(A) of the 2016 Consent Order. Specifically:

a. The Respondent has demonstrated inadequate commitment to acquire funding for targets and milestones by failing to use the Annual Planning Process to plan for project needs and instead has based its planning on an unknown and undefined appropriation amount. The Respondent has refused to include future year targets based on project needs and chose to limit the targets based on Respondent's predictions of Congressional appropriations rather than seeking to acquire funds for the proposed targets. These actions by the Respondent are contrary to the 2016 Consent Order expectation that all obligations of DOE arising under this Consent Order to be fully funded through Congressional appropriations.

b. The Respondent has diverted funds from the existing cleanup budget incorporated in the FY20 planning process to other legacy waste projects not contained within the current Appendix B, contrary to the terms of the 2016 Consent Order.

64. In aggregate, the extensive delays in completion dates and the diversion of funds to other projects are just the latest chapter in Respondent's decades-long slow and inadequate cleanup of the legacy waste at the Facility. At least since 2002, with the issuance of the Determination that documented the likelihood of imminent and substantial endangerment to the health of nearby communities and the environment, the gravity and ongoing nature of the contamination of surface water, groundwater, and the lands at the Facility has been clear. NMED has made every effort to move this cleanup forward within the bounds of the 2005 Consent Order and the 2016 Consent Order. However, the most recent proposals by the Respondent would result in continued and excessive environmental damage and harm, contrary to RCRA and the HWA, and the terms of the 2016 Consent Order.

### **REQUESTED RELIEF**

WHEREFORE, NMED respectfully requests that the Court:

- a. Enforce the 2016 Compliance Order on Consent by requiring the Respondent to remedy its FY21 Appendix B submittal to fully address all adequacy issues listed in NMED's dispute resolution statement of claim; and
- b. Assess civil penalties to the Respondent pursuant to NMSA 1978, Section 74-4-10(E), from January 22, 2021, in the amount of \$333,000; or
- c. Order the 2016 Compliance Order on Consent terminated and order the parties to enter into court-supervised negotiations to negotiate the terms of a new Compliance Order on Consent to achieve the cleanup completion date of 2036, and to include specific mechanisms to ensure Respondent's compliance with future work and annual planning commitments such as stipulated penalties and interim completion deadlines.
- d. Grant such other and further relief as the Court deems proper.

Respectfully submitted,

/s/ John Verheul

John Verheul

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**STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**COMPLIANCE ORDER ON CONSENT**

**U.S. DEPARTMENT OF ENERGY**

**Los Alamos National Laboratory**

**June 2016**

# LANL COMPLIANCE ORDER ON CONSENT

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## I. JURISDICTION

Each Party enters into this Consent Order pursuant to the following authorities:

A. The New Mexico Environment Department (NMED) issues this Consent Order to the U.S. Department of Energy (DOE or Respondent) pursuant to Section 74-4-10 of New Mexico's Hazardous Waste Act (HWA). This Consent Order is also issued under Section 74-9-36(D) of New Mexico's Solid Waste Act (SWA) and 20.9.9.14 NMAC, for the limited purpose of addressing the corrective action activities, including requirements, concerning groundwater contaminants listed at 20.6.2.3103 New Mexico Administrative Code (NMAC), toxic pollutants listed at 20.6.2.7.WW NMAC, and Explosive Compounds as defined herein. Although DOE consents to SWA jurisdiction for enforcement of the corrective action activities, including requirements, of this Consent Order relating to groundwater contaminants listed at 20.6.2.3103 NMAC, toxic pollutants listed at 20.6.2.7.WW NMAC, and Explosive Compounds, DOE otherwise reserves any and all rights, claims, and defenses with respect to the applicability of the requirements of the SWA, including the defenses enumerated in Section 74-9-34.

B. DOE enters into this Consent Order pursuant to its authorities and responsibilities under the Atomic Energy Act of 1954 (AEA), as amended, 42 U.S.C. § 2011 *et seq.*

C. The requirements of this Consent Order do not apply to radionuclides, including, but not limited to, source, special nuclear, or byproduct material as defined in the AEA, or the radioactive portion of mixed waste. The requirements of this Consent Order do apply, however, to the hazardous waste component of mixed waste. As stated in Section 1006 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6905, nothing in this Consent Order shall be construed to require DOE to take any action pursuant to RCRA which is inconsistent with the requirements of the AEA, as amended. In the event DOE asserts that it cannot comply with any provisions of this Consent Order under RCRA based on an alleged inconsistency between the requirements of RCRA and the AEA, as amended, it shall provide the basis for the inconsistency assertion in writing. Notwithstanding the foregoing, DOE may voluntarily include in any plan, report or other document submitted pursuant to this Consent Order, including work plans, references to, or information concerning, radionuclides or the radioactive portion of mixed waste. The voluntary inclusion of such radionuclide information by DOE in any plan, report or other document shall not be enforceable by any entity, including the State, under this

Consent Order, because such information falls wholly outside the requirements of this Consent Order.

## **II. PURPOSE AND SCOPE OF CONSENT ORDER**

A. This Consent Order supersedes the 2005 Compliance Order on Consent (2005 Consent Order) and settles any outstanding alleged violations under the 2005 Consent Order.

B. The general purposes of this Consent Order are to:

- 1) provide a framework for current and future actions to implement regulatory requirements;
- 2) establish an effective structure for accomplishing work on a priority basis through cleanup campaigns with achievable milestones and targets;
- 3) drive toward cost-effective work resulting in tangible, measurable environmental clean-up;
- 4) minimize the duplication of investigative and analytical work and documentation and ensure the quality of data management;
- 5) set a structure for the establishment of additional cleanup campaigns and milestones as new information becomes available and campaigns are completed;
- 6) facilitate cooperation, exchange of information, and participation of the Parties;
- 7) provide for effective public participation; and
- 8) define and clarify its relationship to other regulatory requirements.

C. Except as provided in Section VII (Relationship to Permits), the scope of this Consent Order fulfills the requirements for: (1) corrective actions for releases of hazardous waste or hazardous waste constituents under Sections 3004(u) and (v) and 3008(h) of RCRA, 42 U.S.C. §§ 6924(u) and (v) and 6928(h), Sections 74-4-4(A)(5)(h) and (i), 74-4-4.2(B), and 74-4-10(E) of the HWA, and their implementing regulations at 40 C.F.R. Part 264, subpart F (incorporated by 20.4.1.500 NMAC); (2) corrective actions for releases of groundwater contaminants listed at 20.6.2.3103 NMAC, toxic pollutants listed at 20.6.2.7.WW NMAC, and Explosive Compounds as defined herein, pursuant to section 74-9-36(D) of the SWA; (3) groundwater monitoring, groundwater characterization and groundwater corrective action

activities, including requirements, for regulated units under Subpart F and for miscellaneous units under Subpart X of 40 C.F.R. Part 264 and 20.4.1.500 NMAC (incorporating 40 C.F.R. Part 264); and (4) additional groundwater information required in Part B permit applications under 40 C.F.R. § 270.14(c) and (d)(3) and 40 C.F.R. § 270.23(b) (incorporated by 20.4.1.900 NMAC). The Parties agree that this Consent Order encompasses all scope included within the 2005 Consent Order, including that which has already been completed and that which has been identified subsequent to the effective date of the 2005 Consent Order.

D. Principles Governing Execution of the Scope/Furtherance of the Purpose:

- 1) To fulfill the above requirements, this Consent Order sets forth a process for characterizing the nature and extent of Contaminant releases, characterizing the risks to human health and the environment resulting from these releases, and mitigating unacceptable risks. This process includes the planning and implementation of corrective actions and the reporting of results.
- 2) The corrective action process reflected in this Consent Order replaces the process in the 2005 Consent Order using the following guiding principles:
  - a) Establishing an action-oriented approach to achieve mutually-agreed upon results that makes optimum use of available resources.
  - b) Performing work in a cost-effective and efficient way that provides full protection of human health and the environment.
  - c) Taking advantage of lessons learned both from previous work performed at the Facility and nationally.
  - d) Cooperatively engaging in effective planning of activities.
  - e) Employing a transparent annual planning process.
  - f) Following pertinent risk-informed guidance.
  - g) Conducting collaborative regular, periodic reviews of environmental remediation and clean-up practices.
  - h) Providing flexibility to conduct voluntary corrective actions.
  - i) Reducing the frequency of data collection and reporting where prior results indicate very low or no risk.
  - j) Reducing the volume of paperwork.

- k) Clarifying commitments and/or requirements for investigation and remediation of constituents not attributable to the Facility or not attributable to a SWMU or AOC covered by this Consent Order.

E. Exclusions from Scope:

This Consent Order imposes no requirements on any areas of concern (AOCs) and solid waste management units (SWMUs) previously investigated by DOE and reviewed and determined by EPA or NMED to require no further investigation or other action, except as provided for in Section VII.E.

### III. DEFINITIONS

Unless otherwise expressly provided herein, the terms used in this Consent Order have the meanings set forth in the HWA, RCRA, and their implementing regulations.

A. “Administrative Record” means the administrative record supporting and otherwise relating to the requirements of this Consent Order, compiled as of the effective date of this Consent Order, which forms the basis for the terms of this Consent Order. The Administrative Record includes the full record relating to DOE’s current Hazardous Waste Facility Permit (permit No. NM0890010515), and those documents submitted in writing by NMED, DOE, or the public, as of the effective date of the Consent Order for inclusion in the Administrative Record. The Administrative Record is available for review at NMED’s Hazardous Waste Bureau.

B. “Area of Concern” or “AOC” means any area having a known or suspected release of hazardous waste or hazardous constituents that is not from a solid waste management unit and that the Secretary of NMED has determined may pose a current or potential threat to human health or the environment, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 270.32 (b) (2)). An area of concern may include buildings, and structures at which releases of hazardous waste or constituents were not remediated, including one-time and accidental events.

C. “Area of Contamination” means a discrete area(s) with the potential for generally dispersed contamination located adjacent to or near a SWMU or AOC which may be requested to be part of a SWMU or AOC during corrective action activities.

D. “Atomic Energy Act” or “AEA” means the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2011, et seq.

E. “Consent Order” or “Order” means this Compliance Order on Consent.

F. “Contaminant” means any hazardous waste listed or identified as characteristic in 40 C.F.R. Part 261 (incorporated by 20.4.1.200 NMAC); any hazardous constituent listed in 40 C.F.R. Part 261, Appendix VIII (incorporated by 20.4.1.200 NMAC) and 40 C.F.R. Part 264, Appendix IX (incorporated by 20.4.1.500 NMAC); any groundwater contaminant listed in the WQCC regulations at 20.6.2.3103 NMAC; any toxic pollutant listed in the WQCC Regulations at 20.6.2.7.WW NMAC; and Explosive Compounds as defined herein. Contaminant does not include radionuclides or the radioactive portion of mixed waste.

G. “Corrective Measures Evaluation” or “CME” means a study or report identifying, developing, and evaluating potential corrective measures alternatives for removal, containment, and/or treatment of site-related contamination and recommending a preferred alternative for remediation of such contamination. A CME performed by DOE is equivalent to a Corrective Measures Study.

H. “Corrective Measures Implementation” or “CMI” means the design, construction, operation, maintenance, and monitoring of the remedy selected following preparation of a CME and Statement of Basis.

I. “Day” means a calendar day, unless specified as a business day. “Business day” means Monday through Friday, excluding all federal and New Mexico State holidays.

J. “Deferred” or “Deferred Site” means the SWMUs and AOCs for which full investigation and/or remediation is deferred until such time as the SWMU or AOC is taken out of service or otherwise becomes accessible (e.g., firing sites and active facilities). Deferred Sites include the SWMUs and AOCs where delayed investigation, due to active Facility operations, was proposed in NMED-approved investigation work plans and reports.

K. “Designated Agency Manager” or “DAM” means the position designated by each Party to serve as that Party’s representative responsible for coordinating the implementation of this Consent Order.

L. “DOE” means the United States Department of Energy, and any successor departments or agencies.

M. “EPA” means the United States Environmental Protection Agency, and any successor departments or agencies.

N. “Explosive Compounds” means the following chemicals: 2-Amino-4,6-Dinitrotoluene (2-Am-DNT); 4-Amino-2,6-Dinitrotoluene (4-Am-DNT); 2,4-Diamino-6-Nitrotoluene (2,4-DANT); 2,6-Diamino-4-Nitrotoluene (2,6-DANT); 3,5-Dinitroaniline (3,5-DNA); Octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine (HMX); 2-Nitrotoluene (2-NT); 3-Nitrotoluene (3 NT); 4-Nitrotoluene (4-NT); Pentaerythritol tetranitrate (PETN); Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX or Cyclonite); Triaminotrinitrobenzene (TATB); Tris (o-cresyl) phosphate (TCP); Methyl-2,4,6-trinitrophenylnitramine (Tetryl); 2,4,6-Trinitrotoluene (TNT).

O. “Facility” means the Los Alamos National Laboratory site owned by the United States Department of Energy and located on the Pajarito Plateau in Los Alamos County in North Central New Mexico, comprised of approximately 36 square miles and located approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe.

P. “Fiscal Year” or “FY” means the federal fiscal year, which currently begins October 1<sup>st</sup> and ends September 30th each year.

Q. “Groundwater” means interstitial water which occurs in saturated earth material and which is capable of entering a well in sufficient amounts to be utilized as a water supply.

R. “HWA” means the New Mexico Hazardous Waste Act, NMSA 1978, §§ 74-4-1 to -14.

S. “Hazard Index” or “HI” means the sum of more than one Hazard Quotient for multiple Contaminants and/or multiple exposure pathways. The HI is calculated separately for chronic, subchronic, and shorter-duration exposures.

T. “Hazard Quotient” or “HQ” means the ratio of a single substance exposure level over a specified time period (e.g., subchronic) to a reference dose for that substance derived from a similar exposure period.

U. “Hazardous constituent” or “hazardous waste constituent” means any constituent identified in 40 C.F.R. Part 261, Appendix VIII (incorporated by 20.4.1.200 NMAC), and any constituent identified in 40 C.F.R. Part 264, Appendix IX (incorporated by 20.4.1.500 NMAC).

V. “Hazardous Waste” means any solid waste or combination of solid wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics meets

the description set forth in NMSA 1978, § 74-4-3(K), and is listed as a hazardous waste or exhibits a hazardous waste characteristic under 40 C.F.R. Part 261 (incorporated by 20.4.1.200 NMAC).

W. “Hazardous Waste Regulations” means the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC.

X. “Interim Measures” or “IM” means actions that can be implemented to reduce or prevent migration of site-related Contaminants which have or may result in an unacceptable human or environmental receptor risk while long-term corrective action activities are evaluated and implemented.

Y. “Maximum Contaminant Level” or “MCL” means a maximum contaminant level adopted by EPA under the federal Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26, or by the Environmental Improvement Board under the Environmental Improvement Act, NMSA 1978, § 74-1-8(A)(2).

Z. “Milestone” means an enforceable deadline listed in Appendix B for the current FY.

AA. “Mixed Waste” means waste that contains both hazardous waste subject to the HWA and RCRA, and source, special nuclear, or byproduct material subject to the AEA.

BB. “NMED” means the New Mexico Environment Department, and any successor departments or agencies.

CC. “Parties” means collectively NMED and DOE, and the term “Party” shall refer to either of these two entities.

DD. “Permit” means the RCRA Permit issued to DOE for the Facility to operate a hazardous waste treatment and storage facility, EPA ID No. NM0890010515, as it may be modified or amended.

EE. “Presumptive Remedy” means a clear, conservative remedy alternative or preferred technologies for common categories of sites for which DOE, based upon its past experience with remediation and EPA's scientific and engineering evaluation of performance data on technology implementation, believes, and NMED concurs, there will be no need to prepare a CME pursuant to Section XVI. For the purposes of this Consent Order, the most bounding alternative is complete source removal (i.e., complete excavation and cleanup to residential soil screening levels (SSLs)).

FF. “RCRA” means the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 to 6992k, also known as the Solid Waste Disposal Act.

GG. “RCRA Facility Investigation” or RFI means the investigation(s) conducted to investigate releases or potential releases of site-related Contaminants from SMWUs and AOCs as needed to support the purposes of this Consent Order.

HH. “Respondent” means the United States Department of Energy.

II. “SWA” means the New Mexico Solid Waste Act, NMSA 1978, §§ 74-9-1 to -43.

JJ. “Solid Waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1342), or source, special nuclear, or byproduct material as defined by the AEA (42 U.S.C § 2014).

KK. “Solid Waste Management Unit” or “SWMU” means any discernible unit at which solid waste has been placed at any time, and from which NMED determines there may be a risk of a release of hazardous waste or hazardous waste constituents, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at the Facility at which solid wastes have been routinely and systematically released; they do not include one-time spills. *See* 61 Fed. Reg. 19431, 19442-43 (May 1, 1996).

LL. “State of New Mexico” or “State” means the State of New Mexico, including all of its departments, agencies, and instrumentalities.

MM. “Statement of Basis” means a document prepared by NMED based on a CME that describes the basis for NMED’s selection of a remedy.

NN. “Surface Impoundment” means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen material (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

OO. “Target” means a non-enforceable deadline listed in Appendix B for the next two FYs (i.e., FY+1 and FY+2).

PP. “Technical Area” or “TA” means an administrative unit of area established to encompass operations at the Facility.

QQ. “Trench” means a long, narrow depression or excavation, natural or artificial, in the earth’s surface.

RR. “United States” means the United States of America, including all of its departments, agencies, and instrumentalities.

SS. “WQCC” means the New Mexico Water Quality Control Commission, and any successor agencies, boards, or commissions.

TT. “Water Quality Control Commission (WQCC) Regulations” means the regulations at 20.6.2 NMAC promulgated by the New Mexico Water Quality Control Commission governing the quality of groundwater and surface water in New Mexico.

#### **IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A. FINDINGS OF FACT: For purposes of this Consent Order only, the following constitutes a summary of facts by NMED upon which this Consent Order is based.

##### 1) The Parties

- a) The New Mexico Environment Department is the department within the executive branch of the New Mexico State government charged with administration and enforcement of the HWA, NMSA 1978, §§ 74-4-1 to -14; the Hazardous Waste Regulations, 20.4.1 NMAC, and the SWA, NMSA 1978, §§ 74-9-1 to -43.
- b) The Respondent is a department of the United States government, and is the owner and a co-operator of the Facility.

##### 2) The Facility

- a) The Facility, as defined in Section III.O of this Consent Order, is the Los Alamos National Laboratory (LANL) site. The Facility currently comprises approximately 36 square miles (approximately 23,000 acres) and is located on the Pajarito Plateau in Los Alamos County in

north central New Mexico, approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe. At one point during its history, the Facility comprised up to roughly 41 square miles (26,337 acres). The Facility is surrounded by the Pueblo of San Ildefonso, Los Alamos County, Bandelier National Monument, Santa Fe National Forest, and Santa Fe County.

- b) The Pajarito Plateau is dissected by nineteen major surface drainages or canyons and their tributaries. The canyons run roughly west to east or southeast. From north to south, the most prominent canyons are Pueblo Canyon, Los Alamos Canyon, Sandia Canyon, Mortandad Canyon, Pajarito Canyon, Cañon de Valle and Water Canyon, Ancho Canyon, and Chaquehui Canyon. These canyons drain into the Rio Grande, which flows along part of the eastern border of the Facility.
  - c) Hydrogeologic investigations have identified four discrete hydrogeologic zones beneath the Pajarito Plateau on which the Facility is located: (1) canyon alluvial systems; (2) intermediate perched water in the volcanic rocks (Tschicoma Formation and the Tshirege Member of the Bandelier Tuff); (3) canyon-specific intermediate perched water within the Otowi Member of the Bandelier Tuff, Cerros del Rio basalt and sedimentary units of the Puye Formation; and (4) the regional aquifer.
- 3) Facility Operations
- a) The Facility began operations in 1943 when the United States Army Manhattan Engineer District was established for the development and assembly of an atomic bomb. Current and historical operations have included nuclear weapons design and testing; high explosives research, development, fabrication, and testing; chemical and material science research; electrical research and development; laser design and development; and photographic processing.
  - b) The Facility has been divided into numerous Technical Areas, or “TAs.” Many former TAs have ceased operations, have been

combined with other TAs, or were cancelled before becoming operational.

- c) For administration purposes, the Respondent has further categorized some of the areas within the TAs as “Material Disposal Areas” or “MDAs.” These include, for example, MDAs A, B, T, U, and V in TA-21; MDA C in TA-50; MDAs G, H, and L in TA-54.
  - d) Water supply wells at the Facility, in Los Alamos County, and on San Ildefonso Pueblo property withdraw water from the regional aquifer beneath the Pajarito Plateau.
- 4) Waste Management
- a) As a result of the Facility operations, from approximately 1943 to the present, the Respondent has generated, treated, stored, disposed of, and otherwise handled solid wastes, including hazardous wastes, hazardous waste constituents, and mixed wastes at the Facility.
  - b) The Respondent has disposed of hazardous wastes, hazardous constituents and mixed waste at the Facility. In addition, certain groundwater contaminants listed at 20.6.2.3103 NMAC, certain toxic pollutants listed at 20.6.2.7.WW NMAC, and certain Explosive Compounds as defined herein, are present in the environment at the Facility. The Respondent has disposed of such wastes in septic systems, pits, surface impoundments, trenches, shafts, landfills, and waste piles at the Facility. The Respondent has also discharged industrial wastewater and other waste from outfalls into many of the canyon systems at the Facility.
- 5) Releases of Contaminants
- a) Waste management activities at the Facility have resulted in the release of hazardous wastes, hazardous waste constituents, mixed waste, certain groundwater contaminants listed at 20.6.2.3103 NMAC, certain toxic pollutants listed at 20.6.2.7.WW NMAC, and certain Explosive Compounds as defined herein.

- b) Contaminants that have been released into, and detected in, soils and sediments at the Facility include, for example, explosives, such as RDX, HMX, TNT; volatile organic compounds and semi-volatile organic compounds; metals such as arsenic, barium, beryllium, cadmium, chromium, copper, lead, mercury, molybdenum, silver, and zinc; and polychlorinated biphenyls (PCBs).
  - c) Contaminants that have been released into, and detected in, groundwater beneath the Facility include, for example, explosives, such as RDX; volatile organic compounds such as trichloroethylene, dichloroethylene, and dichloroethane; metals such as molybdenum, manganese, beryllium, lead, cadmium, chromium, and mercury; perchlorate; other inorganic contaminants such as ammonia, nitrate, and fluoride; and other contaminants. Contaminants have been detected beneath the Facility in all four groundwater zones.
- 6) Regulatory History of the Facility
- a) On August 13, 1980, the Respondent submitted to the United States Environmental Protection Agency (EPA) a “Notification of Hazardous Waste Activity” for the Facility pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).
  - b) By letter dated November 19, 1980, the Respondent submitted to EPA a Part A RCRA permit application for the Facility. The Respondent also sent a copy of the Part A application to the Environmental Improvement Division of the New Mexico Department of Health and Environment, the predecessor to the Environment Department. The application covered hazardous waste treatment, storage, and disposal activities at TA-54, and included some 129 hazardous waste streams. The Respondent has revised the Part A permit application several times since it was first submitted, including, among other things, to notify the State that the Respondent would not seek a permit for hazardous waste disposal activities at the Facility. The Respondent’s

most recent Part A permit revision was submitted to NMED in January 2016.

- c) On January 25, 1985, the State of New Mexico received from EPA authorization to implement its hazardous waste program under the HWA in lieu of the Federal program. 50 Fed. Reg. 1515 (Jan. 11, 1985). Subsequent program revision applications were approved effective on April 10, 1990, July 25, 1990, December 4, 1992, August 23, 1994, December 21, 1994, July 10, 1995, January 2, 1996, March 10, 1997, June 13, 1998, October 1, 2003 and March 1, 2009. 40 C.F.R. § 272.1601.
- d) On November 8, 1989, NMED's predecessor agency issued a Hazardous Waste Facility Permit (Permit) to the Respondent to operate a hazardous waste treatment and storage facility at the Facility pursuant to Section 74-4-4.2 of the HWA. The Permit covered hazardous waste container storage areas at TA-16, TA-50, and TA-54, hazardous waste storage and treatment tanks at TA-54, and hazardous waste incinerators at TA-16 and TA-50. Two of the four treatment tanks at TA-54 were removed in accordance with an approved closure plan in 1996. NMED approved the closure report in 1997. The remaining two tanks were removed from the site in 2002. NMED approved the closure in 2007. The Respondent closed the incinerator at TA-16 in accordance with an approved closure plan, and NMED approved the Closure Certification Report in October 2001. The Respondent closed the incinerator at TA-50 in accordance with an approved closure plan, and NMED approved the Closure Certification Report in July 1998.
- e) In the late 1980's, the Respondent identified for EPA "Potential Release Sites," including solid waste management units (SWMUs) and "areas of concern" (AOCs), where hazardous wastes, hazardous constituents, solid wastes, or mixed wastes may have been disposed. Of those sites, EPA identified over 1200 as sites to be investigated and

included on the Hazardous and Solid Waste Amendments (HSWA) portion (known as the “HSWA Module”) of the Facility’s RCRA permit.

- f) On March 8, 1990, EPA issued to the Respondent the HSWA portion of the Permit, effective on May 23, 1990, covering those requirements of RCRA added by the HSWA of 1984. The EPA portion of the permit required corrective action for continuing releases of hazardous waste and hazardous waste constituents at and from the Facility pursuant to Section 3004(u) and (v) of RCRA, 42 U.S.C. § 6924(u) and (v).
- g) On July 25, 1990, the State of New Mexico received from EPA authorization to expand its hazardous waste program under the HWA in lieu of the federal program, including the authority to regulate the hazardous component of mixed waste. 55 Fed. Reg. 28397 (July 11, 1990).
- h) Effective January 2, 1996, the State of New Mexico received from EPA final authorization to implement its corrective action program under the HWA. See 60 Fed. Reg. 53,708 (Oct. 17, 1995); 61 Fed. Reg. 2450 (Jan. 26, 1996).
- i) Between 1995 and 1999, the Respondent submitted a Permit renewal application to NMED for permitted and interim status storage and treatment units at the Facility. The General Part B renewal application was initially submitted in August 1996; the TA-16 application for permitted and interim status units was initially submitted in June 1995; the TA-50 permit application for permitted and interim status units was initially submitted in January 1999; the TA-54 permit application for permitted and interim status units was initially submitted in January 1999; and the TA-55 permit application for interim status units was initially submitted in June 1996. Permit applications for interim status units at TA-3, TA-14, TA-36 and TA-39 were submitted to NMED in or before May 1999.

- j) The Permit, which was originally set to expire in November 1999, was administratively extended pursuant to 20.4.1.900 NMAC (incorporating 40 C.F.R. § 270. 51). The renewed Permit became effective in December 2010.
  - k) On June 21, 2011, the Las Conchas wildfire began burning in the Santa Fe National Forest. The fire burned over 150,000 acres and threatened the Facility and the town of Los Alamos. The proximity of the fire to above-ground stored wastes in TA-54 prompted New Mexico Governor Susana Martinez to request that the Respondent prioritize removing non-cemented above-ground wastes. The Respondent agreed to realign waste management priorities.
  - l) As a result of the agreed upon realignment of priorities, the Respondent and the State of New Mexico entered into a non-binding Framework Agreement in 2012 that realigned environmental priorities.
  - m) In the course of negotiating the 2012 Framework Agreement, the Respondent acknowledged that meeting the milestones of the 2005 Consent Order was difficult, if not impossible, given past and anticipated funding shortfalls. As part of the 2012 Framework Agreement negotiations, the Parties agreed to discuss renegotiation of the 2005 Consent Order at a future date.
  - n) In 2014, the Secretary of DOE directed that DOE's Office of Environmental Management assume oversight of the cleanup at the Facility, which will result in new and/or additional contractors implementing the work required by this Consent Order on behalf of the Respondent. As a consequence of this change, the contractor currently performing the work required by the 2005 Consent Order is no longer included as a Respondent to this Consent Order.
- 7) Procedural History of Consent Order
- a) On May 2, 2002, pursuant to Sections 74-4-10.1 and 74-4-13 of the HWA, NMED issued a Determination of an Imminent and Substantial Endangerment to Health or the Environment Concerning the Los

Alamos National Laboratory (the Determination), to the Respondent and the Regents of the University of California (University), the Facility operator prior to 2006.

- b) On May 2, 2002, NMED also issued a draft order pursuant to Sections 74-4-10.1 and 74-4-13 of the HWA, called “In Re: Proceeding Under the New Mexico Hazardous Waste Act §§ 74-4-10.1 and 74-4-13” (Draft Order). The Draft Order proposed a series of investigation and corrective action activities for the Respondent and the University to complete at the Facility.
- c) NMED provided notice and an opportunity to comment on the Draft Order. The comment period extended for 90 days and ended on July 31, 2002. During the public comment period, NMED held four public meetings to provide the public with information on the draft order. NMED received comments from 38 persons, including the Respondent, on the Draft Order.
- d) On June 3, 2002, the University filed a Complaint for Declaratory and Injunctive Relief and for Review of Agency Action in the United States District Court for the District of New Mexico (No. CIV 02-637 MV/DJS) challenging the Determination. On June 3, 2003, the University and the United States each filed a Notice of Appeal with the New Mexico Court of Appeals (Ct. App. Nos. 23,172 and 23,173), challenging the Determination.
- e) On October 9, 2002, the United States, on behalf of the Respondent, filed a Complaint in the United States District Court for the District of New Mexico (No. CIV 02-1273-LH/RHS), challenging the September 9, 2002 Installation Work Plan (IWP) Work Schedule issued by NMED. The IWP Work Schedule imposed requirements similar to those contained in the Draft Order.
- f) On November 26, 2002, NMED issued to the Respondent a Final Order called “Re: Proceeding Under the New Mexico Hazardous Waste Act §§ 74-4-10.1 and 74-4-13” (Final Order). The Final Order

contained a set of investigation, monitoring, and corrective action activities and a schedule for implementation of those activities.

NMED also responded, in writing, to each of the public comments it had received on the Draft Order. The Determination issued on May 2, 2002 was also withdrawn on November 26, 2002, and the findings and conclusions contained therein were incorporated into the Final Order.

- g) On December 18, 2002, the University dismissed its complaint in the United States District Court challenging the Determination because NMED had withdrawn that Determination.
- h) On December 24, 2002, the United States filed an Amended Complaint, challenging both the 2002 IWP Work Schedule and the Final Order. The United States also filed a Notice of Appeal in the New Mexico Court of Appeals (Ct. App. No. 23,693), challenging the Final Order.
- i) On December 26, 2002, the University filed a Complaint for Declaratory and Injunctive Relief and for Review of Agency Action in the United States District Court for the District of New Mexico (No. CIV 02-1631 LFG/WDS), challenging the Final Order. On December 26, 2002, the University also filed a Notice of Appeal with the New Mexico Court of Appeals (Ct. App. No. 23,698) challenging the Final Order.
- j) From December 2002 through December 2003 and from February through March 2004, the Parties engaged in settlement negotiations to resolve the issues raised by the United States' and the University's lawsuits. To facilitate the settlement discussions, the Parties agreed to stay the pending litigation during the settlement process.
- k) On April 25, 2003, NMED issued a Compliance Order HWB 03-02, alleging that the Department of Energy and the University failed to implement interim measures at the Airport Landfill, or SWMU 73-001(a), at the Facility. The Respondent answered the Compliance

Order, denying NMED's allegations. That action was also stayed during negotiations of this Consent Order.

- l) On September 1, 2004, NMED released the proposed Consent Order resulting from the settlement negotiations for public review and comment. NMED placed a public notice of the availability of the proposed Consent Order in the local news outlets, and mailed copies of the notice to all interested parties. NMED provided the public with a 30-day period to comment on the proposed Consent Order. The comment period ended on October 1, 2004. NMED received comments from 18 persons on the proposed Consent Order. NMED responded, in writing, to each of those public comments on March 1, 2005.
- m) On March 1, 2005, NMED, the Respondent, and the University, entered into the 2005 Consent Order intended to address cleanup of the Facility. In addition, as the result of those settlement negotiations and the execution of the 2005 Consent Order, NMED agreed to withdraw the Determination, the Final Order, the Airport Landfill Order, and the 2002 IWP Work Schedule, and the United States and the University agreed to dismiss their lawsuits.
- n) The 2005 Consent Order was modified on five occasions between issuance on March 1, 2005 and issuance of this Consent Order. The following draft modifications were issued for public comment prior to incorporation into the Consent Order. On March 1, 2006 and February 23, 2007, the Consent Order schedule was modified. On June 18, 2008, Section IV.A.3.g was added to address notification procedures for certain types of detections of contaminants in groundwater. A modification to address the grouping of wells for the purpose of periodic monitoring and the frequency of submittal of the General Facility Information was completed on April 20, 2012. A modification requiring the maintenance of a publicly accessible database (Section III.Z) was completed on October 26, 2012.

B. CONCLUSIONS OF LAW: For purposes of this Consent Order only, the following constitutes the conclusions of law by NMED upon which this Consent Order is based.

- 1) Respondent is a “person” within the meaning of Section 74-4-3(M) of the HWA, and the Hazardous Waste Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10), and Section 74-9-3(I) of the SWA.
- 2) Los Alamos National Laboratory is a “facility” within the meaning of the Hazardous Waste Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10).
- 3) Respondent is an “owner” and an “operator” of the Facility within the meaning of the Hazardous Waste Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10).
- 4) Respondent has engaged in the “storage,” “treatment,” and “disposal” of “hazardous waste” at the Facility, and is currently engaged in the “storage” and “treatment” of “hazardous waste” at the Facility, within the meaning of Section 74-4-3(P), (T), (E), and (K) of the HWA, and the Hazardous Waste Regulations at 20.4.1.100 NMAC (incorporating 40 C.F.R. § 260.10).
- 5) NMED has determined that hazardous wastes and hazardous waste constituents have been “release[d]” from the Facility into the environment within the meaning of Section 74-4-10(E) of the HWA.
- 6) Pursuant to Section 74-4-10(A) of the HWA, NMED has determined that the Respondent may have violated 20.4.1.900 NMAC, incorporating by reference 40 C.F.R. § 270.33, Schedule of Compliance.
- 7) Groundwater contaminants listed at 20.6.2.3103 NMAC, toxic pollutants listed at 20.6.2.7.WW NMAC, and Explosive Compounds as defined herein are regulated under the SWA through 20.9.9 NMAC.
- 8) NMED has determined that there is or has been a release of groundwater contaminants listed at 20.6.2.3103 NMAC, toxic pollutants listed at 20.6.2.7.WW NMAC, and Explosive Compounds as defined herein into the environment requiring corrective action pursuant to Section 74-9-36(D) of the SWA and 20.9.9.14 NMAC.

## **V. PARTIES**

A. The Parties to this Consent Order are NMED and DOE, as defined in Section III.CC (Definitions).

B. The terms of this Consent Order shall apply to and be binding upon NMED and DOE, their respective agents and employees, and their successors and assigns. DOE may employ contractors for implementation of the work required by this Consent Order. DOE shall require all contractors, subcontractors, laboratories and consultants retained to perform work pursuant to this Consent Order to comply with and abide by the terms of this Consent Order. DOE shall hold the contractor(s) accountable through provisions in its contract(s) for the contractor's performance (e.g., missed milestones) that results in NMED's issuance of stipulated penalties under this Consent Order.

## **VI. WORK ALREADY COMPLETED / SUBMITTED**

A. This Consent Order shall be construed to avoid duplication of work already performed or completed as determined by NMED pursuant to its current HWA authority or by EPA pursuant to its RCRA authority prior to delegation of the RCRA program to the State. Accordingly, all such work that has been completed prior to the effective date of this Consent Order, that fulfills the substantive requirements of this Consent Order, and that has been approved by NMED or EPA, in writing, shall be deemed to comply with this Consent Order.

B. With respect to work already performed and for which documentation has been submitted by DOE to NMED pursuant to the 2005 Consent Order and for which NMED has not completed action as of the effective date of this Consent Order, NMED will proceed with timely review of such documentation. Such reviews shall be conducted in accordance with Section XXIII (Preparation / Review / Comment on Documents).

## **VII. RELATIONSHIP TO PERMITS**

A. NMED has determined that all corrective action for releases of hazardous waste or hazardous constituents at the Facility, required by Sections 3004(u) and (v) and 3008(h) of

RCRA, 42 U.S.C. §§ 6924(u) and (v) and 6928(h), and Sections 74-4-4(A)(5)(h) and (i) and 74-4-4.2(B) of the HWA, shall be conducted solely under this Consent Order and not under the current or any future Hazardous Waste Facility Permit (“Permit”), with the exception of the following five items which will be addressed in the Permit and not in this Consent Order:

- 1) New releases and newly discovered releases of hazardous waste or hazardous constituents from hazardous waste management units at the Facility.
- 2) The closure and post-closure care requirements of 20.4.1.500 NMAC (incorporating 40 C.F.R. Part 264, Subpart G), as they apply to hazardous waste management units at the Facility.
- 3) Implementation of the controls, including long-term monitoring, for any SWMUs or AOCs listed in the Permit in Attachment K (Listing of SWMUs and AOCs), Table K-2 (Corrective Action Complete with Controls).
- 4) Any corrective action conducted to address releases of hazardous waste or hazardous constituents that occur or are discovered after the date on which this Consent Order terminates pursuant to Section XXXVII (Termination) of this Consent Order.
- 5) Newly created SWMUs or AOCs from non-permitted operations.

B. Consistent with Subsection A above, the requirements of this Consent Order shall not terminate upon renewal of the Permit issued to DOE. The renewed Permit, and any future modifications, renewals, or reissuance of the Permit, will not include any corrective action activities, or any other requirement that is duplicative of this Consent Order. The Parties agree that Subsection A above is consistent with the intent of the Permit and, further, that any renewed Permit shall include the five excepted items described in Subsection A above.

C. The Parties enter into this Consent Order based on their understanding that this Consent Order shall be the only enforceable instrument for corrective action relating to the Facility, except for those items listed in Subsection A.1)-5) above, which shall be subject only to the Permit. For the purposes of any enforcement action taken by the State or any third party, other than the items listed in Subsection A.1)-5) above, NMED has determined that compliance with the terms of this Consent Order constitutes compliance with the requirements for corrective action under RCRA and the HWA and their implementing regulations, including Sections 3004(u) and (v) and 3008(h) of RCRA, 42 U.S.C. §§ 6924(u) and (v) and 6928(h), 40

C.F.R. Part 264, Subpart F, Sections 74-4-4.2(B) and 74-4-4(A)(5)(h) and (i) of the HWA and section 20.4.1.500 NMAC (incorporating 40 C.F.R. Part 264, Subpart F). Upon the effective date of this Consent Order, the sole mechanism for enforcing corrective action activities relating to the Facility, except as provided in Subsection A.1)-5) above, shall be this Consent Order. The State will not take any action to enforce the corrective action requirements of the existing Permit, except as to those items listed in Subsection A above. This Consent Order is an “enforceable document” pursuant to the requirements of 40 CFR § 264.101.

D. Consistent with Sections A through C of this Section, the Parties agree that the status of SWMUs and AOCs will be tracked under this Consent Order until Termination of this Consent Order. The Permit will not be updated while this Consent Order is in effect with information about the status of SWMUs and AOCs currently listed in the Consent Order except for SWMUs and/or AOCs for which DOE has been granted a permit modification for corrective action complete status.

E. Consistent with Section XXI (Certification of Completion), NMED’s determination that corrective action is complete for a SWMU or AOC placed on either the corrective action complete with controls list or the corrective action complete without controls list will be subject to the State’s reservation of rights for new information. During the duration of this Consent Order, if NMED seeks to require additional work at any SWMU or AOC contained on either of the two lists for corrective action complete, NMED will initiate a permit modification to remove the SWMU or AOC from such list.

F. Upon Termination of this Consent Order pursuant to Section XXXVII, any SWMUs and/or AOCs where corrective action is not complete will be addressed under the Permit in accordance with the regulations at 20.4.1.900 NMAC (incorporating 40 C.F.R. § 270.42), 20.4.1.901 NMAC, and 20.4.1.902 NMAC, including, but not limited to, opportunities for public participation, including public notice and comment, administrative hearings, and judicial appeals.

G. The Parties agree that the rights, procedures and other protections set forth at 20.4.1.900 NMAC (incorporating 40 C.F.R. § 270.42), 20.4.1.901 NMAC, and 20.4.1.902 NMAC, including, but not limited to, opportunities for public participation, including public notice and comment, administrative hearings, and judicial appeals, do not apply to modification of the Consent Order itself.

H. This Consent Order shall establish no requirements for releases of Contaminants from SWMUs or AOCs to storm water runoff that:

- 1) Are permitted under DOE's National Pollutant Discharge Elimination System (NPDES) Individual Permit for storm water discharges from SWMUs and AOCs (Individual Permit) (NM0030759 or as reissued); or
- 2) Are from SWMUs or AOCs that DOE and EPA have determined did not require coverage under the Individual Permit (i.e., SWMUs and AOCs that were not exposed to storm water, did not contain significant industrial materials, and/or did not potentially impact surface water); or
- 3) Are from SWMUs or AOCs formerly permitted under the Individual Permit that were deleted from the Individual Permit.

I. For SWMUs or AOCs that are permitted under the Individual Permit, DOE may identify and implement corrective action activities pursuant to this Consent Order that address requirements of both this Consent Order and the Individual Permit. NMED's review and approval of such corrective actions shall be limited to those elements of the corrective action that specifically address requirements of this Consent Order.

## **VIII. CAMPAIGN APPROACH**

A. To carry out the purposes set forth in Section II (Purpose and Scope) above, the Parties agree to use a structure called the "campaign approach." As described more fully below, corrective action activities required by this Consent Order will be organized into campaigns, generally based upon a risk-based approach to grouping, prioritizing, and accomplishing corrective action activities at SWMUs and AOCs. A campaign may consist of one or more projects; campaigns and projects consist of one or more tasks and deliverables. Campaigns, projects, tasks, and deliverables may be subject to two types of deadlines: milestones, which are enforceable; or targets, which are not enforceable.

### **B. PROCESS FOR ESTABLISHING CAMPAIGNS**

- 1) NMED shall maintain a list of the SWMUs and AOCs subject to this Consent Order in Appendix A (Solid Waste Management Unit/Area of Concern List). The list in Appendix A shall be updated if new SWMUs and AOCs are added

through the process in Section X (Newly Discovered Releases). Appendix A shall also identify the status of corrective action activities at each SWMU and AOC, as defined in Subsection B.2 of this Section. The information in Appendix A will be updated annually during the annual planning process defined in Subsection C of this Section.

- 2) Appendix A shall identify the status of corrective action activities under this Consent Order for each SWMU and AOC in accordance with Subsection C. Because each SWMU or AOC may not proceed through each status category, the categories below will be used as appropriate for the status of corrective action activities:
  - a) Pre-Investigation
  - b) RFI or Field Work in Progress (includes Interim Measures, Accelerated Corrective Action)
  - c) RFI or Field Work Reports submitted to NMED
  - d) CME in Progress
  - e) CME submitted to NMED
  - f) CMI in Progress
  - g) CMI Reports submitted to NMED
  - h) Request for Certificate of Completion submitted to NMED
  - i) Certificate of Completion with controls or without controls issued
  - j) Deferred – Full investigation and/or remediation of the SWMU or AOC is deferred until such time as the SWMU or AOC is taken out of service or otherwise becomes accessible (e.g., firing sites and active facilities).
  
- 3) To facilitate prioritization and completion of the corrective action activities of this Consent Order, DOE shall organize corrective action activities into campaigns as described above. Each campaign may address corrective action activities for one or more SWMUs or AOCs and may be organized geographically or as needed to facilitate execution of work. The Parties intend campaigns to capture the full range of corrective action activities needed to certify completion of corrective actions in accordance with Section XXI

(Certification of Completion). However, it may be appropriate for one or more campaigns to be implemented in phases through multiple projects (e.g., interim measures). The list of SWMUs and AOCs in Appendix A shall identify the campaign(s) to which each SWMU and AOC is assigned.

- 4) Appendix B (Milestones and Targets) shall list milestones for campaigns, projects, tasks, and/or deliverables for the current fiscal year, as well as targets for the next two years (FY+1, FY+2) for campaigns, projects, tasks, and/or deliverables planned for the next two FYs, which substantially contribute to completion of the campaigns. Milestones scheduled for the current FY are enforceable and subject to Stipulated Penalties under Section XXXV (Stipulated Penalties); targets are not enforceable and not subject to stipulated penalties.
  - a) The Parties agree to identify in Appendix B between 10 and 20 milestones for each current FY and between 10 and 20 targets for each of the next two years (FY+1, FY+2).
  - b) For milestones that do not require submission of deliverables to NMED, the Parties agree to define validation mechanisms for such milestones, i.e., proof that DOE has completed such milestones, as part of the annual planning process pursuant to Subsection C below. Validation mechanisms shall include, after DOE meets the date for the milestone listed in Appendix B, written certification by NMED of milestone validation within a specified timeframe after DOE meets that date.
  - c) The Parties agree that DOE's project plans and tools will be used to identify proposed milestones and targets. These project plans and tools will also be used to evaluate changes to milestones and targets. The Parties further agree to identify and utilize a list of other submittals that are associated with the milestones listed in Appendix B and facilitate implementation of the campaigns by enabling the Parties to allocate resources. Such other submittals will not be listed as milestones or targets in Appendix B.

- 5) Campaigns shall be listed and described in Appendix C (Campaigns). The Parties agree that the ordering of campaigns in Appendix C reflects a sequence that implements corrective action activities based upon various factors, for example, risk, resources, and geography. The organization and sequence of campaigns in Appendix C are subject to change. Should changes to the organization and sequence of campaigns potentially affect the priorities of any municipality, county or pueblo that shares a common border with the Facility, as well as the Four Accord Pueblos (Cochiti Pueblo, Pueblo de San Ildefonso, Santa Clara Pueblo and Jemez Pueblo), NMED must confer with appropriate representatives of such municipalities, counties and pueblos and allow them to comment on the new proposed organization and sequence of campaigns. Comments from such municipalities, counties and pueblos shall be considered when modifying the organization and sequence of campaigns.

C. ANNUAL PLANNING PROCESS

- 1) The annual planning process is the process the Parties will use to update Appendix A, Appendix B, and Appendix C, as appropriate.
- 2) Prior to the end of the first quarter of each FY, DOE will provide a revision of Appendix A to NMED indicating proposed changes (e.g., redline). This revision will provide an update of the status of SWMUs and AOCs and add new SWMUs and AOCs, if appropriate, based on the previous FY's corrective action activities. NMED shall review DOE's proposed revision and, if the revision is acceptable to NMED, the revision shall be incorporated into this Consent Order as Appendix A. Should the proposed revision not be acceptable to NMED, the Parties agree that the DAMs will meet within ten (10) business days to resolve NMED's concerns.
- 3) DOE shall update the milestones and targets in Appendix B on an annual basis, accounting for such factors as, for example, actual work progress, changed conditions, and changes in anticipated funding levels. This is called the annual planning process. For purposes of the annual planning process, milestones to be listed in the current FY's Appendix B shall be based on the FY+1 targets listed in the previous FY's Appendix B.

- a) To the extent possible, DOE will provide to NMED a forecast indicating potential, proposed changes to Appendix B (e.g., redline) by the end of July of each year. In order to facilitate this initial identification of potential, proposed changes to Appendix B, DOE shall review the existing FY+1 targets in Appendix B and identify in the forecast any foreseeable impacts (e.g., new information, Congressional appropriation marks, estimates for continuing resolutions) that could affect the FY+1 targets to enable the Parties to account for those foreseeable impacts before the Parties establish milestones for the next FY. At either Party's request, the DAMs will meet to discuss the forecast.
- b) Within fifteen (15) business days of DOE's receipt of its first FY appropriation (whether this is the full appropriation or an appropriation via continuing resolution), the DAMs shall meet to discuss the appropriation and any necessary revisions to the forecast, e.g., because DOE did not receive adequate appropriations from Congress to carry out proposed milestones listed in the forecast. Within thirty (30) business days after DOE receives this appropriation, DOE will provide a revision of Appendix B to NMED indicating proposed changes (e.g., redline) to the milestones and targets for which DOE determines it has received adequate appropriations to be carried out. Within fifteen (15) business days of NMED's receipt of this revision, NMED shall review DOE's proposed revision and, if the revision is acceptable to NMED, the revision shall be incorporated into this Consent Order as Appendix B. Should the proposed revision of Appendix B not be acceptable to NMED, the Parties agree that the DAMs will meet within ten (10) business days to resolve NMED's concerns.
- c) If DOE receives an adjustment to its appropriated levels (e.g., from continuing resolution to full year appropriation) or if the Parties agree that current milestones should be revised based on consideration of

new information (e.g., sampling or monitoring results), either Party may request a meeting of the DAMs within fifteen (15) business days to discuss proposed revisions to the milestones, if any. Within fifteen (15) business days after this meeting, DOE shall submit another proposed revision of Appendix B to NMED. Within fifteen (15) business days of NMED's receipt of this revision, NMED shall review DOE's proposed revision and, if the revision is acceptable to NMED, the revision shall be incorporated into this Consent Order as Appendix B. Should the proposed revision of Appendix B not be acceptable to NMED, the Parties agree that the DAMs will meet within ten (10) business days to resolve NMED's concerns.

- d) Upon finalizing Appendix B, NMED shall post Appendix B to their website and schedule a public meeting to present any changes to the milestones and targets in Appendix B. The meeting will describe the actual work progress made the previous year, any changed conditions at the Facility that impacted the milestones and targets, changes in funding levels and any other factors that may have contributed to changes to the milestones and targets.
- 4) During each annual planning process, DOE shall also provide NMED with a date in which it estimates that all work under the Consent Order will be completed based upon the updated information in Appendices A and B.
- 5) Prior to the end of the first quarter of the FY, DOE may provide, as appropriate, a revision of Appendix C to NMED indicating proposed changes (e.g., redline) to descriptions, organization, and sequence of campaigns. NMED shall review DOE's proposed revision and, if the revision is acceptable to NMED, the revision shall be incorporated into this Order as Appendix C. Should the proposed revision of Appendix C not be acceptable to NMED, the Parties agree that the DAMs will meet within ten (10) business days to resolve NMED's concerns.

## IX. CLEANUP OBJECTIVES AND CLEANUP LEVELS

A. Corrective actions shall be conducted under this Consent Order so that contamination due to releases from SWMUs and AOCs does not result in unacceptable risk to human health and ecological receptors based on current and reasonably foreseeable land use.

B. For human health, NMED has established target risk levels of  $10^{-5}$  lifetime excess cancer risk for carcinogenic Contaminants and a hazard index (HI) of 1 for non-carcinogenic Contaminants. NMED's target risk levels for protection of human health are based on lifetime excess cancer risk levels and non-cancer hazard index levels that are consistent with the EPA's National Oil and Hazardous Substance Pollution Contingency Plan, 40 C.F.R. § 300.430(e)(2)(i)(A)(2). As stated in NMED's *Risk Assessment Guidance for Site Investigations and Remediation* (2015 or updates, as appropriate), these target risk and hazard index levels are used to determine whether site-related contamination poses an unacceptable risk to human health and requires corrective action or whether implemented corrective actions sufficiently protect human health and the environment. In the event that NMED updates its *Risk Assessment Guidance for Site Investigations and Remediation*, the Parties will meet to discuss any changes in updated guidance that may impact corrective action activities.

C. The corrective action process employs both screening levels and cleanup levels. Screening levels are Contaminant concentrations that indicate the potential for unacceptable risk. If Contaminants are present at concentrations above screening levels, it does not necessarily indicate that cleanup is required, but it does indicate that additional risk evaluation is needed to determine the potential need for cleanup. Cleanup levels are the Contaminant concentrations that indicate when cleanup objectives are met. The need for cleanup is triggered by potential unacceptable risk and not by exceedance of screening levels. DOE shall define the use of screening levels and cleanup levels at a site through the Data Quality Objectives developed during Facility Investigation (Section XIII) and media cleanup objectives developed during Corrective Measures Evaluation (Section XVI).

D. NMED has developed soil screening levels (SSLs) based on target risk levels of  $10^{-5}$  lifetime excess cancer risk for carcinogenic Contaminants and for non-carcinogenic Contaminants a target HI of 1. These SSLs are listed in NMED's *Risk Assessment Guidance for Site Investigations and Remediation* (2015 or updates, as appropriate). NMED's SSLs are used

to indicate the potential for site-related contamination to be present in soils at levels that could result in human health risk above NMED cleanup goals. NMED's SSLs are based on conservative exposure assumptions for several exposure scenarios (e.g., residential, industrial, and construction worker). NMED also reviews and accepts DOE's recreational SSLs. Based on reasonable and foreseeable future land use, DOE shall use NMED's *Risk Assessment Guidance for Site Investigations and Remediation* (2015 or updates, as appropriate) to determine whether or not a site meets acceptable risk.

E. DOE may use NMED's SSLs as soil cleanup levels to demonstrate that additional corrective action is not needed. If NMED has not developed SSLs for a particular Contaminant, DOE may use SSLs for that Contaminant developed by EPA. Alternatively, instead of using SSLs as cleanup levels, DOE may calculate site-specific risk-based soil cleanup levels based on site-specific exposure parameters in accordance with NMED's *Risk Assessment Guidance for Site Investigations and Remediation* (2015 or updates, as appropriate). NMED must approve site-specific cleanup levels proposed by DOE.

F. NMED has developed tap water screening levels for drinking water based on the target risk levels of  $10^{-5}$  lifetime excess cancer risk for carcinogenic Contaminants and non-carcinogenic HI of 1. These screening levels are listed in NMED's *Risk Assessment Guidance for Site Investigations and Remediation* (2015 or updates, as appropriate). NMED's tap water screening levels are used to indicate the potential for site contamination present in drinking water to result in human health risk above NMED cleanup objectives. NMED's tap water screening levels shall be used as groundwater screening levels for protection of human health if groundwater is a current or reasonably foreseeable source of drinking water. If NMED has not developed tap water screening levels for a particular Contaminant, DOE may use tap water screening levels for that Contaminant developed by the EPA adjusted to  $10^{-5}$  cancer risk for carcinogens.

G. Groundwater cleanup levels shall be established in accordance with EPA's *Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action* (2004 or as updated). Consistent with EPA's Handbook, groundwater cleanup levels shall be based on the maximum beneficial use of the groundwater to ensure protection of human health. For protection of human health and the environment, groundwater cleanup levels shall be based on existing standards (e.g., drinking water standards) when they are available and when using them

is protective of current and reasonably expected exposures. Applicable standards for use as cleanup standards for protection of human health are the WQCC groundwater standards, including alternative abatement standards (20.6.2.4103 NMAC), and the drinking water maximum contaminant levels (MCLs) adopted by EPA under the federal Safe Drinking Water Act (42 U.S.C. §§ 300f to 300j-26) or the New Mexico Environmental Improvement Board (20.7.10 NMAC). If both a WQCC standard and an MCL have been established for an individual substance, then the lower of the two levels will be considered the cleanup level for that substance. If no WQCC groundwater standard or MCL has been established for a Contaminant for which toxicological information is published, DOE shall use a target risk level of  $10^{-5}$  lifetime excess cancer risk for carcinogenic Contaminants and/or non-carcinogenic HI of 1 as the basis for developing a cleanup level for the Contaminant.

H. Surface water screening levels shall be used to evaluate the potential for unacceptable risk due to release of site-related Contaminants to surface waters other than from permitted discharges. Release of Contaminants from SWMUs and AOCs to storm water runoff is regulated by DOE's National Pollutant Discharge Elimination System (NPDES) Individual Permit (NM0030759) (Individual Permit). Discharge of site-related Contaminants from SWMUs and AOCs to surface waters may also be permitted under the NPDES Multi-Sector General Permit, the NPDES Construction General Permit, or DOE's NPDES Industrial and Sanitary Permit. This Consent Order shall not establish screening levels or cleanup levels for Contaminants in storm water. Applicable New Mexico Water Quality Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) shall be used as screening levels for surface water.

I. If investigation results indicate human health risk in excess of cleanup objectives due to release of site-related Contaminants to surface water, other than from permitted discharges, DOE may develop site-specific surface water cleanup levels. Cleanup levels for protection of human health for surface water shall be developed in accordance with EPA's *Risk Assessment Guidance for Superfund (RAGS), Volume I, Part A* (1989 or as updated).

J. Screening for ecological risk shall be conducted using the Facility's Ecological Screening Levels (LANL ESLs) which are included in LANL's Ecorisk Database (2015 or as updated). In the absence of LANL ESLs, DOE may use NMED's Ecological Screening Levels (NMED ESLs) included in NMED's *Risk Assessment Guidance for Site Investigations and*

*Remediation* (2015 or updates, as appropriate). If the LANL Ecorisk Database or NMED's ESLs do not contain a screening value for the receptor or Contaminant, DOE shall derive a screening level using the methodology in the Facility's *Screening Level Ecological Risk Assessment Methods* (2012 or as updated) provided toxicity information is available either online or in the peer reviewed literature. If valid toxicity information for a Contaminant is not available, DOE may evaluate potential ecological risk using ESLs for surrogate chemicals based on structural similarities or qualitatively if a surrogate with ESLs is not available. In the event that either Party updates its ecological screening levels, the Parties will meet to discuss any changes that may impact corrective action activities.

K. If investigation results indicate the need to conduct corrective actions to mitigate unacceptable ecological risk due to release of site-related Contaminants, DOE may develop site specific ecological cleanup levels. The methodology for developing ecological cleanup levels and the values generated will be provided to NMED for review and approval prior to remediation. In the event that corrective actions to mitigate unacceptable ecological risk are necessary, the Parties will meet to discuss the proposed cleanup methodology and values.

L. If attainment of the established cleanup objectives is demonstrated to be technically infeasible, DOE may perform risk-based evaluation to establish alternative cleanup objectives for specific media at individual SWMUs or AOCs. The risk-based evaluation should be conducted in accordance with NMED's Risk Assessment Guidance for Site Investigations and Remediation (2015 or updates, as appropriate). For groundwater, pursuant to 20.9.9.16 NMAC, DOE may propose to demonstrate technical infeasibility or an alternative abatement standard of a groundwater cleanup objective of the groundwater quality standards found in 20.6.2 NMAC, utilizing the applicable requirements and procedures found in 20.6.2.4103.E and 4103.F NMAC.

M. For all other instances in which DOE seeks to vary from a cleanup objective identified above, DOE shall submit a demonstration to NMED that achievement of the cleanup objective is impracticable. In making such demonstration, DOE may consider such things as technical difficulty or physical impracticability of the project, the effectiveness of proposed solutions, the cost of the project, hazards to workers or to the public, and any other basis that may support a finding of impracticability at a particular SWMU(s) and/or AOC(s). DOE may also refer to all applicable guidance concerning impracticability,

including, for example, the criteria set forth in EPA's Interim Final Guidance for Evaluating the Technical Impracticability of Ground-Water Restoration (September 1993) and EPA's Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action (April 2004 or as updated). In addition to demonstrating the basis for their impracticability request, DOE's written submission shall propose the action to be taken by DOE if NMED approves the impracticability demonstration. Such action shall include, but is not limited to, completion of a site-specific risk assessment and identification of alternative clean-up goals or levels.

N. NMED will review DOE's written submission concerning impracticability and determine whether the demonstration is approvable. NMED may consider such things as technical or physical feasibility of the project, the effectiveness of proposed solutions, the cost of the project, hazards to workers or to the public, and any other basis that may support or refute a finding of impracticability at a particular SWMU(s) and/or AOC(s).

O. If NMED approves DOE's impracticability demonstration, it will notify DOE in writing, and such notice will describe the specific action to be taken by DOE.

## **X. NEWLY DISCOVERED RELEASES**

A. Newly discovered SWMUs and AOCs subject to this Consent Order shall be added to Appendix A of this Consent Order using the process described in this Section X as appropriate to support the purposes of this Consent Order described in Section II (Purpose and Scope).

B. DOE shall notify NMED within 15 days upon DOE's discovery of a potential SWMU or AOC that DOE determines is subject to this Consent Order, consistent with Section VII.A (Relationship to Permits).

C. For any newly discovered potential SWMU or AOC for which DOE provides notification to NMED that such SWMU or AOC is subject to this Consent Order pursuant to Subsection B above, DOE shall develop and implement a preliminary screening plan (including sampling and investigation activities and schedule for those activities) for such newly discovered potential SWMU or AOC, and provide NMED with the results of the preliminary screening.

- 1) If the results of the preliminary screening show that hazardous constituents are found at concentrations above residential screening levels, then such newly discovered SWMU or AOC shall be added to Appendix A of this Consent Order in accordance with Section VIII (Campaign Approach), unless DOE removes the hazardous constituents to levels that would require no long-term controls. Depending on the nature of the newly discovered SWMU or AOC, it may be appropriate for DOE to update Appendices B and/or C.
- 2) If the results of the preliminary screening show that hazardous constituents are not found at levels in excess of residential screening levels, then DOE will notify NMED that no further action related to this Consent Order will be taken.
- 3) If DOE proposes that the newly discovered potential SWMU or AOC not be added to Appendix A, NMED shall review the results and determine whether or not the site should be added to Appendix A.

## **XI. DEFERRED SITES**

A. Corrective action activities set forth in this Consent Order shall be deferred for SWMUs and AOCs whose status is identified in Appendix A as “Deferred.”

B. Table IV-2 of the 2005 Consent Order identified SWMUs and AOCs located within testing hazard zones of active firing sites for which investigation activities were deferred. SWMUs and AOCs listed on Table IV-2 of the 2005 Consent Order for which deferred investigation was proposed in NMED-approved investigation work plans and reports are identified with the status “Deferred” in Appendix A of this Consent Order in accordance with Section VIII (Campaign Approach).

- 1) The testing hazard zones associated with Deferred Sites are identified on a map entitled “Los Alamos National Laboratory Firing Sites” prepared by DOE and dated October 2003. The map, as it may be revised from time to time, is incorporated herein by reference.
- 2) DOE may revise the geographic scope and location of the designated testing hazard zones if necessary to support DOE’s operations. If that occurs, or if any other changed circumstances or other information becomes available such that

the map does not accurately depict the testing hazard zones, DOE shall revise the map and submit to NMED the revised map with explanatory information, that explains and justifies the revision, within sixty (60) days after DOE finalizes its revised map. The revised version of the map shall be incorporated herein by reference and substituted for the earlier version.

- 3) While this Consent Order is in effect, the deferral of corrective action activities may continue until such time as the firing site that has been used to delineate the relevant testing hazard zone is closed, or it is inactive and DOE has determined that it is not reasonably likely to be reactivated. The decision about the use of a firing site shall be based entirely on operation of the firing range, and such decision will be solely within DOE's discretion. At such time as the firing site is closed, or it is inactive and DOE has determined it is not reasonably likely to be reactivated, if this occurs while this Consent Order is in effect, DOE shall incorporate investigation of formerly "Deferred" SWMUs and AOCs within the former testing hazard zone into campaigns according to the campaign approach process presented in Section VIII (Campaign Approach). DOE shall also update the status of formerly "Deferred" SWMUs and AOCs in Appendix A in accordance with Section VIII (Campaign Approach). DOE shall then submit to NMED for approval RFI work plan(s) for these formerly "Deferred" SWMUs and AOCs in accordance with the requirements of Section XIII (Facility Investigation).

C. Investigation work plans and investigation reports prepared and approved under the 2005 Consent Order proposed delaying investigation at some SWMUs and AOCs associated with active Facility operations that are now identified as "Deferred" in Appendix A of this Consent Order. Accordingly, all corrective action activities set forth in this Consent Order shall be deferred for all SWMUs and AOCs whose status is identified in Appendix A as "Deferred." While this Consent Order is in effect, this deferral of corrective action activities may continue until such time as the active Facility operations comprising the basis for the deferral are no longer ongoing. At such time as DOE determines that these active Facility operations cease, if this occurs while this Consent Order is still in effect, DOE shall incorporate investigation of these formerly "Deferred" SWMUs and AOCs into campaigns according to the campaign

approach process presented in Section VIII (Campaign Approach). DOE shall also update the status of these formerly “Deferred” SMWUs and AOCs in Appendix A in accordance with Section VIII (Campaign Approach). DOE shall then submit to NMED for approval RFI work plans for these formerly “Deferred” SWMUs and AOCs in accordance with the requirements of Section XIII (Facility Investigation).

D. DOE may propose partial investigation and partial remediation, if appropriate, if portions of the SWMUs and AOCs identified as “Deferred” in Appendix A become accessible. DOE shall, at its discretion, determine when a unit is accessible or partially accessible.

E. Determinations by DOE about the availability of Deferred Sites made pursuant to this Section shall not be subject to dispute resolution under Section XXV of this Consent Order.

F. Upon Termination of this Consent Order pursuant to Section XXXVII, any “Deferred” SWMUs and/or AOCs will be addressed under the Permit.

## **XII. GROUNDWATER MONITORING**

A. In accordance with the 2005 Consent Order, DOE has monitored and continues to monitor groundwater at and around the Facility, including base flow, alluvial groundwater, intermediate-perched groundwater, and regional aquifer groundwater, in accordance with NMED-approved annual updates to the Interim Facility-Wide Groundwater Monitoring Plan (IFGMP), and monitoring results have been reported in periodic monitoring reports submitted to NMED. DOE shall implement the monitoring requirements of NMED-approved IFGMP in effect on the effective date of this Consent Order and prepare and submit periodic monitoring reports required by that plan.

B. Each year, DOE shall prepare a revised IFGMP for each upcoming monitoring year (October 1 through September 30), including monitoring locations, frequencies, analytical suites, and related activities, as well as a schedule for performing monitoring activities and submitting period monitoring reports. As appropriate, proposed updates may include adding, deleting, or revising monitoring groups. The revised IFGMP shall specify collection of monitoring data that is necessary and sufficient to support corrective action activities. Analytical methods shall be capable of detecting Contaminants at or below screening levels or, with approval of NMED, other reporting levels, as appropriate. The revised IFGMP shall be

submitted to NMED by June 30 of each year for review and approval in accordance with Section XXIII (Preparation / Review / Comment on Documents) of this Consent Order by September 30 of each year.

C. DOE shall implement the approved IFGMP. DOE shall review analytical data from groundwater monitoring in accordance with the requirements of Section XXVI (Quality Assurance / Data Management / Data Review) of this Consent Order and provide the notifications required by that Section.

D. As DOE completes corrective action activities at SWMUs or AOCs, DOE may propose changes to monitoring groups to reflect near-term groundwater monitoring activities.

E. Upon completion of corrective action activities at a SWMU or AOC or for contaminated groundwater and the requisite monitoring period, DOE may include long-term groundwater monitoring requirements in a permit modification request. DOE will then remove groundwater monitoring requirements for that SWMU or AOC from the next revision of the IFGMP.

F. Upon Termination of this Consent Order, any groundwater monitoring requirements remaining in the most recent NMED-approved IFGMP shall be implemented through the Facility's Hazardous Waste Permit. Upon Termination of this Consent Order, DOE shall include groundwater monitoring requirements in a permit modification request made pursuant to Section VII (Relationship to Permits).

### **XIII. FACILITY INVESTIGATION**

A. RCRA Facility Investigations (RFI/s) shall be conducted, where necessary, to investigate releases or potential releases of site-related Contaminants from SMWUs and AOCs or releases of legacy Contaminants to groundwater as appropriate to support the purposes of this Consent Order described in Section II (Purpose and Scope). Consistent with the U.S. Environmental Protection Agency's (EPA's) *Results-Based Approaches and Tailored Oversight Guidance* (2003), investigation efforts shall be focused on the overall goal to accomplish environmental cleanup and reduce risk. To support this goal, investigation planning shall include early identification of SWMUs and AOCs not posing an unacceptable risk to human health and the environment, as well as early identification of potential remedies for those

SWMUs and AOCs that potentially do pose a risk based upon current and reasonably foreseeable future land use. RFIs shall focus on collection of those data necessary and sufficient to support decisions on corrective action activities, and RFIs shall follow EPA's Data Quality Objectives (DQO) process, set forth in EPA's Guidance on Systematic Planning Using the Data Quality Objectives Process (February 2006 or as updated). DOE shall provide notification to NMED of corrective action field activities a minimum of 15 days prior to commencing the activity.

B. The Parties agree that the term "investigation" was used under the 2005 Consent Order to mean RFI and may continue to be used in this way (e.g., investigation work plans and reports are equivalent to RFI work plans and reports).

C. Each RFI shall be performed pursuant to an RFI work plan approved by NMED in accordance with Section XXIII (Preparation / Review / Comment on Documents) of this Consent Order. Each RFI work plan shall detail the objectives, approach, estimated schedule and work scope of the proposed investigation. Each RFI work plan shall also include a provision that allows DOE to perform extra work (e.g., step out sampling to determine nature and extent of contamination) based on data obtained during implementation of the RFI work plan, without further approval from NMED.

D. If, during investigation, DOE determines that changes to approach or work scope detailed in the work plan are needed to meet the investigation objectives, DOE shall notify NMED in writing. If changes to approach or work scope detailed in the work plan needed to complete the investigation would cause DOE to miss a milestone, e.g., for submittal of an RFI report, in the current FY, DOE shall request an extension in accordance with Section XXVIII (Extensions).

E. For those SMWUs and AOCs addressed in investigation work plans prepared and approved by NMED under the 2005 Consent Order but not yet implemented, DOE may perform the RFIs in accordance with those investigation work plans, or in accordance with an RFI work plan prepared under this Section.

F. Following completion of all or portions of the work scope specified in the approved RFI work plan, DOE shall review the investigation results to determine whether the objectives of the investigation have been met.

G. DOE shall document the results of investigations performed in RFI reports. RFI reports shall identify the corrective action activities for the SWMU(s) and/or AOC(s) that is/are the subject of the RFI and whether performance of a CME is necessary and appropriate. RFI reports shall be submitted to NMED for review and approval in accordance with Section XXIII (Preparation / Review / Comments on Documents).

H. During preparation of the RFI report, DOE shall evaluate investigation results to determine whether to take interim measures in accordance with Section XV (Interim Measures/Emergency Interim Measures).

I. As appropriate, NMED's approval of RFI Report(s) may provide explicit validation for whether corrective action activities are complete at particular SWMU(s) or AOC(s), including validation of recommended controls, as appropriate.

J. Consistent with Section XXIII (Preparation / Review / Comments on Documents), the Parties agree to confer, and meet as appropriate, on the technical approach and/or results to be presented in RFI work plans and reports.

#### **XIV. AREAS OF CONTAMINATION**

A. Using the procedure in Subsection B and in accordance with EPA's Area of Contamination Policy and Memorandum (March 25, 1996), DOE may propose to designate portions of land with SWMUs and/or AOCs that are currently undergoing corrective action, into a single Area of Contamination. Consolidation or in situ treatment of wastes within the Area of Contamination will not trigger RCRA requirements such as land disposal restrictions or minimum technology requirements.

B. Should DOE choose to request an Area of Contamination designation, DOE shall request, in writing, NMED's approval of an Area of Contamination determination in advance of implementation of any work within the Area of Contamination. The request must include: 1) a description of the activities to be conducted within the Area of Contamination; 2) a map depicting the boundary of the Area of Contamination; and 3) a description of additional confirmatory sampling to be performed if the area within the Area of Contamination, but outside the original SWMU/AOC boundary, becomes contaminated.

C. NMED shall review the Area of Contamination determination request and provide a written response to DOE in which it approves, disapproves, or requests additional information.

## **XV. INTERIM MEASURES/EMERGENCY INTERIM MEASURES**

A. Interim measures may be used as appropriate to reduce or prevent migration of site-related Contaminants which have or may result in an unacceptable human or environmental receptor risk while long-term corrective action remedies are evaluated and implemented. NMED and DOE may identify the need for interim measures during development or review of RFI work plans and reports, during performance of RFIs, or through review of new information related to potential releases of Contaminants from SWMU(s) or AOC(s).

B. If NMED identifies the need for interim measures, NMED shall notify DOE in writing. Alternatively, if DOE identifies the need for interim measures, DOE shall notify NMED in writing. The written notifications shall identify the SWMU(s) or AOC(s) where NMED or DOE, as applicable, identifies the need for interim measures and the objectives of such interim measures, including the specific Contaminants, media, and receptors to be addressed. Upon receipt of such notifications, the DAMs shall meet to discuss the need for interim measures, the scope of the interim measures, and a schedule for submitting an Interim Measures Work Plan.

C. DOE shall prepare an Interim Measures Work Plan, which shall include estimated implementation schedules for completion of the interim measures, and submit to NMED for review and approval in accordance with Section XXIII (Preparation / Review / Comment on Documents) of this Consent Order.

D. Following completion of interim measures, DOE shall submit to NMED an Interim Measures Report. The Interim Measures Report shall summarize the results of the interim measures and include the results of all field screening, monitoring, sampling, analysis, and other data generated as part of the interim measures implementation. NMED will review and approve the Interim Measures Report in accordance with Section XXIII (Preparation / Review / Comment on Documents) of this Consent Order.

E. DOE may determine, during implementation of corrective action activities at SWMU(s) and/or AOC(s), that emergency interim measures are necessary to address an

immediate threat of harm to human health or the environment. DOE shall notify NMED, by phone and in writing, within three business days of discovery of the facts giving rise to the immediate threat, and shall propose emergency interim measures to address the immediate threat. NMED will respond in writing to such proposal within three business days of receipt of the proposal. If NMED approves the emergency interim measures, DOE may implement the proposed emergency interim measures without submitting an Interim Measures Work Plan. If circumstances arise resulting in an immediate threat to human health or the environment such that initiation of emergency interim measures are necessary prior to obtaining written approval from NMED, DOE shall notify NMED within one business day of taking the emergency interim measure. The notification, which can be made by email, shall contain a description of the emergency situation, the types and quantities of Contaminants involved, the emergency interim measures taken, and contact information for the emergency coordinator who handled the situation. The notification shall also include a written statement (email is acceptable) justifying the need to take the emergency action without prior written approval from NMED. Upon completion of emergency interim measures, an Interim Measures Report shall be prepared by DOE and submitted to NMED for review and approval in accordance with Section XXIII (Preparation / Review / Comment on Documents) of this Consent Order. This Interim Measures Report shall be submitted within 90 days of completing the emergency interim measures or by an alternative date agreed to by the DAMs.

F. If implementation of an Emergency Interim Measure will impact DOE's compliance with milestones listed in the current FY's Appendix B, DOE may implement the Emergency Interim Measure without first revising Appendix B. NMED and DOE shall meet as soon as practicable after implementation of the Emergency Interim Measure to revise Appendix B to incorporate the Emergency Interim Measure and adjust or remove any milestone in the current FY's Appendix B that has been impacted by implementation of the Emergency Interim Measure.

## **XVI. CORRECTIVE MEASURES EVALUATION**

A. Corrective Measures Evaluations (CME/s) shall be conducted as appropriate to support the purposes of this Consent Order described in Section II (Purpose and Scope). DOE shall perform a CME when, based on the relevant RFI report, NMED notifies DOE that a CME is required. The Parties agree that a Corrective Measures Evaluation (CME/s) performed by DOE is equivalent to a Corrective Measures Study (CMS/s).

B. CMEs will be performed to identify, develop, and evaluate potential corrective measures alternatives for removal, containment, and/or treatment of site-related contamination. CME(s) will focus on remedies based on consideration of site conditions and the extent, nature, and complexity of releases and contamination. DOE shall use a graded approach, i.e., evaluate alternatives using the criteria in the Subsection below, in identifying corrective measures alternatives. Based on application of the criteria in the Subsection below, a CME may detail why some alternatives are excluded from further evaluation in the CME.

C. DOE shall conduct CME(s) that include evaluation of corrective measures alternatives using the following threshold and balancing criteria. Any corrective measure alternative proposed in the CME Report must meet the threshold criteria, which are evaluation standards derived from EPA's RCRA Corrective Action Plan, OSWER Directive 9902.3-2A (May 1994). DOE shall use the balancing criteria, which are other factors derived from that guidance, to evaluate alternatives meeting the threshold criteria.

- 1) Threshold Criteria
  - a) Be protective of human health and the environment.
  - b) Attain media cleanup objectives.
  - c) Control the source(s) of releases.
  - d) Comply with applicable standards for management of wastes.
- 2) Balancing Criteria
  - a) Long-term reliability and effectiveness (including sustainability, long-term stewardship considerations, and long-term environmental impacts).
  - b) Reduction of toxicity, mobility or volume of waste and contaminated media.

- c) Short-term effectiveness (including near-term environmental impacts).
- d) Implementability.
- e) Cost.

D. The balancing criteria shall be evaluated in accordance with the following:

- 1) Long-term Reliability and Effectiveness: The remedy shall be evaluated for long-term reliability and effectiveness, including the consideration of the magnitude of risks that will remain after implementation of the remedy; the extent of long-term monitoring, or other management that will be required after implementation of the remedy; the uncertainties associated with leaving contaminants in place; DOE's long-term stewardship of the site, environmental impacts; sustainability; and the potential for failure of the remedy. Other criteria being equal, DOE shall give preference to a remedy that reduces risks with minimal long-term management, and that has proven effective under similar conditions.
- 2) Reduction of Toxicity, Mobility or Volume: The remedy shall be evaluated for its reduction in the toxicity, mobility, and volume of contaminants. Other criteria being equal, DOE shall give preference to a remedy that uses treatment to more completely and permanently reduce the toxicity, mobility, and volume of contaminants.
- 3) Short-Term Effectiveness: The remedy shall be evaluated for its short-term effectiveness, including the consideration of the short-term reduction in existing risks that the remedy would achieve; the time needed to achieve that reduction; the near-term environmental impacts; and the short-term risks that might be posed to the community, workers, and the environment during implementation of the remedy. Other criteria being equal, DOE shall give preference to a remedy that quickly reduces short-term risks as well as near-term environmental impacts, without creating significant additional risks.
- 4) Implementability: The remedy shall be evaluated for its implementability or the difficulty of implementing the remedy, including the consideration of installation and construction difficulties; operation and maintenance difficulties; difficulties with cleanup technology; permitting and approvals; and the availability of necessary equipment, services, expertise, and storage and disposal capacity. Other

criteria being equal, DOE shall give preference to a remedy that can be implemented quickly and easily, and poses fewer and lesser difficulties.

- 5) Cost: The remedy shall be evaluated for its cost, including a consideration of both capital costs, and operation and maintenance costs. Capital costs shall include, without limitation, construction and installation costs; equipment costs; land development costs; and indirect costs including engineering costs, legal fees, permitting fees, startup and shakedown costs, and contingency allowances. Operation and maintenance costs shall include, without limitation, operating labor and materials costs; maintenance labor and materials costs; replacement costs; utilities; monitoring and reporting costs; administrative costs; indirect costs; and contingency allowances. All costs shall be calculated based on their net present value. Other criteria being equal, DOE shall give preference to a remedy that is less costly, but does not sacrifice protection of human health and the environment.

E. DOE shall document the results of a CME and recommend a preferred alternative for remediation in a CME Report. CME Reports shall be submitted to NMED, and NMED shall review and issue a Statement of Basis in accordance with Section XVII (Statement of Basis/Selection of Remedies) of this Consent Order.

F. The Parties agree that CMEs performed under the 2005 Consent Order may be used to satisfy the requirements of this Section.

G. Consistent with Section XXIII (Preparation / Review / Comments on Documents), the Parties agree to confer, and meet as appropriate, on the content of CMEs.

## **XVII. STATEMENT OF BASIS / SELECTION OF REMEDIES**

A. Statements of Basis shall be prepared, and remedies selected, as appropriate to support the purposes of this Consent Order described in Section II (Purpose and Scope). NMED shall be responsible for preparation of the Statement of Basis and selection of a remedy for which a CME Report is prepared by DOE in accordance with Section XVI (Corrective Measures Evaluation) of this Consent Order. NMED shall select the remedy based on the information presented in the relevant CME Report, data from previous RFI Reports, and information provided during the public comment period and/or during the public hearing

process, as applicable consistent with the regulations at 20.4.1.900 NMAC (incorporating 40 C.F.R. § 270.42), 20.4.1.901 NMAC, and 20.4.1.902 NMAC. The remedy that NMED selects must meet the threshold criteria set forth in Section XVI.C.1), and NMED must consider Section XVI.C.2)'s balancing criteria, as analyzed by DOE in the relevant CME Report, as part of its remedy selection. NMED may choose, consistent with EPA's RCRA Corrective Action Plan, OSWER Directive 9902.3-2A (May 1994), a different remedy from that recommended by DOE in the CME Report.

B. NMED's Statement of Basis shall describe the basis for NMED's selection of a remedy. 20.1.4 NMAC NMED shall issue the Statement of Basis for public comment, and it shall be sufficiently detailed for the public and DOE to understand and comment on NMED's recommended decision on the remedy, and the studies and conclusions leading up to the decision on the remedy. The public comment period will extend for at least sixty (60) days from the date of the public notice of the Statement of Basis. NMED will provide an opportunity for a public hearing on the remedy, at which all interested persons will be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. The comment period will automatically be extended to the close of the public hearing. The public hearing will follow the hearing requirements under section 20.4.1.901.F NMAC. NMED will select a final remedy and issue a response to public comments to all commenters within ninety (90) days, or other appropriate time, after the end of the public comment period. In selecting a remedy, NMED will follow the public participation requirements applicable to remedy selection under sections 20.4.1.900 NMAC incorporating 40 C.F.R. § 270.41, 20.4.1.901 NMAC, 20.4.1.902 NMAC, and 20.1.4 NMAC.

C. NMED's decision selecting the remedy shall follow the requirements under section 20.4.1.901.G NMAC, Secretary's Decision.

## **XVIII. CORRECTIVE MEASURES IMPLEMENTATION**

A. Corrective measures, i.e., remedies selected in accordance with Section XVII (Statement of Basis/Selection of Remedies), shall be implemented as appropriate to support the purposes of this Consent Order described in Section II (Purpose and Scope). Corrective Measures Implementation (CMI) means the design, construction, operation, maintenance, and

monitoring of the remedy selected following preparation of a CME pursuant to Section XVI and Statement of Basis pursuant to Section XVII. DOE agrees to prepare CMI Plan(s), implement corrective measures, and prepare CMI Report(s).

B. Each CMI Plan shall include plans for the design, construction, operation, maintenance, and monitoring for the remedy selected by NMED under Section XVII (Statement of Basis/Selection of Remedy). Each CMI Plan shall be prepared and submitted to NMED for review and approval in accordance with Section XXIII (Preparation / Review / Comment on Documents) of this Consent Order.

C. Each CMI Report shall document implementation and completion of the remedy in accordance with its NMED-approved CMI Plan. Each CMI Report shall include a recommendation of “Certificate of Completion with controls” or “Certificate of Completion without controls” for corrective action activities completed under this Consent Order. CMI Reports shall be prepared and submitted to NMED for review and approval in accordance with Section XXIII (Preparation / Review / Comment on Documents) of this Consent Order.

D. NMED’s approval of CMI Report(s) shall provide explicit validation for whether corrective action activities are complete at particular SWMU(s) or AOC(s), including validation of recommended controls, as appropriate.

## **XIX. ACCELERATED CORRECTIVE ACTION AND PRESUMPTIVE REMEDIES**

A. The Parties agree that flexibility in implementing corrective actions is needed to most efficiently achieve the purposes of this Consent Order described in Section II (Purpose and Scope). Accelerated corrective action activities may be implemented to address risks to human health and/or the environment, reduce corrective action costs, and/or achieve cleanup ahead of deadlines otherwise proposed, e.g., Appendix B. Such accelerated activities are distinct from Emergency Interim Measures, as described in Section XV (Interim Measures/Emergency Interim Measures) and shall not be subject to milestones or associated with targets in the current FY’s Appendix B, pursuant to Section VIII (Campaign Approach). The Parties agree that DOE may implement accelerated corrective actions (1) involving contaminated groundwater or (2) taking longer than 180 days, notwithstanding the provisions of 20.4.2.7.A and B NMAC.

B. If an NMED-approved work plan already addresses corrective action activities that DOE endeavors to accelerate, DOE may accelerate such corrective action activities included within such NMED-approved work plan without prior written approval from NMED, provided that such accelerated activities shall not detract from milestones in the current FY's Appendix B and that DOE shall notify NMED of such field activities associated with accelerated corrective action.

C. If an NMED-approved work plan does not address corrective action activities that DOE endeavors to accelerate, DOE may develop and submit work plan(s), and subsequently accelerate corrective action activities that are addressed by such work plan(s) without prior written approval from NMED, provided that such accelerated activities do not detract from milestones in the current FY's Appendix B and that DOE shall notify NMED of such field activities associated with accelerated corrective action.

D. Upon completion of any accelerated activities pursuant to Subsections B and C, DOE shall provide report(s) that document(s) the results of the accelerated activities, as appropriate, and NMED shall review such report(s) pursuant to Section XXIII (Preparation / Review / Comment on Documents).

E. Presumptive Remedies. The Parties agree that implementation of presumptive remedies is appropriate and desirable for SWMUs and AOCs for which DOE determines that there is a clear, conservative remedy for which DOE believes that there will be no need to prepare a CME under Section XVI. DOE's determination will be based upon its past experience with remediation and with NMED.

- 1) If DOE determines that the scope of the presumptive remedy is the most bounding alternative that would otherwise be evaluated under a CME, DOE will prepare a Remedy Implementation Plan and submit to NMED for approval consistent with Section XXIII (Preparation / Review / Comment on Documents). Upon approval, DOE will implement the Remedy Implementation Plan. The results of the implementation will be documented in a Remedy Completion Report, which DOE will submit to NMED for approval consistent with Section XXIII (Preparation / Review / Comment on Documents).
- 2) If DOE determines that the scope of the presumptive remedy is limited enough to accomplish during the RFI (e.g., removal of small volumes of soil

contaminated above soil screening levels), DOE may accelerate corrective action activities by performing the presumptive remedy during the RFI without prior notification to NMED or NMED approval. If so, DOE shall report the results of such presumptive remedy either in the relevant RFI Report pursuant to Section XIII (Facility Investigation) or in a Remedy Completion Report, which DOE will submit to NMED for approval consistent with Section XXIII (Preparation / Review / Comment on Documents).

- 3) NMED's approval of Remedy Completion Report(s) shall provide explicit validation for whether corrective action activities are complete at particular SWMU(s) or AOC(s), including validation of recommended controls, as appropriate.

## **XX. AT RISK WORK**

The Parties agree that DOE may perform any of the corrective action activities required by this Consent Order at risk and in advance of NMED approval. Should DOE fail to meet the objectives and/or requirements of the at-risk corrective action(s), NMED may require DOE to conduct additional work to satisfy the requirements of this Consent Order.

## **XXI. CERTIFICATION OF COMPLETION OF CORRECTIVE ACTION**

A. Certificates of Completion shall be issued, as appropriate to support the purposes of this Consent Order described in Section II (Purpose and Scope). DOE shall request Certificates of Completion for SWMUs and AOCs subject to the requirements of this Consent Order. DOE commits to timely submission of Certificate of Completion requests upon receipt of NMED's approval of completion reports, and NMED commits to a timely review of DOE's requests for Certificates of Completion. A Certificate of Completion is intended to document completion of corrective action activities and assign controls, if necessary, at sites covered by this Consent Order and in accordance with Section VII.

B. NMED shall review the request(s). If NMED concurs that the corrective action activities are complete, NMED shall issue Certificate(s) of Completion. If NMED does not

concur that corrective action activities are complete for the SWMU(s) or AOC(s), as applicable, NMED shall disapprove the request for Certificate of Completion and provide the basis for the disapproval in writing.

C. DOE may request Certificate(s) of Completion with or without controls, as appropriate, based on NMED's approval of relevant reports prior to the effective date of this Consent Order.

D. DOE may request, and NMED may grant, Certificate(s) of Completion without Controls for SWMUs and AOCs for which institutional or physical controls are not needed to meet cleanup objectives identified in accordance with Section IX (Cleanup Objectives and Cleanup Levels), and for which operation, maintenance, and/or monitoring will not be required after completion of corrective actions. Except as provided in Subsections G, H, and I, SWMUs and AOCs meeting cleanup objectives for human health under the residential scenario and posing no unacceptable risk to ecological receptors shall be eligible for Certificate(s) of Completion without Controls.

E. DOE may request, and NMED may grant, Certificate(s) of Completion with Controls for SWMUs and AOCs for which institutional and/or physical controls are needed to meet cleanup objectives identified in accordance with Section IX (Cleanup Objectives and Cleanup Levels), and/or for which operation, maintenance, and/or monitoring will be required after completion of corrective actions. For such SWMUs and AOCs, DOE shall propose appropriate controls in their request for Certificate(s) of Completion, and NMED shall specify such controls upon issuance of the Certificate(s) of Completion. Controls shall be limited to actions necessary to meet cleanup objectives identified in accordance with Section IX (Cleanup Objectives and Cleanup Levels), as related to releases of site-related Contaminants from SWMUs and AOCs.

F. DOE may request, and NMED may grant, modification or removal of institutional and/or physical controls required by previously granted Certificate(s) of Completion based on new information, including information that demonstrates that institutional and/or physical controls are no longer needed to meet cleanup objectives.

G. Should NMED determine that specific Contaminants are not attributable to the Facility (e.g., Contaminants from anthropogenic sources) or not attributable to a SWMU or AOC covered by this Consent Order but are included in the risk assessment and the SWMU or

AOC exceeds a residential risk solely due to the presence of these Contaminant(s), DOE may request a certificate of completion without controls. DOE's request must include the following items:

- 1) The request must indicate those Contaminants for which an acceptable risk level under a residential risk scenario was reached during corrective action activities at the site;
- 2) The request must indicate those Contaminants for which an acceptable risk level under a residential risk scenario was not reached through corrective action activities at the site;
- 3) The request must indicate how DOE will notify the current property owner (if property not owned by DOE) of the certificate of completion without controls, including any contaminant(s) identified in number 2 above at the site. NMED must be provided a copy of this notification.

H. After receipt of the certificate of completion without controls request pursuant to Subsection G, NMED will review the request and either request additional information, deny the request or issue a certificate of completion without controls. NMED's certificate of completion will list the Contaminants that pose an acceptable risk under a residential risk scenario as well as the Contaminants that pose an unacceptable risk under a residential risk scenario addressed as part of corrective action activities at the SWMU or AOC.

I. When applicable, DOE will comply with the terms of 40 CFR § 266.202 with respect to identifying the presence of military munitions and whether such military munitions are a solid waste. Where DOE is conducting corrective action activities for those SWMUs and AOCs where munitions were formerly detonated, DOE will submit requests for certificates of completion that demonstrate how the requirements of 40 CFR § 266.202 have been met and will identify proposed controls, if any, and appropriate time frames for such controls. At either Party's request, the DAMs will meet to discuss proposed controls to resolve NMED's concerns, thus facilitating the timely issuance of certificates of completion for these SWMUs and AOCs. At a minimum, DOE will commit to maintaining records on the former use of the property as a range.

J. Pursuant to the SWA, NMED reserves any right it may have to impose long-term monitoring or other activities relating to certain Contaminants that are not hazardous wastes or

hazardous constituents as part of issuance of a certificate of completion under this Consent Order.

K. If either of the following occur, NMED shall notify DOE of its intent to re-evaluate and potentially withdraw a certificate of completion:

- 1) Conditions unknown to NMED at the time of issuance of a certificate of completion, which are discovered following issuance of the certificate of completion, where the previously unknown conditions together with other relevant information indicate that a particular certificate of completion is not protective of human health or the environment; or
- 2) Information unknown to NMED at the time of issuance of a certificate of completion, which is discovered following issuance of the certificate of completion, where the new information together with other relevant information indicate that a particular certificate of completion is not protective of human health or the environment.

## **XXII. DESIGNATED AGENCY MANAGERS**

A. No later than 20 days after the effective date of this Consent Order, NMED and DOE shall each designate which position within their respective organizations shall serve as the Designated Agency Manager (DAM) responsible for coordinating the implementation of this Consent Order. Each Party shall notify the other in writing of the position designated, including any changes made thereto. By mutual agreement, the Parties may designate a different position within their organizations to serve as the DAM, provided that the position has sufficient authority to make decisions on behalf of the organization.

B. To the maximum extent possible, communications between NMED and DOE and all documents, including reports, agreements, and other correspondence, concerning the activities performed pursuant to the terms and conditions of this Consent Order, shall be directed through the DAMs. Except as otherwise indicated in Subsections C and D, nothing in this section shall limit each DAM's ability to delegate authority, as appropriate, within their respective organizations, including signatory authority. Each DAM shall be responsible for

ensuring the internal dissemination and processing of all communications and documents received from the other DAM.

C. The DAMs shall meet regularly and as needed, but no less than quarterly, to review and discuss the progress of work being performed under this Consent Order and any related issues or concerns. This obligation to meet may not be delegated below the position.

D. The DAMs shall participate in the annual planning process, including mid-year adjustments to Appendix B, and any other matter prior to its elevation to dispute resolution pursuant to Section XXV (Dispute Resolution). These obligations may not be delegated below the position.

### **XXIII.PREPARATION / REVIEW / COMMENT ON DOCUMENTS**

A. To support the purposes of this Consent Order described in Section II (Purpose), the Parties agree to work collaboratively to resolve issues arising during preparation and review of documents and to facilitate the efficient approval of documents.

B. Any documents previously submitted and disapproved under the 2005 Consent Order, but not yet resubmitted by the effective date of this Consent Order, may be developed and submitted in accord with the procedures and requirements of this Consent Order.

C. Pre-submission Review. Prior to DOE's preparation of any work plan or report required by Sections XIII, XVI, XVIII, XIX, or XV (Facility Investigation, Corrective Measures Evaluation, Corrective Measures Implementation, Accelerated Corrective Action, Interim Measures), the Parties agree to confer, and meet as appropriate, on the content, technical approach, and/or results to be presented in the documents in an effort to reach a common understanding, called the pre-submission review. During this pre-submission review, NMED will attempt to identify issues or concerns with the technical approach and/or results that would preclude NMED's approval.

D. Schedules for NMED's Review. Prior to DOE's submission of any work plan or report required by Sections XIII, XVI, XVIII, XIX, or XV (Facility Investigation, Corrective Measures Evaluation, Corrective Measures Implementation, Accelerated Corrective Action, Interim Measures), the Parties agree to reach agreement on review schedules by when NMED will review and approve or disapprove DOE's submission(s). Appendix D provides target

review schedules for those submissions; however, agreed-upon review schedules will be based on the size (e.g., multiple volumes) and quality of the submission(s). NMED may request a single extension for a specified number of days to an agreed-upon review schedule. Such extension to the review schedule will be agreed upon by the DAMs. If NMED action on a DOE submission is not completed in accordance with an agreed-upon review schedule, the submittal will be deemed approved.

E. **Informal Review/Comment Resolution Process.** Prior to NMED's approval with modifications or disapproval of DOE's submission(s), the Parties agree to attempt to resolve NMED's concerns and comments informally to the extent possible. To accomplish this goal, the Parties shall meet to informally review, discuss, and, if possible, resolve, NMED's proposed concerns and comments.

- 1) During this informal comment resolution process, NMED may request that DOE provide supplemental information needed to aid NMED's review and DOE will use its best efforts to provide such information. Such supplemental information may also be voluntarily submitted by DOE to NMED.
- 2) During this informal comment resolution process, NMED agrees to share with DOE information regarding its anticipated approval with modifications or disapproval.

F. Following the informal comment resolution meeting, and upon review and consideration of any supplemental information provided by DOE, NMED shall submit to DOE a formal, written response to DOE's submission(s) that shall be limited to: approve the document as submitted; approve the document with modifications; or, disapprove the document.

- 1) If NMED approves the document as submitted, no additional revisions or modifications to the document shall be needed.
- 2) If NMED approves the document with modifications, NMED's notification shall clarify whether DOE needs to resubmit a revised document and specify a time frame for DOE's response. The Parties agree that, whenever possible, NMED shall limit the need for DOE to resubmit the document; the Parties further agree that NMED's approval of a document with modifications is intended to address the situation where modification can be accommodated by limited page changes without a complete revision of the document. Except in

cases where DOE objects to the modifications, if DOE's document need not be revised, DOE will incorporate the modifications into corrective action activities. Where NMED approval with modifications entails additional work, the Parties agree to discuss NMED's proposed additional work during the informal comment resolution process in Subsection E and follow the process set forth in Subsections J and K.

- 3) If NMED disapproves the document, NMED shall provide written comments that identify the reasons for the disapproval ("disapproval comments") and specify a time frame for DOE's response. NMED's disapproval comments shall be limited to addressing the information presented in the document being reviewed and requirements applicable to that document, and shall not apply to other documents. NMED comments intended to impact future document submissions shall be addressed pursuant to Subsection I.

G. Disapproval. If NMED disapproves the document, after NMED provides disapproval comments, a meeting to discuss the disapproval comments and to resolve these comments shall be held if requested by DOE's DAM. This meeting shall be attended by both DAMs, NMED's reviewer(s) of the document, and technical staff familiar with the document.

- 1) Before this meeting, DOE may prepare and provide to NMED, a draft written response (e.g., response letter, comment response document, or change table) to each of NMED's disapproval comments. DOE's draft responses shall either indicate concurrence with NMED's comment or indicate nonconcurrence and provide an explanation for nonconcurrence. Each draft response shall also identify revisions to the document, if any, resulting from the comment.
- 2) After this meeting, NMED may withdraw its disapproval and submit to DOE a formal, written response that approves the document or approves the document with modifications agreed upon as a result of the meeting.
- 3) After this meeting, DOE may revise and submit to NMED the revised document based on NMED's disapproval comments and the resolution of comments agreed upon at the meeting. If DOE elects to submit a revised document, DOE shall include a final written response to each of NMED's disapproval comments with its revised document.

- 4) If DOE's DAM does not request a meeting, DOE may revise the document and resubmit to NMED without a meeting. In this case, DOE shall include a written response to each of NMED's disapproval comments with its revised document.
- 5) Upon DOE's submission of a revised document, NMED shall review DOE's revised document and shall submit to DOE a formal, written response which shall approve the document as revised, approve with modifications, or disapprove the document. If NMED disapproves the document, NMED shall provide written comments that identify the reasons for the disapproval.

H. If NMED disapproves a revised document pursuant to Subsection G, the Parties shall use the dispute resolution process provided in Section XXV (Dispute Resolution) to resolve disapproval comments. This dispute resolution process shall determine the actions, if any, required to reach a resolved document.

I. The Parties agree that, during the comment resolution process, NMED may raise comments for discussion intended to impact future document submissions if intended to improve quality or efficiency. The DAMs will be notified of such comments and meet to discuss as needed.

J. NMED may at any time request additional work, including field modifications, remedial investigatory work, or engineering evaluations, which NMED believes is necessary to accomplish the requirements of this Consent Order. Such requests shall be in writing to DOE and provide explicit justification for the additional work relative to defined, site/project-specific objectives. DOE agrees to give full consideration to all such requests. In response to such requests, DOE may either (1) accept any such requests and incorporate them into future work plan or (2) request a meeting of the DAMs to further discuss the request.

K. Should additional work be required pursuant to Subsection J, as appropriate, Appendices B and/or C to this Consent Order may be modified in accordance with Section VIII (Campaign Approach) and Section XXVIII (Extensions) of this Consent Order.

L. Newly-discovered SWMUs and AOCs shall be addressed under Section X (Newly Discovered Releases) of this Consent Order, rather than as additional work under Subsections J and K.

## XXIV. NOTIFICATION AND SUBMISSION

A. For documents submitted to NMED under this Consent Order, DOE shall submit two hard copies and one electronic copy.

B. Unless otherwise specified, submittals provided to NMED or correspondence sent to DOE pursuant to this Consent Order shall be sent by certified mail, return receipt requested, hand-delivered, or similar method (including electronic transmission) which provides a written record of the sending and receiving dates. Should submittals be provided through electronic transmission, hard copies shall also be provided as soon as practicable. Submittals shall be addressed to the following persons:

1) NMED

Chief, Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

2) DOE/EM ADDRESS

U.S. Department of Energy  
Environmental Management  
Los Alamos Field Office  
1900 Diamond Drive, MS-M984  
Los Alamos, New Mexico 87544

C. Any Party may, by written notice to the other Party, change its designated recipient or notice address provided above.

D. Notices submitted pursuant to this Section shall be deemed submitted upon receipt, unless otherwise provided in this Consent Order or by mutual agreement of the Parties in writing.

E. The Parties agree that electronic transmissions made during normal business hours fulfill the submission requirements if DOE is unable to provide the hard copy submission by the submission deadline.

## **XXV. DISPUTE RESOLUTION**

A. Any dispute that arises under this Consent Order shall be subject to the procedures of this section unless the Consent Order expressly excludes such dispute from dispute resolution. However, the Parties agree to attempt to resolve areas of disagreement and topics of potential dispute through the regular or required coordination among DAMs and designated staff.

B. Any dispute that arises under this Consent Order shall in the first instance be the subject of informal negotiations among or between the Parties' staff engaged in the dispute. The period for informal negotiations shall not exceed twenty business days from the date the dispute arises, unless the period is extended by written agreement of the Parties to the dispute. To initiate a dispute, the complaining Party's DAM shall send the other Party's DAM a written notice (email is acceptable). Such notice shall describe in detail the disputed issue, the basis for and significance of the dispute, and a proposed resolution. The dispute shall be considered to have arisen when the receiving Party receives the written notice of dispute from the complaining Party.

C. If the Parties are unable to resolve a dispute by informal negotiation under Subsection B, the dispute shall be elevated to NMED Resource Protection Division, Division Director (or successor Division), and DOE, Office of Environmental Management, Los Alamos Field Office, Office of Quality and Regulatory Compliance, Director (the "Tier 1 Officials"). Within ten business days after the expiration of the informal dispute resolution period, the DAMs (or their staff) shall submit a written statement of position to the Tier 1 Officials. The written statements of position shall document which specific milestones within Appendix B are involved or impacted by the dispute. The Tier 1 Officials shall review the written statements of position and shall meet and confer in an attempt to resolve the dispute. The period for Tier 1 negotiations shall not exceed fifteen business days from the date the Tier 1 Officials receive the Parties' written statements of position, unless the period is extended by written agreement of the Parties to the dispute.

D. If the Parties are unable to resolve a dispute by Tier 1 negotiations under the preceding Subsection, the matter shall be immediately elevated to NMED Deputy Secretary and DOE, Office of Environmental Management, Los Alamos Field Office, Manager (the "Tier 2

Officials”). The Tier 2 Officials shall review the Parties’ written statements of position and shall meet and confer in an attempt to resolve the dispute. The period for Tier 2 negotiations shall not exceed fifteen business days from the date the Tier 2 Officials receive the statements, unless the period is extended by written agreement of the Parties to the dispute.

E. If the Parties are unable to resolve a dispute by Tier 2 negotiations under the preceding Subsection, the Parties may agree to seek to resolve the dispute through non-binding mediation or another non-binding dispute resolution method, or the Parties may pursue any available legal remedy to resolve the dispute, which may include, for NMED, bringing an enforcement action or, for DOE, petitioning a court to resolve the matter. The decision or other action forming the basis of the dispute shall be deemed final for purposes of judicial review once the Tier 2 negotiations are complete.

F. The deadline for any obligation of DOE under this Consent Order that is directly affected by a dispute raised pursuant to this Section shall be held in abeyance until the dispute is resolved. The invocation of the dispute resolution process shall not, however, extend, postpone, or affect in any way any obligations of DOE under this Consent Order not directly in dispute, unless otherwise agreed by NMED in writing. Stipulated penalties attributable to the disputed matter shall continue to accrue, but payment shall be stayed pending resolution of the dispute. If NMED prevails in the dispute, DOE shall pay all accrued stipulated penalties, plus accrued interest, in accordance with Section XXXV (Stipulated Penalties).

## **XXVI. QUALITY ASSURANCE/DATA MANAGEMENT/DATA REVIEW**

A. Samples collected by DOE during investigations, monitoring, or other activities conducted pursuant to this Consent Order shall be analyzed using EPA and industry-wide accepted practices and procedures. Analytical methods used by DOE for sample analysis shall have detection limits consistent with site/project-specific Data Quality Objectives and approved by NMED. Contract analytical laboratories used by DOE shall maintain internal quality assurance programs in accordance with EPA and industry-wide accepted practices and procedures and which meet EPA’s laboratory certification requirements. Laboratory analytical data shall be validated using data validation procedures consistent with EPA guidelines.

B. DOE commits to maintaining a publicly accessible database containing all data from analysis of environmental media samples collected by DOE as part of environmental investigations and monitoring under this Consent Order or the 2005 Consent Order, and all historical data presented in documents prepared under this Consent Order or the 2005 Consent Order.

C. By the fifteenth (15) day of each month, DOE shall review the analytical data from all groundwater monitoring conducted under this Consent Order that was received during the previous month, and shall record the date of such review; provided, however, that if the fifteenth day of a month is a non-business day, then the review shall be conducted by the next business day. DOE shall notify NMED orally within one business day after review of the analytical data if such data show detection of a Contaminant in a well screen interval or spring at a concentration that exceeds either the New Mexico water quality standard or the federal maximum contaminant level for the first time in such well screen interval or spring.

D. DOE shall notify NMED in writing within fifteen days after review of the analytical data if the data show any of the following:

- 1) Detection of a Contaminant that is an organic compound in a spring or screened interval of a well if that Contaminant has not previously been detected in the spring or screened interval.
- 2) Detection of a Contaminant that is a metal or other inorganic compound at a concentration above the background level in a spring or screened interval of a well if that Contaminant has not previously exceeded the background level in the spring or screened interval.
- 3) Detection of a Contaminant in a spring or screened interval of a well at a concentration that exceeds either one-half the Tap Water Screening Level in Table A-1 of NMED's *Risk Assessment Guidance for Site Investigations and Remediation* (2015 or updates, as appropriate) or one-half the federal maximum contaminant level, or if there is no such standard for the Contaminant, one-half the EPA Regional Human Health Medium-Specific Screening Level for tap water, if that Contaminant has not previously exceeded one-half such standard or screening level in the spring or screened interval.

- 4) Detection of a Contaminant that is a metal or other inorganic compound in a spring or screened interval of a well at a concentration that exceeds two times the background level for the third consecutive sampling of the spring or screened interval.
- 5) Detection of a Contaminant in a spring or screened interval of a well at a concentration that exceeds either one-half the New Mexico water quality standard or one-half the federal maximum contaminant level, and that has increased for the third consecutive sampling of that spring or screened interval.

E. The written notification shall be submitted to NMED in a letter report that includes in table format, at a minimum, the date or dates of the sampling event, an identification of the well or spring, the location of the well or spring, the depth of the screened interval of the well or zone sampled, a list of the analytical data that triggered the reporting requirement, any known issues with sample quality, and the specific category for which the data is reported under this Section.

F. DOE shall develop and maintain an e-mail notification list to notify members of the public concerning groundwater analytical data reported under this Section. DOE shall provide a link on an appropriate DOE webpage whereby members of the public may submit a request to be placed on this list. Within five business days of submittal to NMED of the written notification under this Section, DOE shall post a notice on this webpage and shall notify those on the e-mail notification list.

## **XXVII. ACCESS / DATA/ DOCUMENT AVAILABILITY**

A. In accordance with section 74-4-4.3 of the HWA, for purposes of enforcing the requirements of this Consent Order, DOE shall allow any authorized representative of NMED to enter the Facility at reasonable times and in accordance with applicable security requirements: (1) to inspect the Facility; (2) to obtain samples of any hazardous waste or environmental media; and (3) to inspect and copy documents relating to this Consent Order, subject to applicable security restrictions related to classified information. With the exception of unannounced inspections, NMED inspections will be previously arranged and coordinated, and DOE will honor all reasonable requests for access made by NMED.

B. DOE shall notify NMED in writing or by e-mail or fax of any field sampling activities undertaken pursuant to any plan or requirement of this Consent Order a minimum of 15 days prior to the sampling being conducted as required to meet the terms of this Consent Order, and shall provide NMED the opportunity to collect split samples upon request of NMED. For such events, DOE should provide NMED as much advance notice as is practicable (i.e., more than 15-days, if possible).

C. DOE shall notify NMED in writing or by e-mail or fax a minimum of 15 days prior to the implementation of any plan required under this Consent Order.

D. Nothing in this Section shall be construed to limit or impair in any way the inspection and entry authority of NMED under the HWA, the Hazardous Waste Regulations, RCRA, or any other applicable law or regulations.

E. If any work under this Consent Order is required on or requires access to property not owned or controlled by DOE, DOE shall use their best efforts to obtain access from the present owners of such property to conduct required activities, and to allow NMED access to such property to oversee such activities. In the event that access is not obtained, DOE shall notify NMED in writing regarding DOE's best efforts and the failure to obtain such access. Such work will become "Deferred" until the time that access issues are resolved. Additionally, provided DOE is denied access despite its best efforts, NMED will not take enforcement action, including pursue stipulated penalties, against DOE for failure to complete corrective action activities on property not owned or controlled by DOE or that requires access to property not owned or controlled by DOE.

F. Information, records, or other documents produced under the terms of this Consent Order by the Parties shall be available to the public except (a) those identified to NMED by DOE as classified, or unclassified but controlled, within the meaning of and in conformance with the AEA, or (b) those that could otherwise be withheld pursuant to the Freedom of Information Act or the Privacy Act, unless expressly authorized for release by the originating agency. Documents or information so identified shall be handled in accordance with applicable laws and regulations. If any information, record, or other document is final and no confidentiality claim accompanies information which is submitted to any Party, then the information, record, or document may be made available to the public without further notice to the originating Party.

## XXVIII. EXTENSIONS

A. A milestone shall be extended upon receipt of a timely request for extension and when good cause exists for the requested extension. If an extension due to good cause affects any milestone in Appendix B, the revised milestone will be incorporated into Appendix B pursuant to the process set forth in Section VIII.C (Campaign Approach). Moreover, targets related to the revised milestone shall also be extended, consistent with the revised milestone and also pursuant to the process set forth in Section VIII.C (Campaign Approach).

B. A request for an extension shall be made in writing prior to the milestone listed in Appendix B. If extraordinary circumstances preclude DOE from providing a written extension request in accordance with this Section, DOE may notify NMED orally or by e-mail (distinct from electronic transmission) and follow up in writing within 72 hours. Any written request shall be provided to NMED pursuant to Section XXIV (Notification). The written request shall specify:

- 1) The milestone that is sought to be extended;
- 2) The length of the extension sought;
- 3) The good cause(s) for the extension; and
- 4) Any related milestones or targets that would be affected if the extension were granted.

C. Examples of good cause for an extension include but are not limited to:

- 1) An event of force majeure and recovery from force majeure;
- 2) A delay caused by the good faith invocation of dispute resolution or the initiation of judicial action;
- 3) A delay caused, or which is likely to be caused, by the grant of an extension in regard to another milestone;
- 4) A delay caused by NMED's inability to meet review schedules consistent with Section XXIII.D.
- 5) A delay caused because of additional work added pursuant to Section XXIII.J and XXIII.K.
- 6) Unanticipated breakage or accident to machinery, equipment, or lines of pipe;

- 7) Any other event or series of events, including but not limited to new technical information or technological barriers mutually agreed to by the Parties as constituting good cause.

D. Within fifteen (15) business days of receipt of a written request for an extension of a milestone in Appendix B, NMED shall provide written response to DOE with approval or disapproval, including a justification for disapproval. NMED's failure to respond within fifteen (15) business days shall result in an automatic extension of time for DOE, and such extension would be incorporated into the next scheduled revision of Appendix B.

E. A timely and good faith request for an extension shall toll any assessment of stipulated penalties or application for judicial enforcement of the affected milestone until a decision is reached on whether the requested extension will be approved. Following the grant of an extension, an assessment of stipulated penalties, as defined in Section XXXV (Stipulated Penalties), or an application for judicial enforcement may be sought only to compel compliance with the revised milestone date.

## **XXIX. RETENTION OF RECORDS**

A. DOE shall maintain all records, documents, data, and other information required to be prepared under this Consent Order for ten years after DOE's receipt of NMED's written notice of termination of the Consent Order pursuant to Section XXXVII (Termination). The only exception to this requirement relates to:

- 1) Those SWMUs and AOCs which have received a Certificate of Completion With Controls pursuant to Section XXI (Certification of Completion) and for which controls are being implemented and enforced under the Facility's Hazardous Waste Permit.
- 2) Those SMWUs and AOCs identified as "Deferred" in Appendix A at the time of Termination of this Consent Order and for which corrective actions will be implemented under the Facility's Hazardous Waste Permit.

B. Nothing herein shall be construed as a waiver of any attorney-client, work product, or other privilege that DOE might otherwise possess.

### **XXX. FUNDING**

A. It is the expectation of the Parties that all obligations of DOE arising under this Consent Order will be fully funded through Congressional appropriations. Consistent with Congressional limitations on future funding, DOE shall take all necessary steps and use its best efforts to obtain timely funding to meet its obligations under this Consent Order, including, but not limited to, the submission of timely budget requests.

B. Nothing in this provision herein shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

C. NMED reserves the right to revise and/or adjust review times or any other time commitments pursuant to this Consent Order due to State funding limitations.

### **XXXI. COMPLIANCE WITH LAWS**

DOE shall undertake all actions required by this Consent Order in accordance with the requirements of all applicable federal, state, and local laws and regulations. Nothing in this Consent Order shall be construed as relieving DOE of the obligation to comply with applicable law. NMED shall not require DOE to implement any actions under this Consent Order that would result in noncompliance with other State and Federal requirements.

### **XXXII. FORCE MAJEURE**

A. A Force Majeure shall mean any event arising from causes beyond the control of DOE or its respective agents, contractors, or employees that causes a delay in or prevents the performance of any obligations of DOE under this Consent Order. A force majeure event shall not include unanticipated or increased costs or expenses associated with the implementation of this Consent Order.

B. A Force Majeure could include, but is not limited to:

- 1) Act of God, natural disasters such as fire or flood, war, terrorism, insurrection, civil disturbance, or explosion;
- 2) A federal government shutdown, including lapse of appropriations;

- 3) Restraint by court order or order of public authority;
- 4) Inability to obtain, at reasonable cost and after exercise of reasonable diligence, any necessary authorizations, approvals, permits, or licenses due to action or inaction of any governmental agency or authority other than DOE;
- 5) Delays caused by compliance with applicable statutes or regulations governing contracting, procurement, or acquisition procedures despite the exercise of reasonable diligence; and
- 6) Any strike or other labor dispute, whether or not within the control of the Parties affected thereby.

C. DOE's failure to comply with any obligation under this Consent Order that is caused by a force majeure event, such as an event listed in Subsection B above, is not a violation of this Consent Order.

D. DOE shall notify NMED within seven days after DOE becomes aware of a force majeure event and shall take all reasonable measures to minimize and mitigate any delay. In its notification, DOE shall identify and provide to NMED the delay expected for corrective action activities affected by the force majeure and provide appropriate justification for the length of the delay needed to account for the force majeure and sufficient recovery. Provided NMED agrees with the justification for the length of the delay, NMED shall grant an extension pursuant to Section XXVIII (Extensions).

### **XXXIII. MODIFICATION**

A. This Consent Order may be modified by agreement of DOE and NMED. All modifications shall be in writing and shall become effective upon the date on which such modifications are signed by both DOE and NMED. Pursuant to Section VII (Relationship to Permits), modifications of this Consent Order are not subject to the requirements in 40 CFR § 270.42.

B. No informal advice, guidance, suggestions, or comments by NMED shall be construed to expand or reduce any obligation of DOE under this Consent Order unless documented as formal modification to the Order pursuant to Subsection A of this Section.

C. Should a modification(s) to the Consent Order be proposed that may potentially affect the priorities of any municipality, county or pueblo that shares a common border with the Facility as well as the Four Accord Pueblos, NMED must confer with appropriate representatives of such municipalities, counties and pueblos and allow them to comment on the proposed modification(s). These comments shall be considered when modifying the Consent Order.

#### **XXXIV. COVENANT NOT TO SUE / RESERVATION OF RIGHTS**

A. Covenant Not to Sue: In consideration of the actions that will be performed by DOE under the terms of this Consent Order, and except as specifically provided in Subsection B (Reservation of Rights), NMED's covenants not to sue or take administrative action against DOE, their respective officers, agents, successors, or assigns, under the HWA, the SWA, or RCRA, for matters within the scope of this Consent Order. This covenant not to sue shall take effect upon the Effective Date of this Consent Order. This covenant not to sue extends only to DOE and its respective officers, agents, successors, and assigns and does not extend to any other person. This covenant not to sue shall survive the Termination of this Consent Order in accordance with the terms set forth in Section XXXVII.

B. Reservation of Rights:

- 1) Nothing herein shall prevent NMED from seeking legal or equitable relief, either administratively or judicially, to enforce the requirements of this Consent Order. Moreover, nothing herein shall prevent NMED from taking administrative action to implement the requirements of this Consent Order (e.g., approving or disapproving work plans, issuing certificates of completion). Finally, nothing herein shall prevent NMED from taking appropriate action to address conditions at the Facility that constitute an emergency situation or that present an immediate threat to public health or the environment.
- 2) The covenant not to sue set forth in Subsection A does not pertain to any matters not within the scope of this Consent Order. NMED reserves, and this Consent Order is without prejudice to, all rights against DOE with respect to all such other matters, including, but not limited to, the following:

- a) Liability arising from the past, present, or future disposal or release of Contaminants outside the Facility to the extent NMED obtains information concerning such disposal or release following Termination of this Consent Order and such information was not available to NMED at the time of termination;
- b) Liability arising from the future disposal or release of Contaminants at the Facility to the extent NMED obtains information concerning such disposal or release following Termination of this Consent Order and such information was not available to NMED at the time of termination;
- c) Liability for damages for injury to, destruction of, or loss of natural resources and the costs of any natural resource damage assessment or other related costs, and liability for damages under any federal or state statute (except for such liability, if any, under the HWA, SWA or RCRA) or federal or state common law, for past, present or future releases of contaminants to the environment;
- d) Criminal liability; and
- e) Liability for violation of federal or state law, which occurs during or after implementation of the corrective action.

#### **XXXV. STIPULATED PENALTIES**

##### **A. Process and Notice**

- 1) Milestones subject to stipulated penalties shall be determined in accordance with Section VIII (Campaign Approach).
- 2) For each FY between the effective date and termination of this Consent Order, the milestones listed in Appendix B for the current FY shall be subject to stipulated penalties.
- 3) A milestone for which NMED grants an extension pursuant to Section XXVIII (Extensions) beyond the current FY is no longer a milestone.

- 4) Consistent with RCRA practice, for each failure of DOE to meet a milestone subject to stipulated penalties, NMED may assess a stipulated penalty in the amounts and pursuant to the procedures set forth in this section. Stipulated penalties will not be paid from appropriated funds authorized to be expended at the Los Alamos National Laboratory for the purpose of environmental cleanup, as long as there is a specific appropriation for the purpose of paying such stipulated penalties or other monies become available through DOE's contractor accountability provisions referenced in Section V.B of this Consent Order. In the event stipulated penalties are assessed, DOE shall request a specific appropriation or utilize DOE's contractor accountability provisions referenced in Section V.B of this Consent Order in order to pay such stipulated penalties.
- 5) If NMED seeks to assess stipulated penalties pursuant to this section, it shall provide written notice of intent do so to DOE. Such written notice of intent shall state the violation for which penalties are being assessed. If NMED issues such written notice within 15 days of the date the milestone comes due as identified in Appendix B, NMED may assess stipulated penalties beginning with the day after the milestone date. If NMED provides written notice 16 days or more after the date the milestone comes due, NMED may only assess stipulated penalties beginning on the date that written notice was given to DOE pursuant to this Section.
- 6) Consistent with the beginning dates for assessment of stipulated penalties set forth in this Section and only after receipt of written demand for payment discussed below, DOE shall pay to the State the following stipulated penalties for each day of noncompliance:
  - a) Day 1 through 30: \$2,000.00 per day
  - b) Days 31 and beyond: \$4,000.00 per day
- 7) NMED may, in its discretion, agree to reduce or waive the stipulated penalties that would otherwise be due under this Section.
- 8) As the Parties agree that the use of Supplemental Environmental Projects (SEPs) is often a preferable mechanism to fulfill a stipulated penalty obligation,

NMED may, in its discretion, approve DOE's use of SEPs to satisfy any stipulated penalties issued pursuant to this Consent Order.

- a) Any SEP proposed by DOE must be:
  - (1) Environmentally beneficial, such that it improves, protects or reduces risks to public health or the environment for one or more areas and communities adjoining the Facility or one or more of the Four Accord Pueblos (Jemez Pueblo, Cochiti Pueblo, Pueblo de San Ildefonso and Santa Clara Pueblo);
  - (2) A project that DOE had not already initiated before the stipulated penalty was issued; and
  - (3) Not otherwise required by federal, state or local law or regulation.
- b) NMED agrees to consider any SEP proposal(s) meeting the criteria found in subsection A.8 (a) (1) - (3) above. Upon written submission of a SEP proposal(s) by DOE and during consideration of such SEP proposal(s) by NMED, the remittance of any stipulated penalties associated with the proposed SEP(s) shall be tolled. Should NMED decline to accept a proposed SEP to satisfy a stipulated penalty, such decision shall not be subject to the Dispute Resolution provisions in Section XXV of this Consent Order.
- 9) DOE shall only be liable for stipulated penalties for failure to meet a milestone listed in Appendix B developed pursuant to Section VIII.C of this Consent Order.

#### B. Procedure for Payment

- 1) Stipulated penalties under this Section shall be due within 45 days from the date that NMED makes a written demand for payment of stipulated penalties (which is distinct from the written notice of intent to assess stipulated penalties described in Subsection A of this Section).
- 2) Interest shall accrue on all stipulated penalties not paid when due at the rate specified in 28 U.S.C. §1961. Interest shall accrue from the date the penalty is due until the date it is actually paid.

- 3) Payment shall be made by DOE, either by wire into an account that NMED so designates or by check payable to the State of New Mexico and delivered to:

Chief, Hazardous Waste Bureau  
 New Mexico Environmental Department  
 2905 Rodeo Park Drive East, Building 1  
 Santa Fe, New Mexico 87505-6303

- 4) Payment shall be accompanied by a transmittal letter referencing this Consent Order. A copy of the transmittal letter shall be delivered to the attorney for NMED at the following address:

First class mail address:  
 Office of General Counsel  
 New Mexico Environment Department  
 Post Office Box 5469  
 Santa Fe, New Mexico 87502

Overnight delivery address:  
 Office of General Counsel  
 New Mexico Environment Department  
 1190 St. Francis Drive  
 Santa Fe, New Mexico 87501

C. Reservation: NMED reserves the right to seek other appropriate relief, in lieu of stipulated penalties under this section for any failure of DOE to meet milestones subject to stipulated penalties. If, however, NMED elects to assess stipulated penalties pursuant to the provisions of this section, NMED will not seek a separate civil penalty or other monetary relief for the alleged noncompliance identified in NMED notice pursuant to Subsection A above (Process and Notice).

## **XXXVI. ENFORCEABILITY**

A. This Consent Order is an enforceable document. If DOE violates any requirements of this Consent Order, the State's sole remedy for such noncompliance shall be to enforce those

requirements pursuant to applicable law, subject, however, to the provisions of Section XXXV (Stipulated Penalties), which apply where the State has sought stipulated penalties pursuant to this Consent Order.

B. The State may take the following actions, or some combination of the following actions, to enforce the requirements of this Consent Order: issue a compliance order under section 74-4-10 of the HWA seeking injunctive relief or civil penalties for DOE's noncompliance with the requirements of the Consent Order; file a civil action under sections 74-4-10 and 74-4-10.1(E) of the HWA or section 7002(a) of RCRA, 42 U.S.C. § 6972(a), seeking injunctive relief or civil penalties for alleged violations of the Consent Order; and file an action seeking criminal penalties under section 74-4-11 of the HWA. Each requirement of this Consent Order is an enforceable "requirement" of the HWA within the meaning of Section 74-4-10 and an enforceable "requirement" of RCRA within the meaning of Section 7002(a)(1)(A), 42 U.S.C. Section § 6972(a)(1)(A). The State further maintains that the list of authorities identified in this paragraph is not exhaustive and reserves all rights to take any action authorized by law to enforce the requirements of this Consent Order. The State maintains that citizens may sue to enforce the requirements of this Consent Order pursuant to section 7002(a) of RCRA, 42 U.S.C. § 6972(a), if DOE violates those requirements.

C. DOE reserves any and all rights and defenses to any enforcement action taken by the State or any citizen, and nothing in this Consent Order will constitute a waiver of such rights or defenses.

## **XXXVII. TERMINATION**

A. The Parties agree that termination of this Consent Order will occur when all corrective action activities pursuant to this Consent Order are completed with the exception of sites to be addressed under the Permit consistent with Section VII.A. DOE shall notify NMED of its completion in writing and shall include sufficient documentation of such completion.

B. This Consent Order shall terminate on the date that DOE receives written notice from NMED that DOE has demonstrated that the terms of this Consent Order have been satisfactorily completed. NMED will provide such written notice within 60 days of receipt of DOE's notice of completion.

C. If NMED identifies requirements of the Consent Order that have not been completed, it will notify DOE in writing within 60 days of receipt of DOE's notice of completion of those specific requirements that have not been met and the activities that must be taken by DOE to complete those requirements.

### **XXXVIII. EFFECTIVE DATE**

The effective date of this Consent Order is the date on which all of the Parties have signed the Consent Order.

### **APPENDICES**

LIST OF ACRONYMS

APPENDIX A-SOLID WASTE MANAGEMENT UNIT/AREA OF CONCERN LIST

APPENDIX B-MILESTONES AND TARGETS

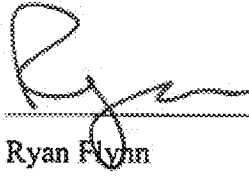
APPENDIX C-FUTURE CAMPAIGNS

APPENDIX D-DOCUMENT REVIEW/COMMENT AND REVISION SCHEDULE

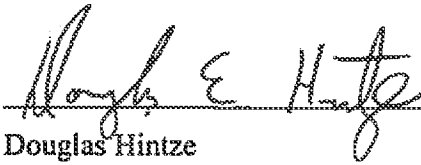
APPENDIX E-EXAMPLE DOCUMENT TEMPLATES

APPENDIX F-SAMPLING/ANALYTICAL/FIELD METHOD REGULATORY GUIDANCE

This Consent Order is hereby AGREED and CONSENTED TO by the Parties, pursuant to Section V.A:

 24 June 2016  
Ryan Flynn Date:

Cabinet Secretary  
New Mexico Environment Department

 22 JUN 2016  
Douglas Hintze Date:

Manager, Environmental Management Los Alamos Field Office  
U.S. Department of Energy

**LIST OF ACRONYMS**

AOC	Area of Concern
C.F.R.	Code of Federal Regulations
CME	Corrective Measures Evaluation
CMI	Corrective Measures Implementation
CMS	Corrective Measures Study
DAM	Designated Agency Manager
DOE	Department of Energy
DQO	Data Quality Objectives
EPA	U.S. Environmental Protection Agency
ESL	Ecological Screening Level
HI	Hazard Index
HMX	High Melting Explosive (octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine)
HQ	Hazard Quotient
HSWA	Hazardous and Solid Waste Amendments
HWA	New Mexico Hazardous Waste Act, NMSA 1978, §§74-4-1 et seq.
IFGMP	Interim Facility-Wide Groundwater Monitoring Plan
IM	Interim Measures
LANL	Los Alamos National Laboratory
LANS	Los Alamos National Security, LLC
MCL	Maximum Contaminant Level
MDA	Material Disposal Area
NMAC	New Mexico Administrative Code

NMED	New Mexico Environment Department
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation Recovery Act, 42 U.S.C. Section 6901 et seq.
RDX	Royal Demolition Explosive (cyclonitrite)
RFI	RCRA Facility Investigation
SSL	Soil Screening Level
SWA	New Mexico Solid Waste Act, NMSA 1978, §§ 74-9-1 to -43.
SWMU	Solid Waste Management Unit
TA	Technical Area
TNT	Trinitrotoluene
WQCC	Water Quality Control Commission

APPENDIX A  
SOLID WASTE MANAGEMENT UNIT/AREA OF  
CONCERN LIST

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1	SWMU	00-001	Sediment Traps in Mortandad Canyon	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
2	SWMU	00-011(a)	Former Mortar Impact Area	CoC with Controls	5/7/2013	
3	SWMU	00-011(c)	Mortar Impact Area	CoC without Controls	5/16/2012	
4	SWMU	00-011(d)	Mortar Impact Area	CoC with Controls	5/7/2013	
5	SWMU	00-011(e)	Mortar Impact Area	CoC with Controls	5/7/2013	
6	AOC	00-015	Firing Range-Rendija Canyon	Deferred Site		
7	SWMU	00-017	Waste lines	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
8	SWMU	00-018(a)	Former Sludge Bed Wastewater Treatment Plant, Pueblo Canyon	CoC without Controls	1/28/2015	
9	AOC	00-018(b)	Sludge-Bed Wastewater Treatment Plant	CoC without Controls	1/14/2011	
10	SWMU	00-019	Former Wastewater Treatment Plant, Central	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Pueblo Cyn
11	AOC	00-027	Storage Area-DP Road	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Upper LA Cyn
12	SWMU	00-030(a)	Former Septic Tank	CoC without Controls	2/23/2006	
13	SWMU	00-030(b)	Septic Tanks	CoC without Controls	2/23/2006	
14	AOC	00-030(d)	Septic Tank	CoC without Controls	12/30/2008	
15	AOC	00-030(eN)	Septic Tanks	CoC without Controls	12/30/2008	
16	AOC	00-030(eS)	Septic Tank	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Pueblo Cyn
17	AOC	00-030(f)	Septic Tank	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Pueblo Cyn
18	SWMU	00-030(g)	Former Septic tank (near old Catholic Church parking lot)	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Pueblo Cyn
19	AOC	00-030(h)	Former Septic tank (near new Catholic Church)	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Pueblo Cyn
20	AOC	00-030(j)	Septic Tank	CoC without Controls	12/30/2008	
21	SWMU	00-030(l)	Septic Tank	CoC without Controls	2/23/2006	
22	AOC	00-030(k)	Septic System-Cannot be located	CoC without Controls	12/6/2006	
23	SWMU	00-030(m)	Former Septic Tank	CoC without Controls	2/23/2006	
24	AOC	00-030(n)	Former Septic Tank	CoC without Controls	12/30/2008	
25	AOC	00-030(o)	Septic Tank	CoC without Controls	12/30/2008	
26	AOC	00-030(p)	Septic Tank	CoC without Controls	12/30/2008	
27	AOC	00-031(a)	Soil Contamination from former Service Station	CoC without Controls	9/10/2010	
28	AOC	00-031(b)	Soil Contamination from former motor pool facility	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Upper LA Cyn
29	SWMU	00-033(a)	Soil contamination from former UST, 6th Street Warehouses	CoC without Controls	2/23/2006	
30	AOC	00-034(b)	Landfill, Western Area	CoC without Controls	9/10/2010	
31	SWMU	00-039	Soil contamination from former USTs	CoC without Controls	12/30/2008	
32	AOC	C-00-001	Guaje Canyon	RFI or Field Work Rpt Submitted to NMED		Other
33	AOC	C-00-002	Rendija Canyon	RFI or Field Work Rpt Submitted to NMED		Other
34	AOC	C-00-003	Barrancas Canyon	RFI or Field Work Rpt Submitted to NMED		Other
35	AOC	C-00-004	Bayo Canyon	RFI or Field Work Rpt Submitted to NMED		Other
36	AOC	C-00-005	Pueblo Canyon	RFI or Field Work Rpt Submitted to NMED		Other
37	AOC	C-00-006	Los Alamos Canyon	RFI or Field Work Rpt Submitted to NMED		Other
38	AOC	C-00-007	Sandia Canyon	RFI or Field Work Rpt Submitted to NMED		Other
39	AOC	C-00-008	Mortandad Canyon	RFI or Field Work Rpt Submitted to NMED		Chromium IM&Characterization
40	AOC	C-00-009	Canada del Buey Canyon	RFI or Field Work Rpt Submitted to NMED		Other
41	AOC	C-00-010	TwoMile Canyon	RFI or Field Work Rpt Submitted to NMED		Other
42	AOC	C-00-011	Pajarito Canyon	RFI or Field Work Rpt Submitted to NMED		Other
43	AOC	C-00-012	Three Mile Canyon	RFI or Field Work Rpt Submitted to NMED		Other
44	AOC	C-00-013	Potrillo Canyon	RFI or Field Work Rpt Submitted to NMED		Other
45	AOC	C-00-014	Canon de Valle Canyon	RFI or Field Work Rpt Submitted to NMED		Other
46	AOC	C-00-015	Fence Canyon	RFI or Field Work Rpt Submitted to NMED		Other
47	AOC	C-00-016	Water Canyon	RFI or Field Work Rpt Submitted to NMED		Other

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
48	AOC	C-00-017	Indio Canyon	RFI or Field Work Rpt Submitted to NMED		Other
49	AOC	C-00-018	Ancho Canyon	RFI or Field Work Rpt Submitted to NMED		Other
50	AOC	C-00-019	Chaquehui Canyon	RFI or Field Work Rpt Submitted to NMED		Other
51	AOC	C-00-020	Mortar impact area	CoC without Controls	5/16/2012	
52	AOC	C-00-021	DP Canyon	RFI or Field Work Rpt Submitted to NMED		Other
53	AOC	C-00-037	Landfill, Bandelier, NM	CoC without Controls	1/31/2011	
54	AOC	C-00-038	Surface Disposal, Bandelier, NM	CoC without Controls	1/31/2011	
55	AOC	C-00-041	Asphalt and tar remnant site	RFI or Field Work Rpt Submitted to NMED		Other
56	AOC	C-00-042	Former Underground Storage Tank	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Upper LA Cyn
57	AOC	C-00-043	Former Manhole	CoC without Controls	12/30/2008	
58	AOC	C-00-044	Soil contamination	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
59	SWMU	01-001(a)	Septic Tank 134	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
60	SWMU	01-001(b)	Septic Tank 135	CoC with Controls	9/10/2010	
61	SWMU	01-001(c)	Septic Tank 137	CoC with Controls	9/10/2010	
62	SWMU	01-001(d)	Soil contamination from Septic Tank 138	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
63	SWMU	01-001(e)	Septic Tank 139	CoC with Controls	9/10/2010	
64	SWMU	01-001(f)	Septic Tank 140(hillside)	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
65	SWMU	01-001(g)	Septic Tank 141	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
66	SWMU	01-001(o)	Waste Line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
67	SWMU	01-001(s)	Waste Line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
68	SWMU	01-001(t)	Waste Line	CoC without Controls	9/10/2010	
69	SWMU	01-001(u)	Waste Lines	CoC without Controls	9/10/2010	
70	SWMU	01-002(a)-00	Waste Lines	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Upper LA Cyn
71	SWMU	01-002(b)-00	Outfall associated with TA-01 (Located in former TA-45)	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Pueblo Cyn
72	SWMU	01-003(a)	Landfill	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
73	AOC	01-003(b)	Surface Disposal Site	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
74	AOC	01-003(c)	Surface Disposal Site	CoC without Controls	9/10/2010	
75	SWMU	01-003(d)	Surface Disposal Site	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
76	SWMU	01-003(e)	Surface Disposal Site	CoC with Controls	9/10/2010	
77	SWMU	01-006(a)	Drainline and Outfall	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
78	SWMU	01-006(b)	Drainline and Outfall	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
79	SWMU	01-006(c)	Drainlines and Outfall	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
80	SWMU	01-006(d)	Drainline and Outfall	CoC with Controls	9/10/2010	
81	AOC	01-006(e)	Drainlines and Outfall	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
82	AOC	01-006(g)	Storm drains and outfalls	CoC without Controls	9/10/2010	
83	SWMU	01-006(h)	Storm drain and outfall	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
84	SWMU	01-006(n)	Storm drain and outfall	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
85	SWMU	01-006(o)	Storm drains and outfalls	CoC without Controls	9/10/2010	
86	SWMU	01-007(a)	Soil contamination associated with TA-1 Buildings and Structures	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
87	SWMU	01-007(b)	Soil contamination associated with TA-1 Buildings and Structures	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
88	SWMU	01-007(c)	Soil contamination associated with TA-1 Buildings and Structures	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
89	SWMU	01-007(d)	Soil contamination associated with TA-1 Buildings and Structures	CoC without Controls	9/10/2010	
90	SWMU	01-007(e)	Soil contamination associated with TA-1 Buildings and Structures	CoC without Controls	9/10/2010	
91	SWMU	01-007(j)	Soil contamination associated with TA-1 Buildings and Structures	CoC with Controls	9/10/2010	
92	AOC	01-007(k)	Soil Contamination Area	CoC without Controls	3/16/2015	
93	SWMU	01-007(l)	Soil contamination associated with TA-1 Buildings and Structures	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Upper LA Cyn

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
94	AOC	02-003(a)	Soil contamination associated with former valve house and gaseous effluent line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
95	AOC	02-003(b)	Soil contamination associated with former condensate trap	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
96	AOC	02-003(c)	Soil contamination associated with former delay system	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
97	AOC	02-003(d)	Soil contamination associated with former gaseous effluent line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
98	AOC	02-003(e)	Soil contamination associated with former holding tank (near water boiler reactor)	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
99	AOC	02-004(a)	Former Omega West reactor facility	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
100	AOC	02-004(b)	Former Reactor facility effluent storage tank TA-2-54	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
101	AOC	02-004(c)	Former Reactor facility effluent storage tank TA-2-55	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
102	AOC	02-004(d)	Former Reactor facility effluent storage tank TA-2-56	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
103	AOC	02-004(e)	Former Reactor facility acid pit TA-2-53	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
104	AOC	02-004(f)	Former Reactor facility equipment building	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
105	AOC	02-004(g)	Soil contamination associated with former aboveground tank	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
106	SWMU	02-005	Soil contamination from Drift loss, cooling tower blowdown	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
107	SWMU	02-006(a)	Former French drain	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Middle LA Cyn
108	SWMU	02-006(b)	Former Acid waste line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
109	AOC	02-006(c)	Former Drainline	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
110	AOC	02-006(d)	Drainline	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
111	AOC	02-006(e)	Former sump	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
112	SWMU	02-007	Soil contamination from former septic system	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
113	SWMU	02-008(a)	Outfall from Structure 02-49	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
114	AOC	02-008(c)	Outfall from Building 2-1	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
115	SWMU	02-009(a)	Soil contamination associated with former water boiler reactor	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
116	SWMU	02-009(b)	Soil contamination associated with former water boiler reactor	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
117	SWMU	02-009(c)	Soil contamination associated with condensate trap and leach field	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
118	AOC	02-009(d)	Soil contamination	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
119	AOC	02-009(e)	Soil contamination (duplicate of SWMU 02-009(c))	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
120	AOC	02-010	Soil contamination associated with former chemical stack 2-3	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
121	AOC	02-011(a)	Storm drains associated with former Building 2-1	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
122	AOC	02-011(b)	Former drains	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
123	AOC	02-011(c)	Storm drain	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
124	AOC	02-011(d)	Outfall from Building 2-44	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
125	AOC	02-011(e)	Outfall from Structure 2-49 (duplicate of 02-008(a))	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
126	AOC	02-012	Soil contamination from former underground tanks	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
127	AOC	03-001(e)	Storage Area	Pre-Investigation		Pajarito Watershed
128	AOC	03-001(i)	Storage Area	CoC with Controls	10/13/2006	
129	SWMU	03-001(k)	Storage Area	Pre-Investigation		Pajarito Watershed
130	SWMU	03-002(c)	Storage area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
131	SWMU	03-003(a)	Storage area	Pre-Investigation		Pajarito Watershed
132	SWMU	03-003(b)	Storage area	Pre-Investigation		Pajarito Watershed
133	SWMU	03-003(c)	Storage Area	CoC without Controls	2/18/2011	
134	AOC	03-003(d)	Storage area	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
135	AOC	03-003(e)	Storage area	Deferred Site		
136	AOC	03-003(f)	Storage area	Deferred Site		
137	AOC	03-003(g)	Storage area	Deferred Site		
138	AOC	03-003(h)	Storage area	Deferred Site		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
139	AOC	03-003(i)	Storage area	Deferred Site		
140	AOC	03-003(j)	Storage area	Deferred Site		
141	AOC	03-003(k)	Storage area	Pre-Investigation		Pajarito Watershed
142	AOC	03-003(l)	Storage area	Deferred Site		
143	AOC	03-003(n)	Storage area	CoC without Controls	2/18/2011	
144	AOC	03-003(o)	Storage area	CoC without Controls	2/18/2011	
145	AOC	03-003(p)	Storage area	Pre-Investigation		Pajarito Watershed
146	AOC	03-004(c)	Storage area	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
147	AOC	03-004(d)	Storage area	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
148	AOC	03-007	Firing site	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
149	AOC	03-008(a)	Firing site	CoC with Controls	9/10/2010	
150	SWMU	03-009(a)	Surface disposal site	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
151	SWMU	03-009(i)	Surface disposal site	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
152	SWMU	03-009(j)	Surface disposal site	CoC without Controls	9/10/2010	
153	SWMU	03-010(a)	Former Vacuum repair shop outfall	Pre-Investigation		Pajarito Watershed
154	SWMU	03-011	Operational release	CoC without Controls	1/23/2008	
155	SWMU	03-012(b)	Operational release	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
156	SWMU	03-013(a)	Storm drain	Deferred Site		
157	AOC	03-013(b)	Floor Drains	Deferred Site		
158	SWMU	03-013(i)	Operational release from former Buildings 3-246 and 3-247	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
159	SWMU	03-014(a)	Imhoff tank associated with former WWTP	Deferred Site		
160	AOC	03-014(a2)	Drain associated with former WWTP	Pre-Investigation		Pajarito Watershed
161	SWMU	03-014(b)	Dosing siphon associated with former WWTP	Deferred Site		
162	AOC	03-014(b2)	Outfall associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
163	SWMU	03-014(c)	Trickling filter associated with former WWTP	Deferred Site		
164	AOC	03-014(c2)	Outfall associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
165	SWMU	03-014(d)	Clarifying tank associated with former WWTP	Deferred Site		
166	SWMU	03-014(e)	Imhoff tank associated with former WWTP	Deferred Site		
167	SWMU	03-014(f)	Dosing siphon associated with former WWTP	Deferred Site		
168	SWMU	03-014(g)	Trickling filter associated with former WWTP	Deferred Site		
169	SWMU	03-014(h)	Clarifying tank associated with former WWTP	Deferred Site		
170	SWMU	03-014(i)	Splitter box and bar rack associated with former WWTP	Deferred Site		
171	SWMU	03-014(j)	Chlorination system associated with former WWTP	Deferred Site		
172	SWMU	03-014(k)	Sludge drying bed associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
173	SWMU	03-014(l)	Sludge drying bed associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
174	SWMU	03-014(m)	Sludge drying bed associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
175	SWMU	03-014(n)	Sludge drying bed associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
176	SWMU	03-014(o)	Sludge drying bed associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
177	SWMU	03-014(p)	Lift station associated with former WWTP	Deferred Site		
178	SWMU	03-014(q)	Holding tank	CoC without Controls	2/18/2011	
179	SWMU	03-014(r)	Lift station associated with former WWTP	Deferred Site		
180	SWMU	03-014(s)	Lift station associated with former WWTP	Deferred Site		
181	SWMU	03-014(t)	Lift station associated with former WWTP	Pre-Investigation		Pajarito Watershed
182	SWMU	03-014(u)	Holding tank associated with former WWTP	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
183	AOC	03-014(v)	Drain associated with former WWTP	CoC without Controls	2/18/2011	
184	AOC	03-014(w)	Drain associated with former WWTP	Deferred Site		
185	AOC	03-014(x)	Drain associated with former WWTP	Deferred Site		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
186	AOC	03-014(y)	Drain associated with former WWTP	Deferred Site		
187	AOC	03-014(z)	Drain associated with former WWTP	Deferred Site		
188	SWMU	03-015	Outfall	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
189	SWMU	03-021	Outfall from Building 3-170	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
190	AOC	03-022	Former Sump	Pre-Investigation		Pajarito Watershed
191	SWMU	03-025(b)	Sumps	Deferred Site		
192	AOC	03-025(c)	Oil/water separator	Pre-Investigation		Pajarito Watershed
193	AOC	03-026(a)	Sump	Deferred Site		
194	SWMU	03-026(c)	Tanks	Deferred Site		
195	SWMU	03-026(d)	Sump	Deferred Site		
196	AOC	03-027	Lift Wells	CoC without Controls	2/18/2011	
197	SWMU	03-028	Surface Impoundment	CoC without Controls	2/18/2011	
198	SWMU	03-029	Asphalt Batch Plant (Disposal Area)	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
199	SWMU	03-031	Tanks and associated equipment	Deferred Site		
200	SWMU	03-033	Former Tanks and Sumps	Pre-Investigation		Pajarito Watershed
201	SWMU	03-034(a)	Tank and/or associated equipment, radioactive liquid waste tanks	Deferred Site		
202	SWMU	03-034(b)	Tank and associated equipment	Deferred Site		
203	SWMU	03-036(a)	Soil contamination from former aboveground tanks	CoC without Controls	2/18/2011	
204	AOC	03-036(b)	Former aboveground tanks	CoC without Controls	2/18/2011	
205	SWMU	03-036(c)	Soil contamination from former aboveground tank (duplicated of 03-043(f))	CoC without Controls	2/18/2011	
206	SWMU	03-036(d)	Soil contamination from former aboveground tank (duplicated of 03-043(g))	CoC without Controls	2/18/2011	
207	SWMU	03-037	Underground tanks	Deferred Site		
208	SWMU	03-038(a)	Soil contamination from former Building 3-700	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
209	SWMU	03-038(b)	Soil contamination from former acid tank	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
210	AOC	03-038(c)	Waste lines	CoC without Controls	2/18/2011	
211	AOC	03-038(d)	Waste lines	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
212	AOC	03-038(f)	Drainline	Pre-Investigation		Pajarito Watershed
213	AOC	03-041	Underground tank	CoC without Controls	9/7/2010	
214	AOC	03-042	Soil contamination from former sump	Pre-Investigation		Pajarito Watershed
215	AOC	03-043(a)	Soil contamination from former aboveground tank	CoC without Controls	2/18/2011	
216	AOC	03-043(b)	Soil contamination from former aboveground tank	CoC without Controls	2/18/2011	
217	SWMU	03-043(c)	Soil contamination from former manhole	Pre-Investigation		Pajarito Watershed
218	AOC	03-043(d)	Soil contamination from former aboveground tank	CoC without Controls	2/18/2011	
219	AOC	03-043(f)	Soil contamination from former aboveground tank	CoC without Controls	2/18/2011	
220	AOC	03-043(g)	Soil contamination from former aboveground tank	CoC without Controls	2/18/2011	
221	AOC	03-043(h)	Soil contamination from former aboveground tank	CoC without Controls	2/18/2011	
222	SWMU	03-045(a)	Outfall from Building 3-22	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
223	SWMU	03-045(b)	Operational release	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
224	SWMU	03-045(c)	Outfall from structure 3-285	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
225	SWMU	03-045(e)	Outfall from Building 3-57	Deferred Site		
226	SWMU	03-045(f)	Outfall from Building 3-223	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
227	SWMU	03-045(g)	Storm drain	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
228	SWMU	03-045(h)	Outfall from cooling tower 3-187	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
229	SWMU	03-046	Above ground wastewater treatment tank	CoC without Controls	1/23/2008	
230	AOC	03-047(d)	Soil contamination from former storage area	CoC without Controls	2/18/2011	

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
231	AOC	03-047(g)	Soil contamination from former storage area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
232	SWMU	03-049(a)	Outfall from cooling tower 3-127 and Building 3-66	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
233	SWMU	03-049(b)	Soil contamination from discharge area	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
234	SWMU	03-049(e)	Outfall	RFI or Field Work Rpt Submitted to NMED		Known Cleanup Sites (Above SSLs)
235	SWMU	03-050(a)	Soil contamination from TA-3 exhaust emissions	Pre-Investigation		Pajarito Watershed
236	SWMU	03-050(d)	Soil contamination from TA-3 exhaust emissions	Pre-Investigation		Pajarito Watershed
237	SWMU	03-050(f)	Soil contamination from TA-3 exhaust emissions	Pre-Investigation		Pajarito Watershed
238	SWMU	03-050(g)	Soil contamination from TA-3 exhaust emissions	Pre-Investigation		Pajarito Watershed
239	AOC	03-051(a)	Soil contamination from leaking compressor	Pre-Investigation		Pajarito Watershed
240	AOC	03-051(b)	Soil contamination from leaking compressor	Pre-Investigation		Pajarito Watershed
241	AOC	03-051(c)	Soil contamination from vacuum pump leaking	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
242	SWMU	03-052(a)	Storm drain	Pre-Investigation		Pajarito Watershed
243	AOC	03-052(b)	Storm drainage	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
244	SWMU	03-052(e)	Storm drain	Pre-Investigation		Pajarito Watershed
245	SWMU	03-052(f)	Outfall from Building 3-38	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
246	AOC	03-053	Building 3-141 basement area and floor drains	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
247	SWMU	03-054(a)	Outfall associated with cooling tower 3-19	Pre-Investigation		Pajarito Watershed
248	SWMU	03-054(b)	Outfall from Building 3-38	Pre-Investigation		Pajarito Watershed
249	SWMU	03-054(c)	Outfall from former cooling tower 3-156	Deferred Site		
250	SWMU	03-054(d)	Outfall from Building 3-16	Pre-Investigation		Pajarito Watershed
251	SWMU	03-054(e)	Outfall from Building 3-29	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
252	SWMU	03-055(a)	Outfall from Building 3-16	Pre-Investigation		Pajarito Watershed
253	SWMU	03-055(c)	Outfall associated with drains of Fire Station 3-41	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
254	SWMU	03-056(a)	Oil Storage Facility	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
255	SWMU	03-056(c)	Transformer storage area	CoC with Controls	2/18/2011	
256	SWMU	03-056(d)	Drum storage	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
257	AOC	03-056(h)	Storage Area	Deferred Site		
258	AOC	03-056(k)	Container storage area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
259	SWMU	03-056(l)	Cotnainer Storage Area	CoC without Controls	2/18/2011	
260	SWMU	03-059	Storage area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
261	AOC	C-03-006	Spill/Non-Intentional Release Area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
262	AOC	C-03-014	Equipment Storage area	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
263	AOC	C-03-016	Former Oil metal bin	CoC without Controls	2/18/2011	
264	AOC	C-03-022	Former Kerosene tanker trailer	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
265	SWMU	04-001	Firing site	CoC without Controls	5/18/2015	
266	SWMU	04-002	Surface Disposal site	CoC without Controls	5/18/2015	
267	SWMU	04-003(a)	Outfall associated with former Photo-processing Building 4-07	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
268	SWMU	04-003(b)	Drainline and outfall from former Building 4-03	CoC without Controls	5/18/2015	
269	AOC	04-004	Soil contamination from former photo-processing Building 4-07	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
270	SWMU	05-001(a)	Firing site	CoC without Controls	9/16/2015	
271	SWMU	05-001(b)	Firing site	CoC without Controls	9/16/2015	
272	AOC	05-001(c)	Firing site	CoC without Controls	9/16/2015	
273	SWMU	05-002	Canyon side disposal site	CoC without Controls	9/16/2015	
274	SWMU	05-003	Calibration Chamber	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
275	SWMU	05-004	Septic Tank	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
276	SWMU	05-005(a)	Soil contamination from former French Drain	CoC without Controls	9/16/2015	
277	SWMU	05-005(b)	Outfall associated with former Building 5-05	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
278	SWMU	05-006(b)	Soil Contamination from former Building 5-04	CoC without Controls	9/16/2015	
279	SWMU	05-006(c)	Soil Contamination from former Building 5-05	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
280	SWMU	05-006(e)	Soil Contamination from former Building 5-19	CoC without Controls	9/16/2015	
281	SWMU	05-006(h)	Soil contamination from former Building 5-09	CoC without Controls	6/30/2011	
282	SWMU	06-001(a)	Septic system	Pre-Investigation		Pajarito Watershed
283	SWMU	06-001(b)	Septic system	Pre-Investigation		Pajarito Watershed
284	SWMU	06-002	Septic System	Pre-Investigation		Pajarito Watershed
285	SWMU	06-003(a)	Firing site	Deferred Site		
286	SWMU	06-003(c)	Firing site	Pre-Investigation		Pajarito Watershed
287	SWMU	06-003(d)	Firing site	Pre-Investigation		Pajarito Watershed
288	SWMU	06-003(e)	Firing site	Pre-Investigation		Pajarito Watershed
289	SWMU	06-003(f)	Firing site	Pre-Investigation		Pajarito Watershed
290	SWMU	06-003(h)	Firing site	Deferred Site		
291	SWMU	06-005	Firing Site	Pre-Investigation		Pajarito Watershed
292	SWMU	06-006	Storage Area	Pre-Investigation		Pajarito Watershed
293	SWMU	06-007(a)	MDA F	Pre-Investigation		Pajarito Watershed
294	SWMU	06-007(b)	Landfill	Pre-Investigation		Pajarito Watershed
295	SWMU	06-007(c)	Landfill	Pre-Investigation		Pajarito Watershed
296	SWMU	06-007(d)	Landfill	Pre-Investigation		Pajarito Watershed
297	SWMU	06-007(e)	Landfill	Pre-Investigation		Pajarito Watershed
298	SWMU	06-007(f)	Surface disposal	Pre-Investigation		Pajarito Watershed
299	SWMU	06-007(g)	Soil contamination from former Building 6-12	Pre-Investigation		Pajarito Watershed
300	AOC	06-008	Soil contamination from former underground storage tank	Pre-Investigation		Pajarito Watershed
301	AOC	C-06-001	Soil contamination from former storage magazine 6-4	Pre-Investigation		Pajarito Watershed
302	AOC	C-06-005	Soil Contamination from former Building 06-13	Pre-Investigation		Pajarito Watershed
303	SWMU	07-001(a)	Firing Site	Pre-Investigation		Pajarito Watershed
304	SWMU	07-001(b)	Firing Site	Pre-Investigation		Pajarito Watershed
305	SWMU	07-001(c)	Firing Site	Deferred Site		
306	SWMU	07-001(d)	Firing Site	Deferred Site		
307	AOC	08-001(a)	Off-gas system	Pre-Investigation		Pajarito Watershed
308	AOC	08-001(b)	Off-gas system	Pre-Investigation		Pajarito Watershed
309	SWMU	08-002	Firing site	Pre-Investigation		Pajarito Watershed
310	SWMU	08-003(a)	Former septic tank	Pre-Investigation		Pajarito Watershed
311	SWMU	08-004(a)	Floor drain	Pre-Investigation		Pajarito Watershed
312	SWMU	08-004(b)	Drainline	Pre-Investigation		Pajarito Watershed
313	SWMU	08-004(c)	Floor drain and sumps	Pre-Investigation		Pajarito Watershed
314	SWMU	08-004(d)	Drain	Pre-Investigation		Pajarito Watershed
315	SWMU	08-005	Former storage vessel	Pre-Investigation		Pajarito Watershed
316	SWMU	08-006(a)	Material disposal area (MDA) Q	Pre-Investigation		Pajarito Watershed
317	SWMU	08-009(a)	Drainline and outfall	Pre-Investigation		Pajarito Watershed
318	AOC	08-009(c)	Storm drain and outfall from Building 8-23	Pre-Investigation		Pajarito Watershed
319	SWMU	08-009(d)	Drains	Pre-Investigation		Pajarito Watershed
320	SWMU	08-009(e)	Outfall from Building 8-21	Pre-Investigation		Pajarito Watershed
321	AOC	08-009(f)	Outfall associated with Building 8-22	Pre-Investigation		Pajarito Watershed
322	AOC	C-08-014	Laboratory and Administrative Building 8-21	Pre-Investigation		Pajarito Watershed
323	SWMU	09-001(a)	Soil contamination from firing site and former firing site structure 9-04	Pre-Investigation		Pajarito Watershed

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
324	SWMU	09-001(b)	Firing Site	Pre-Investigation		Pajarito Watershed
325	SWMU	09-001(c)	Firing site	Pre-Investigation		Pajarito Watershed
326	SWMU	09-001(d)	Firing site	Pre-Investigation		Pajarito Watershed
327	SWMU	09-002	Burn pit	Pre-Investigation		Pajarito Watershed
328	SWMU	09-003(a)	Soil contamination associate with former settling tank	Pre-Investigation		Pajarito Watershed
329	SWMU	09-003(b)	Soil contamination associate with former settling tank	Pre-Investigation		Pajarito Watershed
330	SWMU	09-003(d)	Soil contamination associate with former settling tank	Pre-Investigation		Pajarito Watershed
331	SWMU	09-003(e)	Soil contamination associated with former Basket Pit	Pre-Investigation		Pajarito Watershed
332	SWMU	09-003(g)	Soil contamination associated with former Sump and pipes	Pre-Investigation		Pajarito Watershed
333	SWMU	09-003(h)	Soil contamination associated with former Sump and pipes	Pre-Investigation		Pajarito Watershed
334	SWMU	09-003(i)	Soil Contamination associated with former Sump and Pipes	Pre-Investigation		Pajarito Watershed
335	SWMU	09-004(a)	Settling tank	Pre-Investigation		Pajarito Watershed
336	SWMU	09-004(b)	Settling tank	Pre-Investigation		Pajarito Watershed
337	SWMU	09-004(c)	Settling tank	Pre-Investigation		Pajarito Watershed
338	SWMU	09-004(d)	Settling tank	Pre-Investigation		Pajarito Watershed
339	SWMU	09-004(e)	Settling tank	Pre-Investigation		Pajarito Watershed
340	SWMU	09-004(f)	Settling tank	Pre-Investigation		Pajarito Watershed
341	SWMU	09-004(g)	Settling tank	Pre-Investigation		Pajarito Watershed
342	SWMU	09-004(h)	Settling tank	Pre-Investigation		Pajarito Watershed
343	SWMU	09-004(i)	Settling tank	Pre-Investigation		Pajarito Watershed
344	SWMU	09-004(j)	Settling tank	Pre-Investigation		Pajarito Watershed
345	SWMU	09-004(k)	Settling tank	Pre-Investigation		Pajarito Watershed
346	SWMU	09-004(l)	Settling tank	Pre-Investigation		Pajarito Watershed
347	SWMU	09-004(m)	Settling tank	Pre-Investigation		Pajarito Watershed
348	SWMU	09-004(n)	Settling tank	Pre-Investigation		Pajarito Watershed
349	SWMU	09-004(o)	Settling tank	Pre-Investigation		Pajarito Watershed
350	SWMU	09-005(a)	Soil contamination from former septic tank	Pre-Investigation		Pajarito Watershed
351	SWMU	09-005(d)	Septic Tank	Pre-Investigation		Pajarito Watershed
352	SWMU	09-005(g)	Settling Tank	Pre-Investigation		Pajarito Watershed
353	SWMU	09-006	Soil contamination associated with former septic tank	Pre-Investigation		Pajarito Watershed
354	SWMU	09-008(b)	Ooxidation Pond	Pre-Investigation		Pajarito Watershed
355	SWMU	09-009	Surface impoundment	Pre-Investigation		Pajarito Watershed
356	AOC	09-010(a)	Storage Area	Pre-Investigation		Pajarito Watershed
357	AOC	09-010(b)	Storage Area	Pre-Investigation		Pajarito Watershed
358	AOC	09-011(b)	Storage area	Pre-Investigation		Pajarito Watershed
359	AOC	09-011(c)	Storage area	Pre-Investigation		Pajarito Watershed
360	AOC	09-012	Disposal Pit	Pre-Investigation		Pajarito Watershed
361	SWMU	09-013	Material Disposal Area (MDA) M	Pre-Investigation		Pajarito Watershed
362	AOC	09-014	Soil contamination associated with former Camera Mount	Pre-Investigation		Pajarito Watershed
363	SWMU	C-09-001	Soil contamination associated with outfall	Pre-Investigation		Pajarito Watershed
364	SWMU	10-001(a)	Firing site	Request for CoC Submitted to NMED		
365	SWMU	10-001(b)	Firing site	Request for CoC Submitted to NMED		
366	SWMU	10-001(c)	Firing site	Request for CoC Submitted to NMED		
367	SWMU	10-001(d)	Firing site	Request for CoC Submitted to NMED		
368	SWMU	10-002(a)	Disposal Pit	Request for CoC Submitted to NMED		
369	SWMU	10-002(b)	Disposal Pit	Request for CoC Submitted to NMED		
370	SWMU	10-003(a)	Soil contamination from former disposal pit	Request for CoC Submitted to NMED		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
371	SWMU	10-003(b)	Soil contamination from former disposal pit	Request for CoC Submitted to NMED		
372	SWMU	10-003(c)	Soil contamination from former disposal pit	Request for CoC Submitted to NMED		
373	SWMU	10-003(d)	Soil contamination from former disposal pit	Request for CoC Submitted to NMED		
374	SWMU	10-003(e)	Soil contamination from disposal pit	Request for CoC Submitted to NMED		
375	SWMU	10-003(f)	Soil contamination from former disposal pit	Request for CoC Submitted to NMED		
376	SWMU	10-003(g)	Soil contamination from former manhole	Request for CoC Submitted to NMED		
377	SWMU	10-003(h)	Soil contamination from former manhole	Request for CoC Submitted to NMED		
378	SWMU	10-003(i)	Soil contamination from former septic tank	Request for CoC Submitted to NMED		
379	SWMU	10-003(j)	Soil contamination from former tank	Request for CoC Submitted to NMED		
380	SWMU	10-003(k)	Soil contamination from former tank	Request for CoC Submitted to NMED		
381	SWMU	10-003(l)	Soil contamination from former tank	Request for CoC Submitted to NMED		
382	SWMU	10-003(m)	Soil contamination from former waste line	Request for CoC Submitted to NMED		
383	SWMU	10-003(n)	Soil contamination from former leach field	Request for CoC Submitted to NMED		
384	SWMU	10-003(o)	Soil contamination from Decontamination Holes associated with former leach field	Request for CoC Submitted to NMED		
385	SWMU	10-004(a)	Soil contamination from former septic tank	Request for CoC Submitted to NMED		
386	SWMU	10-004(b)	Septic System	Request for CoC Submitted to NMED		
387	SWMU	10-005	Surface disposal	Request for CoC Submitted to NMED		
388	SWMU	10-006	Burn site	Request for CoC Submitted to NMED		
389	SWMU	10-007	Landfill	Request for CoC Submitted to NMED		
390	SWMU	10-008	Tree-rimmed firing point, Bayo Canyon	Request for CoC Submitted to NMED		
391	SWMU	10-009	Former Bayo Canyon Landfill-	Request for CoC Submitted to NMED		
392	AOC	C-10-001	Contaminated soil, Bayo Canyon	Request for CoC Submitted to NMED		
393	SWMU	11-001(a)	Firing site	Deferred Site		
394	SWMU	11-001(b)	Firing site	Deferred Site		
395	SWMU	11-001(c)	Firing site	Pre-Investigation		Upper Water Watershed
396	SWMU	11-002	Burn Site	Deferred Site		
397	AOC	11-003(b)	Air Gun	Deferred Site		
398	SWMU	11-004(a)	Drop tower	Deferred Site		
399	SWMU	11-004(b)	Concrete Pad	Deferred Site		
400	SWMU	11-004(c)	Hoist	Deferred Site		
401	SWMU	11-004(d)	Hoist	Deferred Site		
402	SWMU	11-004(e)	Drop Pad	Deferred Site		
403	AOC	11-004(f)	Drop Pad	Deferred Site		
404	SWMU	11-005(a)	Septic system	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
405	SWMU	11-005(b)	Septic system	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
406	SWMU	11-005(c)	Outfall from former Building 11-2	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
407	SWMU	11-006(a)	Sump	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
408	SWMU	11-006(b)	Catch Basin System	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
409	SWMU	11-006(c)	Catch Basin System	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
410	SWMU	11-006(d)	Catch Basin System	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
411	SWMU	11-009	Material disposal area (MDA) S	Deferred Site		
412	SWMU	11-011(a)	Outfall from Building 11-30	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
413	SWMU	11-011(b)	Outfall from Building 11-30A	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
414	SWMU	11-011(d)	Outfall from Building 11-24	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
415	AOC	11-012(a)	Soil contamination associated with former Structure 11-7	Pre-Investigation		Upper Water Watershed
416	AOC	11-012(b)	Soil contamination associated with former Structure 11-8	Pre-Investigation		Upper Water Watershed

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
417	AOC	11-012(c)	Soil contamination associated with former Structure 11-9	Deferred Site		
418	AOC	11-012(d)	Soil contamination associated with former Structure 11-10	Deferred Site		
419	AOC	C-11-001	Soil contamination associated with former Structure 11-5	Deferred Site		
420	AOC	C-11-002	Soil contamination associated with former Structure 11-12	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
421	SWMU	12-001(a)	Firing site Steel-lined container	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
422	SWMU	12-001(b)	Firing site	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
423	SWMU	12-002	Burn Site	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
424	AOC	12-004(a)	Radiation test facility	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
425	AOC	12-004(b)	Pipe	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
426	AOC	C-12-001	Soil contamination associated with former Trim Building 12-1	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
427	AOC	C-12-002	Soil contamination associated with former Control Building 12-2	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
428	AOC	C-12-003	Soil contamination associated with former Storage Building 12-3	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
429	AOC	C-12-004	Soil contamination associated with former Generator Building 12-5	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
430	AOC	C-12-005	Soil contamination associated with former Junction box 12-6	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
431	SWMU	13-001	Firing site	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
432	SWMU	13-002	Landfill	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
433	SWMU	13-003(a)	Soil contamination from a former septic tank	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
434	AOC	13-003(b)	Drain field	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
435	SWMU	13-004	Disposal pit - existence not determined	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
436	AOC	14-001(a)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
437	AOC	14-001(b)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
438	AOC	14-001(c)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
439	AOC	14-001(d)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
440	AOC	14-001(e)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
441	AOC	14-001(f)	Firing site	Deferred Site		
442	AOC	14-001(g)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
443	SWMU	14-002(a)	Firing site	Deferred Site		
444	SWMU	14-002(b)	Firing site	Deferred Site		
445	SWMU	14-002(c)	Control Building 14--5	Deferred Site		
446	SWMU	14-002(d)	Firing site	Deferred Site		
447	SWMU	14-002(e)	Firing site	Deferred Site		
448	SWMU	14-002(f)	Soil contamination associated with former Junction Box 14-12	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
449	SWMU	14-003	Open burning ground	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
450	AOC	14-004(a)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
451	SWMU	14-005	Burn Cage for OB/OD unit TA-14-23	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
452	SWMU	14-006	Sump and/or associated equipment	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
453	SWMU	14-007	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
454	SWMU	14-009	Surface Disposal Site	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
455	SWMU	14-010	Soil contamination from former Sump and Drain lines	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
456	AOC	C-14-001	Soil contamination associated with former Magazine 14-1	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
457	AOC	C-14-002	Soil contamination associate with former Building 14-3	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
458	AOC	C-14-003	Soil contamination associated with former Structure 14-4	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
459	AOC	C-14-004	Soil contamination associated with former Electronics Shop 14-7	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
460	AOC	C-14-005	Soil contamination associated with former Storage Building 14-8	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
461	AOC	C-14-006	Soil contamination associated with former Magazine 14-9	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
462	AOC	C-14-007	Soil contamination associated with former Storage Building 14-10	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
463	AOC	C-14-008	Soil contamination associated with former Magazine 14-11	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
464	AOC	C-14-009	Soil contamination associated with former Magazine 14-13	RFI or Field Work in Progress (IM, ACA)		SIR - CdV TA-14
465	AOC	15-001	Surface disposal Site	Pre-Investigation		Southern External Boundary
466	SWMU	15-002	Burn Site	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
467	SWMU	15-003	Phermex Firing Site (TA-15-184)	Deferred Site		
468	SWMU	15-004(a)	Firing Site C	Deferred Site		
469	SWMU	15-004(b)	Firing Site A	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
470	SWMU	15-004(c)	Firing Site B	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
471	AOC	15-004(d)	Firing site C	Deferred Site		
472	SWMU	15-004(f)	Firing site E-F	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
473	SWMU	15-004(g)	Firing site G	Deferred Site		
474	AOC	15-004(h)	Firing site H	Pre-Investigation		Southern External Boundary
475	SWMU	15-004(i)	The Gulch firing site	Pre-Investigation		Upper Water Watershed
476	AOC	15-005(b)	Container storage area	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
477	AOC	15-005(c)	Container storage area (R-41)	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
478	SWMU	15-006(a)	Phermex Firing Site (TA-15-184)	Deferred Site		
479	SWMU	15-006(b)	Firing Site Ector	Deferred Site		
480	SWMU	15-006(c)	Firing site (R-44)	Deferred Site		
481	SWMU	15-006(d)	Firing site (R-45)	Deferred Site		
482	AOC	15-006(e)	I-J Firing Site at TA-36	CoC without Controls	5/30/2013	
483	SWMU	15-007(a)	Material Disposal Area (MDA) N	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
484	SWMU	15-007(b)	Material Disposal Area (MDA) Z	Pre-Investigation		Upper Water Watershed
485	SWMU	15-007(c)	Shaft	RFI or Field Work Rpt Submitted to NMED		Known Cleanup Sites (Above SSLs)
486	SWMU	15-007(d)	Shaft	RFI or Field Work Rpt Submitted to NMED		Known Cleanup Sites (Above SSLs)
487	SWMU	15-008(a)	Surface Disposal Site (E-F Site)	RFI or Field Work in Progress (IM, ACA)		SIR - Potrillo/Fence
488	SWMU	15-008(b)	Surface Disposal Site	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
489	SWMU	15-008(c)	Surface Disposal Site	Pre-Investigation		Upper Water Watershed
490	SWMU	15-008(d)	Surface Disposal Site	Pre-Investigation		Upper Water Watershed
491	AOC	15-008(f)	I-J Firing site mounds at TA-36	Deferred Site		
492	AOC	15-008(g)	Surface Disposal Site	RFI or Field Work in Progress (IM, ACA)		SIR - Threemile
493	SWMU	15-009(a)	Former structures - the Hollow	Pre-Investigation		Upper Water Watershed
494	SWMU	15-009(b)	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - Threemile
495	SWMU	15-009(c)	Septic system	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
496	SWMU	15-009(e)	Septic system	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
497	SWMU	15-009(f)	Firing site septic system	Pre-Investigation		Upper Water Watershed
498	SWMU	15-009(g)	Septic system	Pre-Investigation		Southern External Boundary
499	SWMU	15-009(h)	Septic system	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
500	SWMU	15-009(i)	Septic system	Pre-Investigation		Upper Water Watershed
501	SWMU	15-009(k)	Firing site septic system (renumbered from 15-009(l))	Pre-Investigation		Upper Water Watershed
502	SWMU	15-010(a)	Septic system	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
503	SWMU	15-010(b)	Septic system	RFI or Field Work Rpt Submitted to NMED		Known Cleanup Sites (Above SSLs)
504	SWMU	15-011(a)	Concrete Trench Drains	Pre-Investigation		Upper Water Watershed
505	SWMU	15-011(b)	Drainage channel	Pre-Investigation		Upper Water Watershed
506	SWMU	15-011(c)	Outfall	Pre-Investigation		Upper Water Watershed
507	SWMU	15-014(a)	Outfalls from Building 15-183	Pre-Investigation		Upper Water Watershed
508	SWMU	15-014(b)	Outfalls from Building 15-183	Pre-Investigation		Upper Water Watershed
509	AOC	15-014(d)	Drainage	Pre-Investigation		Southern External Boundary
510	AOC	15-014(g)	Outfall from Building 15-203	Pre-Investigation		Upper Water Watershed

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
511	AOC	15-014(h)	Outfalls from Building 15-40	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
512	SWMU	15-014(i)	Outfall from former Building 15-194 (renumbered from 15-012(f))	Pre-Investigation		Upper Water Watershed
513	SWMU	15-014(j)	Outfalls from former Building 15-50 (renumbered from 15-012(g))	Pre-Investigation		Upper Water Watershed
514	SWMU	15-014(k)	Outfalls from former Building 15-20 (renumbered from 15-012(d))	Pre-Investigation		Upper Water Watershed
515	SWMU	15-014(l)	Outfalls from former Building 15-202 (renumbered from 15-012(e))	Pre-Investigation		Southern External Boundary
516	AOC	C-15-001	Contaminated soil near Firing Site	Pre-Investigation		Upper Water Watershed
517	AOC	C-15-004	Former Transformer Station	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
518	AOC	C-15-005	Soil contamination associate with former laboratory and building	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
519	AOC	C-15-006	Soil contamination associate with former Building15-7	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
520	AOC	C-15-007	Non-intentional release area	Pre-Investigation		Upper Water Watershed
521	AOC	C-15-010	Former underground tank	Pre-Investigation		Upper Water Watershed
522	AOC	C-15-011	Former underground tank	Pre-Investigation		Southern External Boundary
523	SWMU	16-001(a)	Tank	Pre-Investigation		Upper Water Watershed
524	SWMU	16-001(b)	Dry Wells	Pre-Investigation		Upper Water Watershed
525	SWMU	16-001(c)	Tank	Pre-Investigation		Upper Water Watershed
526	SWMU	16-001(d)	Dry well	Pre-Investigation		Upper Water Watershed
527	SWMU	16-001(e)	Dry Well	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
528	SWMU	16-003(a)	Sump	Pre-Investigation		Upper Water Watershed
529	SWMU	16-003(b)	Sump	Pre-Investigation		Upper Water Watershed
530	SWMU	16-003(c)	Sump	Pre-Investigation		Upper Water Watershed
531	SWMU	16-003(d)	Sumps	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
532	SWMU	16-003(e)	Sumps	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
533	SWMU	16-003(f)	Sumps	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
534	SWMU	16-003(g)	Sumps	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
535	SWMU	16-003(h)	Sump	Pre-Investigation		Upper Water Watershed
536	SWMU	16-003(i)	Sump	Pre-Investigation		Upper Water Watershed
537	SWMU	16-003(j)	Sump	Pre-Investigation		Upper Water Watershed
538	SWMU	16-003(k)	Sumps	CME in Progress		RDX Characterization
539	SWMU	16-003(l)	Sumps	Pre-Investigation		Upper Water Watershed
540	SWMU	16-003(m)	Sump	Pre-Investigation		Upper Water Watershed
541	SWMU	16-003(n)	Sump	RFI or Field Work Rpt Submitted to NMED		Upper Water Watershed
542	SWMU	16-003(o)	Sumps	RFI or Field Work Rpt Submitted to NMED		Upper Water Watershed
543	AOC	16-003(p)	Sump	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
544	AOC	16-003(q)	Sump	Pre-Investigation		Upper Water Watershed
545	SWMU	16-004(a)	Imhoff Tank	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
546	SWMU	16-004(b)	Trickling Filter	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
547	SWMU	16-004(c)	Tank	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
548	SWMU	16-004(d)	Sludge Drying Bed	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
549	SWMU	16-004(e)	Screen	CoC without Controls	7/2/2012	
550	SWMU	16-004(f)	Sludge Drying Bed	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
551	SWMU	16-005(a)	Septic tank	Pre-Investigation		Upper Water Watershed
552	SWMU	16-005(e)	Soil contamination from former septic tank	Pre-Investigation		Upper Water Watershed
553	SWMU	16-005(d)	Soil contamination from former septic tank	Pre-Investigation		Upper Water Watershed
554	SWMU	16-005(e)	Soil contamination from former septic tank	Pre-Investigation		Upper Water Watershed
555	SWMU	16-005(g)	Soil contamination from former Filter Bed	Pre-Investigation		Upper Water Watershed
556	SWMU	16-005(h)	Soil contamination from former septic tank	Pre-Investigation		Upper Water Watershed

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
557	SWMU	16-005(j)	Soil contamination from former septic tank	Pre-Investigation		Upper Water Watershed
558	SWMU	16-005(k)	Soil contamination from former septic tank	Pre-Investigation		Upper Water Watershed
559	SWMU	16-005(l)	Grease trap	Pre-Investigation		Upper Water Watershed
560	SWMU	16-005(m)	Soil contamination from former Sump	Pre-Investigation		Upper Water Watershed
561	SWMU	16-005(n)	Soil contamination from former septic tank	Pre-Investigation		Upper Water Watershed
562	SWMU	16-006(a)	Septic Tank	Pre-Investigation		Upper Water Watershed
563	SWMU	16-006(c)	Septic Tank	Pre-Investigation		Upper Water Watershed
564	SWMU	16-006(d)	Septic Tank	Pre-Investigation		Upper Water Watershed
565	SWMU	16-006(e)	Former Septic Tank	CoC without Controls	1/10/2006	
566	SWMU	16-006(g)	Septic Tank	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
567	SWMU	16-006(h)	Pump Pit	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
568	SWMU	16-007(a)	Settling Ponds	Request for CoC Submitted to NMED		
569	SWMU	16-008(a)	Settling Pond	Request for CoC Submitted to NMED		
570	SWMU	16-009(a)	Former Burn site	Pre-Investigation		Upper Water Watershed
571	SWMU	16-010(a)	Burn Site	CoC without Controls	1/10/2006	
572	SWMU	16-010(h)	Former Basket-Wash facility	Pre-Investigation		Upper Water Watershed
573	SWMU	16-010(i)	Burn Pad	Pre-Investigation		Upper Water Watershed
574	SWMU	16-010(k)	Former trough	Pre-Investigation		Upper Water Watershed
575	SWMU	16-010(l)	Former trough	Pre-Investigation		Upper Water Watershed
576	SWMU	16-010(m)	Former trough	Pre-Investigation		Upper Water Watershed
577	SWMU	16-010(n)	Former trough	Pre-Investigation		Upper Water Watershed
578	AOC	16-011	Former Incinerator	Pre-Investigation		Upper Water Watershed
579	SWMU	16-013	Container Storage Area	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
580	SWMU	16-015(a)	Soil contamination from former Men's locker room and laundry facility	Pre-Investigation		Upper Water Watershed
581	SWMU	16-015(b)	Soil contamination associated with former Steam-washing facility	Pre-Investigation		Upper Water Watershed
582	AOC	16-015(c)	Soil contamination from former Building 16-36	Pre-Investigation		Upper Water Watershed
583	AOC	16-015(d)	Soil contamination from former steam-cleaning Building 16-51	Pre-Investigation		Upper Water Watershed
584	SWMU	16-016(a)	Landfill - buried metal site	Pre-Investigation		Upper Water Watershed
585	SWMU	16-016(b)	Surface Disposal Site	Pre-Investigation		Upper Water Watershed
586	SWMU	16-016(c)	Soil contamination from former Barium Nitrate Storage Area/Pile	CoC without Controls	1/10/2006	
587	SWMU	16-016(d)	Surface disposal site	Pre-Investigation		Upper Water Watershed
588	SWMU	16-016(e)	Surface disposal site	Pre-Investigation		Upper Water Watershed
589	AOC	16-016(f)	Surface Disposal Site	Pre-Investigation		Upper Water Watershed
590	SWMU	16-016(g)	Surface disposal site	Pre-Investigation		Upper Water Watershed
591	SWMU	16-017(a)-99	Soil contamination from former HE Machining Building 16-92	Request for CoC Submitted to NMED		
592	SWMU	16-017(b)-99	Soil contamination from former HE Machining Building 16-93	Request for CoC Submitted to NMED		
593	SWMU	16-017(c)-99	Soil contamination from former HE Machining Building 16-91	Request for CoC Submitted to NMED		
594	SWMU	16-017(d)-99	Soil contamination from former HE Machining Building 16-90	Request for CoC Submitted to NMED		
595	SWMU	16-017(e)-99	Soil contamination from former HE Machining Building 16-89	Request for CoC Submitted to NMED		
596	SWMU	16-017(f)-99	Soil contamination from former HE Machining Building 16-99	Pre-Investigation		Upper Water Watershed
597	SWMU	16-017(g)-99	Former storage magazine	Pre-Investigation		Upper Water Watershed
598	SWMU	16-017(h)-99	Soil contamination from former HE Casting Building 16-27	Pre-Investigation		Upper Water Watershed
599	SWMU	16-017(i)-99	Former storage building	Pre-Investigation		Upper Water Watershed
600	SWMU	16-017(j)-99	Former storage magazine 16-63	Pre-Investigation		Upper Water Watershed
601	SWMU	16-017(k)-99	Former storage magazine 16-78	Pre-Investigation		Upper Water Watershed
602	SWMU	16-017(l)-99	Former storage magazine 16-77	Pre-Investigation		Upper Water Watershed

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
603	SWMU	16-017(m)-99	Former storage magazine 16-76	Pre-Investigation		Upper Water Watershed
604	SWMU	16-017(n)-99	Former storage magazine 16-75	Pre-Investigation		Upper Water Watershed
605	SWMU	16-017(o)-99	Former storage magazine 16-59	Pre-Investigation		Upper Water Watershed
606	SWMU	16-017(p)-99	Former storage magazine 16-61	CoC without Controls	7/2/2012	
607	SWMU	16-017(q)-99	Storage Magazine	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
608	SWMU	16-017(r)-99	Former Assembly Site/Storage Building 16-520	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
609	SWMU	16-017(s)-99	Former Assembly Site/Storage Building 16-519	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
610	SWMU	16-017(t)-99	Former Assembly Site/Storage Building 16-516	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
611	SWMU	16-017(u)-99	Soil contamination from former Storage and Support Structure 16-164	Pre-Investigation		Upper Water Watershed
612	SWMU	16-017(v)-99	Soil contamination from former HE Processing Building	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
613	SWMU	16-017(w)-99	Former Storage Magazine 16-73	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
614	SWMU	16-017(x)-99	Soil Contamination from former Storage Magazine 16-79	Pre-Investigation		Upper Water Watershed
615	SWMU	16-019	Material disposal area (MDA) R (includes SWMU 16-009(b))	Pre-Investigation		Upper Water Watershed
616	SWMU	16-020	Outfall from former 16-222	Pre-Investigation		Upper Water Watershed
617	SWMU	16-021(a)	Operational release associated with Building 16-450	Pre-Investigation		Upper Water Watershed
618	AOC	16-021(b)	Operational Release	Pre-Investigation		Upper Water Watershed
619	SWMU	16-021(c)	Outfall associated with Building 16-260	CME in Progress		RDX Characterization
620	AOC	16-022(a)	Former Underground Storage Tank	Pre-Investigation		Upper Water Watershed
621	AOC	16-022(b)	Former Underground Storage Tank	Pre-Investigation		Upper Water Watershed
622	AOC	16-023(b)	Soil contamination from former Incinerator	Pre-Investigation		Upper Water Watershed
623	AOC	16-024(a)	Soil contamination from former Magazine 16-488	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
624	AOC	16-024(b)	Soil contamination from former Magazine 16-74	Pre-Investigation		Upper Water Watershed
625	AOC	16-024(c)	Soil contamination from former Magazine 16-30	Pre-Investigation		Upper Water Watershed
626	AOC	16-024(d)	Soil contamination from former Magazine 16-34	Request for CoC Submitted to NMED		
627	SWMU	16-024(e)	Soil contamination from former Magazine 16-33	Request for CoC Submitted to NMED		
628	AOC	16-024(f)	Soil contamination from former Magazine 16-493	Pre-Investigation		Upper Water Watershed
629	AOC	16-024(g)	Soil contamination from former Magazine 16-494	Pre-Investigation		Upper Water Watershed
630	AOC	16-024(h)	Soil contamination from former Magazine 16-497	Pre-Investigation		Upper Water Watershed
631	AOC	16-024(i)	Soil contamination from former Magazine 16-64	Pre-Investigation		Upper Water Watershed
632	AOC	16-024(j)	Soil contamination from former Magazine 16-65	Pre-Investigation		Upper Water Watershed
633	AOC	16-024(k)	Soil contamination from former Magazine 16-57	Pre-Investigation		Upper Water Watershed
634	AOC	16-024(l)	Soil contamination from former Magazine 16-72	Pre-Investigation		Upper Water Watershed
635	AOC	16-024(m)	Soil contamination from former Magazine 16-66	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
636	AOC	16-024(n)	Soil contamination from former Magazine 16-84	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
637	AOC	16-024(o)	Soil contamination from former Magazine 16-67	Pre-Investigation		Upper Water Watershed
638	AOC	16-024(p)	Soil contamination from former Magazine 16-70	Pre-Investigation		Upper Water Watershed
639	AOC	16-024(q)	Soil contamination from former Magazine 16-71	Pre-Investigation		Upper Water Watershed
640	AOC	16-024(r)	Soil contamination from former Magazine 16-68	Pre-Investigation		Upper Water Watershed
641	AOC	16-024(s)	Soil contamination from former Magazine 16-60	Pre-Investigation		Upper Water Watershed
642	AOC	16-024(t)	Soil contamination from former Magazine 16-464	Pre-Investigation		Upper Water Watershed
643	AOC	16-024(u)	Soil contamination from former Magazine 16-481	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
644	AOC	16-024(v)	Soil contamination from former Magazine 16-62	CoC without Controls	6/29/2007	
645	SWMU	16-025(a)	Soil contamination from former Radiography Building 16-39	Pre-Investigation		Upper Water Watershed
646	SWMU	16-025(a2)	Soil contamination from former HE casting Building 16-50	Pre-Investigation		Upper Water Watershed
647	SWMU	16-025(b)	Soil contamination from former Radiography Building 16-40	Pre-Investigation		Upper Water Watershed
648	SWMU	16-025(b2)	Soil contamination from former HE casting Building 16-52	Pre-Investigation		Upper Water Watershed

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
649	SWMU	16-025(c2)	Soil contamination from former Building 16-56	Pre-Investigation		Upper Water Watershed
650	SWMU	16-025(d)	Soil contamination from former Equipment and Control Building 16-94	Pre-Investigation		Upper Water Watershed
651	SWMU	16-025(d2)	Soil contamination from former Sturcture 16-480	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
652	SWMU	16-025(e)	Soil contamination from former HE Machining building 16-31	Request for CoC Submitted to NMED		
653	SWMU	16-025(f)	Soil contamination from former HE Machining building 16-32	Request for CoC Submitted to NMED		
654	SWMU	16-025(g)	Soil contamination from former HE machining Building 16-95	Pre-Investigation		Upper Water Watershed
655	SWMU	16-025(h)	Soil contamination from former HE Machining Building 16-96	Pre-Investigation		Upper Water Watershed
656	SWMU	16-025(i)	Soil contamination from former HE Machining Building 16-97	Pre-Investigation		Upper Water Watershed
657	SWMU	16-025(j)	Soil contamination from former HE Machining Building 16-98	Pre-Investigation		Upper Water Watershed
658	SWMU	16-025(k)	Soil contamination from former HE Powder Inspection Building 16-25	Pre-Investigation		Upper Water Watershed
659	SWMU	16-025(l)	Soil contamination from former HE Casting Building 16-26	Pre-Investigation		Upper Water Watershed
660	SWMU	16-025(m)	Soil contamination from former X-ray hutment 16-495	Pre-Investigation		Upper Water Watershed
661	SWMU	16-025(n)	Soil contamination from former X-ray hutment 16-499	Pre-Investigation		Upper Water Watershed
662	SWMU	16-025(o)	Soil contamination from former X-ray hutment 16-500	Pre-Investigation		Upper Water Watershed
663	SWMU	16-025(p)	Soil contamination from former HE processing Building 16-44	Pre-Investigation		Upper Water Watershed
664	SWMU	16-025(q)	Soil contamination from former HE processing Building 16-45	Pre-Investigation		Upper Water Watershed
665	SWMU	16-025(r)	Soil contamination from former Rest House 16-46	Pre-Investigation		Upper Water Watershed
666	SWMU	16-025(s)	Soil contamination from former Radium Source Building 16-48	Pre-Investigation		Upper Water Watershed
667	SWMU	16-025(t)	Soil contamination from former HE equipment casting Building 16-38	Pre-Investigation		Upper Water Watershed
668	SWMU	16-025(u)	Soil contamination from former HE processing Building 16-42	Pre-Investigation		Upper Water Watershed
669	SWMU	16-025(v)	Soil contamination from former HE processing Building 16-81	Pre-Investigation		Upper Water Watershed
670	SWMU	16-025(w)	Soil contamination from former Building 16-81	Pre-Investigation		Upper Water Watershed
671	SWMU	16-025(x)	Soil contamination from former Electroplating Laboratory 16-100	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
672	SWMU	16-025(y)	Soil contamination from former HE grinding facility 16-55	Pre-Investigation		Upper Water Watershed
673	SWMU	16-025(z)	Soil contamination from former HE explosives Testing Building 16-37	Pre-Investigation		Upper Water Watershed
674	SWMU	16-026(a)	Outfall from Building 16-370	Pre-Investigation		Upper Water Watershed
675	SWMU	16-026(b)	Outfall from Structure 16-307	Pre-Investigation		Known Cleanup Sites (Above SSLs)
676	SWMU	16-026(b2)	Outfall from Building 16-202	Pre-Investigation		Upper Water Watershed
677	SWMU	16-026(c)	Outfall from Building 16-305 Drain	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
678	SWMU	16-026(c2)	Outfall from Building 16-462	Pre-Investigation		Upper Water Watershed
679	SWMU	16-026(d)	Outfall from Building 16-303	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
680	SWMU	16-026(e)	Outfall from Structure 16-301	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
681	SWMU	16-026(f)	Outfall from Building 16-308	CoC without Controls	1/23/2008	
682	SWMU	16-026(g)	Outfall from Structure 16-280	Pre-Investigation		Upper Water Watershed
683	SWMU	16-026(h2)	Outfall associated with Building 16-360	Pre-Investigation		Upper Water Watershed
684	SWMU	16-026(i)	Outfall from former Building 16-224	Pre-Investigation		Upper Water Watershed
685	SWMU	16-026(j)	Outfall from former Building 16-226	Pre-Investigation		Upper Water Watershed
686	SWMU	16-026(j2)	Outfall from former Building 16-345	RFI or Field Work Rpt Submitted to NMED		Upper Water Watershed
687	SWMU	16-026(k2)	Outfall from former Building 16-260	Pre-Investigation		Upper Water Watershed
688	SWMU	16-026(l)	Outfalls associated with former Building 16-220	Pre-Investigation		Upper Water Watershed
689	SWMU	16-026(m)	Outfall associated with former Building 16-92	Request for CoC Submitted to NMED		
690	SWMU	16-026(n)	Outfall associated with former Building 16-91	Request for CoC Submitted to NMED		
691	SWMU	16-026(o)	Outfall associated with former Building 16-90	Request for CoC Submitted to NMED		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
692	SWMU	16-026(p)	Outfall associated with former Building 16-89	Request for CoC Submitted to NMED		
693	SWMU	16-026(q)	Outfall from former Building 16-27	Pre-Investigation		Upper Water Watershed
694	SWMU	16-026(r)	Outfall from Building 16-180 Drain	RFI or Field Work Rpt Submitted to NMED		Upper Water Watershed
695	SWMU	16-026(s)	Outfall from Building 16-5	Pre-Investigation		Upper Water Watershed
696	SWMU	16-026(u)	Outfall from former Building 16-195 Drain	Pre-Investigation		Upper Water Watershed
697	SWMU	16-026(v)	Outfall from Building 16-460	Pre-Investigation		Upper Water Watershed
698	SWMU	16-026(w)	Outfall from former Building 16-45	Pre-Investigation		Upper Water Watershed
699	SWMU	16-026(y)	Outfall from Building 16-411	Pre-Investigation		Upper Water Watershed
700	SWMU	16-026(z)	Outfall from Building 16-306	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
701	AOC	16-027(a)	Transformer	Pre-Investigation		Upper Water Watershed
702	AOC	16-027(b)	Transformer	Pre-Investigation		Upper Water Watershed
703	AOC	16-027(c)	Transformer	Pre-Investigation		Upper Water Watershed
704	AOC	16-027(d)	Transformer	Pre-Investigation		Upper Water Watershed
705	SWMU	16-028(a)	Drainage Channel	Pre-Investigation		Upper Water Watershed
706	SWMU	16-028(b)	Outfall from Building 16-370	Pre-Investigation		Upper Water Watershed
707	SWMU	16-028(c)	Outfall from former Building 16-220	Pre-Investigation		Upper Water Watershed
708	SWMU	16-028(d)	Outfall from former Building 16-202	Pre-Investigation		Upper Water Watershed
709	SWMU	16-028(e)	Outfall associated with Building 16-450	Pre-Investigation		Upper Water Watershed
710	SWMU	16-029(a)	Sumps	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
711	SWMU	16-029(a2)	Sump	Pre-Investigation		Upper Water Watershed
712	SWMU	16-029(b)	Sumps	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
713	SWMU	16-029(b2)	Sump	Pre-Investigation		Upper Water Watershed
714	SWMU	16-029(c)	Sumps	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
715	SWMU	16-029(c2)	Sumps	Pre-Investigation		Upper Water Watershed
716	SWMU	16-029(d)	Sumps	CoC without Controls	7/2/2012	
717	SWMU	16-029(d2)	Sumps	Pre-Investigation		Upper Water Watershed
718	SWMU	16-029(e)	Sump	Pre-Investigation		Upper Water Watershed
719	SWMU	16-029(e2)	Sumps	Pre-Investigation		Upper Water Watershed
720	SWMU	16-029(f)	Sump	RFI or Field Work Rpt Submitted to NMED		Upper Water Watershed
721	SWMU	16-029(f2)	Soil contamination from former Sump and Outfall from former Building 16-24	Pre-Investigation		Upper Water Watershed
722	SWMU	16-029(g)	Former Sump	Pre-Investigation		Upper Water Watershed
723	SWMU	16-029(g2)	Pit	CoC without Controls	7/2/2012	
724	SWMU	16-029(h)	Outfall from former Building 16-478	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
725	SWMU	16-029(h2)	Soil contamination from former manhole associated with former Buildings 16-95, -96, -97, -98	Pre-Investigation		Upper Water Watershed
726	SWMU	16-029(i)	Sump	RFI or Field Work Rpt Submitted to NMED		Upper Water Watershed
727	SWMU	16-029(j)	Sump	Pre-Investigation		Upper Water Watershed
728	SWMU	16-029(k)	Sumps	Request for CoC Submitted to NMED		
729	SWMU	16-029(l)	Sumps	Request for CoC Submitted to NMED		
730	SWMU	16-029(m)	Soil contamination from former Sump	Pre-Investigation		Upper Water Watershed
731	SWMU	16-029(n)	Soil contamination from former Sump	Pre-Investigation		Upper Water Watershed
732	SWMU	16-029(o)	Soil contamination from former Sump	Pre-Investigation		Upper Water Watershed
733	SWMU	16-029(p)	Soil contamination from former Sump	Pre-Investigation		Upper Water Watershed
734	SWMU	16-029(q)	Former Sump	Pre-Investigation		Upper Water Watershed
735	SWMU	16-029(r)	Outfall from former Building 16-25	Pre-Investigation		Upper Water Watershed
736	SWMU	16-029(s)	Sumps	Request for CoC Submitted to NMED		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
737	SWMU	16-029(t)	Sumps	Request for CoC Submitted to NMED		
738	SWMU	16-029(u)	Sumps	Request for CoC Submitted to NMED		
739	SWMU	16-029(v)	Sump	Pre-Investigation		Upper Water Watershed
740	SWMU	16-029(w)	Soil contamination from former Sump	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
741	SWMU	16-029(x)	Sump	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
742	SWMU	16-029(y)	Sump	Pre-Investigation		Upper Water Watershed
743	SWMU	16-029(z)	Sumps	Pre-Investigation		Upper Water Watershed
744	SWMU	16-030(a)	Outfall from former Building 16-344	Pre-Investigation		Upper Water Watershed
745	SWMU	16-030(c)	Outfall from former Building 16-222	CoC without Controls	1/23/2008	
746	AOC	16-030(d)	Outfall from former Building 16-280	Pre-Investigation		Upper Water Watershed
747	AOC	16-030(g)	Outfall from Building 16-380	Pre-Investigation		Upper Water Watershed
748	SWMU	16-030(h)	Outfalls from Building 16-430	Pre-Investigation		Upper Water Watershed
749	SWMU	16-031(a)	Outfall from cooling tower 16-372	Pre-Investigation		Upper Water Watershed
750	SWMU	16-031(b)	Outfall from former cooling tower 16-262	Pre-Investigation		Upper Water Watershed
751	SWMU	16-031(c)	Outfall associated with former Building 16-515	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
752	SWMU	16-031(d)	Outfall from former cooling tower 16-28	Pre-Investigation		Upper Water Watershed
753	SWMU	16-031(e)	Outfall from Building 16-560	Pre-Investigation		Upper Water Watershed
754	SWMU	16-031(f)	Outfall from Building 16-21	CoC without Controls	6/29/2007	
755	SWMU	16-031(h)	Outfall from former Building 16-478	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
756	SWMU	16-032(a)	Sumps	Pre-Investigation		Upper Water Watershed
757	SWMU	16-032(c)	Sumps, drainlines, and outfall from former Building 16-26	Pre-Investigation		Upper Water Watershed
758	AOC	16-033(a)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
759	AOC	16-033(b)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
760	AOC	16-033(c)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
761	AOC	16-033(d)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
762	AOC	16-033(e)	Underground tanks	Pre-Investigation		Upper Water Watershed
763	AOC	16-033(f)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
764	AOC	16-033(g)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
765	AOC	16-033(h)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
766	AOC	16-033(i)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
767	AOC	16-033(j)	Soil contamination from former Underground tank	Pre-Investigation		Upper Water Watershed
768	AOC	16-033(k)	Underground storage tank	Pre-Investigation		Upper Water Watershed
769	SWMU	16-034(a)	Soil contamination from former Laboratory 16-24	Pre-Investigation		Upper Water Watershed
770	SWMU	16-034(b)	Soil contamination from former Building 16-490	Pre-Investigation		Upper Water Watershed
771	SWMU	16-034(c)	Soil contamination from former Storage Hut 16-491	Pre-Investigation		Upper Water Watershed
772	SWMU	16-034(d)	Soil contamination from former Machine Shop 16-492	Pre-Investigation		Upper Water Watershed
773	SWMU	16-034(e)	Soil contamination from former Storage Building 16-496	Pre-Investigation		Upper Water Watershed
774	SWMU	16-034(f)	Soil contamination from former Laboratory 16-498	Pre-Investigation		Upper Water Watershed
775	SWMU	16-034(h)	Soil contamination from former Plumbing and Electrical Shop, 16-137	Pre-Investigation		Upper Water Watershed
776	SWMU	16-034(i)	Soil contamination from former Laboratory 16-141	Pre-Investigation		Upper Water Watershed
777	SWMU	16-034(j)	Soil contamination from former Structure	Pre-Investigation		Upper Water Watershed
778	SWMU	16-034(k)	Soil contamination from former Laboratory 16-140	Pre-Investigation		Upper Water Watershed
779	SWMU	16-034(l)	Soil contamination from former Equipment and Control Building 16-47	Pre-Investigation		Upper Water Watershed
780	SWMU	16-034(m)	Soil contamination from former Laboratory 16-86	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
781	SWMU	16-034(n)	Soil contamination from former Laboratory 16-83	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
782	SWMU	16-034(o)	Soil contamination from former Laboratory 16-49	Pre-Investigation		Upper Water Watershed
783	SWMU	16-034(p)	Soil contamination from former Laboratory 16-41	Pre-Investigation		Upper Water Watershed
784	SWMU	16-035	Soil contamination from former Control Bunker 16-2 (Renumbered)	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
785	SWMU	16-036	Soil contamination from Battleship Bunkers 16-477 and -478	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
786	AOC	16-037	Aboveground Tank - Existence not verified	Pre-Investigation		Upper Water Watershed
787	AOC	C-16-001	Building (former Platform)	Pre-Investigation		Upper Water Watershed
788	AOC	C-16-002	Soil contamination from former Cooling Tower 16-262	Pre-Investigation		Upper Water Watershed
789	AOC	C-16-005	Soil contamination from former HE Processing Building 16-53	Pre-Investigation		Upper Water Watershed
790	AOC	C-16-006	Soil contamination from former Solvent Storage Building 16-148	Pre-Investigation		Upper Water Watershed
791	AOC	C-16-008	Soil contamination associated with former Structure 16-136	Pre-Investigation		Upper Water Watershed
792	AOC	C-16-009	Soil contamination associated with former Building 16-134	Pre-Investigation		Upper Water Watershed
793	AOC	C-16-010	Soil contamination associated with former Building 16-135	Pre-Investigation		Upper Water Watershed
794	AOC	C-16-011	Soil contamination from former Paint Shop TA-16-132	Pre-Investigation		Upper Water Watershed
795	AOC	C-16-012	Soil contamination associated with former Building 16-138	Pre-Investigation		Upper Water Watershed
796	AOC	C-16-013	Soil contamination associated with former Storage Area	Pre-Investigation		Upper Water Watershed
797	AOC	C-16-014	Soil contamination associated with former Structure 16-144	Pre-Investigation		Upper Water Watershed
798	AOC	C-16-015	Soil contamination associated with former Structure 16-143	Pre-Investigation		Upper Water Watershed
799	AOC	C-16-016	Soil contamination associated with former Structure 16-142	Pre-Investigation		Upper Water Watershed
800	AOC	C-16-017	Soil contamination associated with former Structure 16-502	Pre-Investigation		Upper Water Watershed
801	AOC	C-16-018	Soil contamination associated with former Aboveground Tank	Pre-Investigation		Upper Water Watershed
802	AOC	C-16-019	Soil contamination associated with former Structure 16-19	Pre-Investigation		Upper Water Watershed
803	AOC	C-16-020	Soil contamination associated with former Structure 16-22	Pre-Investigation		Upper Water Watershed
804	SWMU	C-16-025	Soil contamination associated with former Structure 16-8	Pre-Investigation		Upper Water Watershed
805	SWMU	C-16-026	Soil contamination associated with former Structure 16-6	Pre-Investigation		Upper Water Watershed
806	AOC	C-16-028	Soil contamination from Instrument Shop 16-5	Pre-Investigation		Upper Water Watershed
807	AOC	C-16-030	Soil contamination associated with former Tank Housing 16-181	Pre-Investigation		Upper Water Watershed
808	AOC	C-16-031	Soil contamination associated with former Diesel Unit Building 16-182	Pre-Investigation		Upper Water Watershed
809	AOC	C-16-034	Soil contamination associated with Aboveground Tank	Pre-Investigation		Upper Water Watershed
810	AOC	C-16-035	Soil contamination associated with Aboveground Tank	Pre-Investigation		Upper Water Watershed
811	AOC	C-16-036	Soil contamination associated with former Septic System	Pre-Investigation		Upper Water Watershed
812	AOC	C-16-041	Soil contamination associated with former Building 16-198	Pre-Investigation		Upper Water Watershed
813	AOC	C-16-044	Soil contamination associated with former Manhole	Pre-Investigation		Upper Water Watershed
814	AOC	C-16-046	Soil contamination associated with former Manhole	Pre-Investigation		Upper Water Watershed
815	AOC	C-16-047	Soil contamination associated with former Transport area	Pre-Investigation		Upper Water Watershed
816	AOC	C-16-049	Soil contamination associated with former Building 16-475	CoC without Controls	7/2/2012	
817	AOC	C-16-050	Soil contamination associated with former Building 16-482	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
818	AOC	C-16-051	Soil contamination associated with former Transport area	Pre-Investigation		Upper Water Watershed
819	AOC	C-16-058	Soil contamination associated with former Transport area	Pre-Investigation		Upper Water Watershed
820	AOC	C-16-060	Soil contamination associated with former Storage Structure 16-479	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
821	AOC	C-16-061	Soil contamination associated with Building (Former platform)	Pre-Investigation		Upper Water Watershed
822	AOC	C-16-062	Soil contamination associated with former Electrical Manhole	CoC without Controls	7/2/2012	
823	AOC	C-16-063	Soil contamination associated with former Electrical Manhole	CoC without Controls	7/2/2012	
824	AOC	C-16-064	Drum storage area	Pre-Investigation		Upper Water Watershed
825	AOC	C-16-065	Container storage area	Pre-Investigation		Upper Water Watershed
826	AOC	C-16-067	Storage area	Request for CoC Submitted to NMED		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
827	AOC	C-16-068	Soil contamination associated with former Building 16-522	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
828	AOC	C-16-069	Soil contamination associated with former Trailer 16-87	Pre-Investigation		Upper Water Watershed
829	AOC	C-16-070	Underground tank	Pre-Investigation		Upper Water Watershed
830	AOC	C-16-071	Spill/Non-intentional release area	Pre-Investigation		Upper Water Watershed
831	AOC	C-16-072	Tank - Existence not verified	Pre-Investigation		Upper Water Watershed
832	AOC	C-16-073	Underground Storage Tank	Pre-Investigation		Upper Water Watershed
833	AOC	C-16-074	Storage Area	RFI or Field Work Rpt Submitted to NMED		SIR - S-Site
834	AOC	C-16-075	Spill location near Building 16-340	Pre-Investigation		Upper Water Watershed
835	AOC	C-16-076	Magazine Area A (former TA-28)	Pre-Investigation		Upper Water Watershed
836	AOC	C-16-077	Magazine Area B (former TA-29)	Pre-Investigation		Upper Water Watershed
837	SWMU	18-001(a)	Lagoons	Pre-Investigation		Pajarito Watershed
838	SWMU	18-001(b)	Drainlines	Pre-Investigation		Pajarito Watershed
839	SWMU	18-001(c)	Sump	Pre-Investigation		Pajarito Watershed
840	SWMU	18-002(a)	Firing site	Pre-Investigation		Pajarito Watershed
841	SWMU	18-002(b)	Firing site	Pre-Investigation		Pajarito Watershed
842	AOC	18-002(c)	Former Drop Tower	Pre-Investigation		Pajarito Watershed
843	SWMU	18-003(a)	Settling Pit	Pre-Investigation		Pajarito Watershed
844	SWMU	18-003(b)	Septic System	Pre-Investigation		Pajarito Watershed
845	SWMU	18-003(c)	Septic system	Pre-Investigation		Pajarito Watershed
846	SWMU	18-003(d)	Septic system	Pre-Investigation		Pajarito Watershed
847	SWMU	18-003(e)	Septic system	Pre-Investigation		Pajarito Watershed
848	SWMU	18-003(f)	Septic system	Pre-Investigation		Pajarito Watershed
849	SWMU	18-003(g)	Septic system	Pre-Investigation		Pajarito Watershed
850	SWMU	18-003(h)	Septic system	Pre-Investigation		Pajarito Watershed
851	SWMU	18-004(a)	Waste line	Pre-Investigation		Pajarito Watershed
852	SWMU	18-004(b)	Soil contamination from former Tanks and Pit	Pre-Investigation		Pajarito Watershed
853	SWMU	18-005(a)	Contaminated soil from former magazine 18-15	Pre-Investigation		Pajarito Watershed
854	AOC	18-005(b)	Former Explosive Storage Magazine	CoC without Controls	4/14/2011	
855	AOC	18-005(c)	Former Explosive Storage Magazine	CoC without Controls	4/14/2011	
856	AOC	18-006	Storage Pipe	Pre-Investigation		Pajarito Watershed
857	AOC	18-008	Former Underground tank	Pre-Investigation		Pajarito Watershed
858	AOC	18-010(b)	Outfall	Pre-Investigation		Pajarito Watershed
859	AOC	18-010(c)	Outfall	Pre-Investigation		Pajarito Watershed
860	AOC	18-010(d)	Outfall	Pre-Investigation		Pajarito Watershed
861	AOC	18-010(e)	Outfall	Pre-Investigation		Pajarito Watershed
862	AOC	18-010(f)	Outfall from Building 18-32	Pre-Investigation		Pajarito Watershed
863	AOC	18-011	Soil contamination from former Building 18-22	Pre-Investigation		Pajarito Watershed
864	SWMU	18-012(a)	Outfall from Building 18-116	Pre-Investigation		Pajarito Watershed
865	SWMU	18-012(b)	Outfall from Buildings 18-30 and -31	Pre-Investigation		Pajarito Watershed
866	AOC	18-012(c)	Sump and drainlines	Pre-Investigation		Pajarito Watershed
867	AOC	18-013	Waste Tank	Pre-Investigation		Pajarito Watershed
868	SWMU	19-001	Septic System	CoC without Controls	6/27/2006	
869	SWMU	19-002	Surface Disposal Site	CoC without Controls	6/27/2006	
870	SWMU	19-003	Drainline and Outfall Associated with former Building 19-05	CoC without Controls	6/27/2006	
871	SWMU	20-001(a)	Landfill	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
872	SWMU	20-001(b)	Landfill	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
873	SWMU	20-001(c)	Firing Site	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
874	SWMU	20-002(a)	Firing Site	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
875	SWMU	20-002(b)	Landfill	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
876	SWMU	20-002(c)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
877	SWMU	20-002(d)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
878	AOC	20-003(b)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
879	AOC	20-003(c)	Firing site	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
880	AOC	20-004	Former Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
881	SWMU	20-005	Septic tank	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
882	AOC	21-001	Container Storage Area	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
883	SWMU	21-002(a)	Container Storage Area	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
884	AOC	21-002(b)	Container Storage	CoC without Controls	1/19/2016	
885	SWMU	21-003	Container Storage Area	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
886	AOC	21-004(a)	Aboveground tank	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
887	SWMU	21-004(b)	Aboveground tank	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
888	SWMU	21-004(c)	Aboveground tank	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
889	SWMU	21-006(a)	Underground Seepage Pit	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
890	SWMU	21-006(b)	Underground Seepage pit	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
891	SWMU	21-006(c)	Underground Seepage pit	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
892	SWMU	21-006(d)	Underground Seepage pit	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
893	SWMU	21-006(e)	Underground Seepage pit	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
894	AOC	21-006(f)	Underground Seepage pit	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
895	SWMU	21-007	Soil contamination from former incinerators	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
896	AOC	21-009	Soil contamination associated with former Waste treatment	CoC without Controls	1/19/2016	
897	SWMU	21-010(a)	Soil contamination associated with former Waste treatment facility 21-35	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
898	SWMU	21-010(b)	Soil contamination from former manhole	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
899	SWMU	21-010(c)	Soil contamination from former Underground Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
900	SWMU	21-010(d)	Soil contamination from former Underground Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
901	SWMU	21-010(e)	Soil contamination from former Septic Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
902	SWMU	21-010(f)	Soil contamination from former Grit Chamber	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
903	SWMU	21-010(g)	Soil contamination from former Aboveground Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
904	SWMU	21-010(h)	Soil contamination from former Manhole	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
905	SWMU	21-011(a)	Waste Treatment Facility 21-257	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
906	SWMU	21-011(b)	Sump	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
907	SWMU	21-011(c)	Tank and Sump	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
908	SWMU	21-011(d)	Holding Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
909	SWMU	21-011(e)	Holding Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
910	SWMU	21-011(f)	Holding Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
911	SWMU	21-011(g)	Holding Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
912	AOC	21-011(h)	Soil contamination from former storage tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
913	SWMU	21-011(i)	Storage Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
914	SWMU	21-011(j)	Storage Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
915	SWMU	21-011(k)	Outfall from Building 21-257	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
916	SWMU	21-012(b)	Dry well	CoC without Controls	1/19/2016	
917	SWMU	21-013(a)	Surface Disposal Site	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
918	SWMU	21-013(b)	Surface Disposal Site	CoC with Controls	6/3/2011	
919	SWMU	21-013(c)	Surface disposal site	CoC without Controls	1/19/2016	

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
920	SWMU	21-013(d)	Surface disposal site	CoC without Controls	9/30/2005	
921	SWMU	21-013(e)	Surface disposal site	CoC without Controls	9/30/2005	
922	AOC	21-013(f)	Surface disposal site	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
923	AOC	21-013(g)	Surface disposal site	CoC with Controls	6/3/2011	
924	SWMU	21-014	Material disposal area (MDA) A	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
925	SWMU	21-015	Material disposal area (MDA) B	CoC without Controls	5/15/2015	
926	SWMU	21-016(a)	Absorption Beds (MDA T)	RFI or Field Work in Progress (IM, ACA)		MDAs-A & -T Remedy
927	SWMU	21-016(b)	Soil contamination from a former Storage Pit (MDA T)	RFI or Field Work in Progress (IM, ACA)		MDAs-A & -T Remedy
928	SWMU	21-016(c)	Shafts (MDA T)	RFI or Field Work in Progress (IM, ACA)		MDAs-A & -T Remedy
929	SWMU	21-017(a)	Absorption Bed (MDA U)	CoC with Controls	9/28/2006	
930	SWMU	21-017(b)	Absorption Bed (MDA U)	CoC with Controls	9/28/2006	
931	SWMU	21-017(c)	Soil contamination from former distribution box (MDA U)	CoC with Controls	9/28/2006	
932	SWMU	21-018(a)	Absorption Beds (MDA V)	CoC with Controls	6/3/2011	
933	SWMU	21-018(b)	Soil contamination from former Laundry Facility (MDA V)	CoC without Controls	6/3/2011	
934	SWMU	21-021	Soil contamination from Stack Emissions	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
935	SWMU	21-022(a)	Sump and waste lines	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
936	SWMU	21-022(b)	Soil contamination from former Sump and Waste line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
937	SWMU	21-022(c)	Soil contamination from former Sump and Waste line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
938	SWMU	21-022(d)	Soil contamination from former Sump and Waste line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
939	SWMU	21-022(e)	Soil contamination from former Sump and Waste line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
940	SWMU	21-022(f)	Sump and Waste line	CoC without Controls	1/19/2016	
941	SWMU	21-022(g)	Soil contamination from former Sump and Waste line	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
942	SWMU	21-022(h)	Sump and Waste line	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
943	SWMU	21-022(i)	Sump and Waste line	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
944	SWMU	21-022(j)	Former Sump and Waste line	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
945	SWMU	21-023(a)	Soil contamination from former Septic System	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
946	SWMU	21-023(b)	Soil contamination from former Septic System	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
947	SWMU	21-023(c)	Septic System	CoC with Controls	6/3/2011	
948	SWMU	21-023(d)	Soil contamination from former Septic System	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
949	SWMU	21-024(a)	Septic system	CoC without Controls	1/19/2016	
950	SWMU	21-024(b)	Septic system	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
951	SWMU	21-024(c)	Septic system	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
952	SWMU	21-024(d)	Septic system	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
953	SWMU	21-024(e)	Septic system	CoC without Controls	1/19/2016	
954	SWMU	21-024(f)	Former Septic system	CoC without Controls	9/30/2005	
955	SWMU	21-024(g)	Septic system	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
956	SWMU	21-024(h)	Septic system	CoC without Controls	1/19/2016	
957	SWMU	21-024(i)	Former Septic system	CoC without Controls	1/19/2016	
958	SWMU	21-024(j)	Septic system	CoC without Controls	1/19/2016	
959	SWMU	21-024(k)	Septic system	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
960	SWMU	21-024(l)	Outfall from Building 21-21	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
961	SWMU	21-024(n)	Drainline	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
962	SWMU	21-024(o)	Drainline	CoC without Controls	1/19/2016	
963	SWMU	21-026(a)	Sewage treatment plant	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
964	SWMU	21-026(b)	Sand Filter/Sludge drying beds	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
965	AOC	21-026(c)	Dosing Siphon Chamber	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
966	AOC	21-026(d)	Outfall from Building 21-227	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
967	SWMU	21-027(a)	Drainage System	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
968	SWMU	21-027(c)	Outfall from former Building 21-6	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
969	SWMU	21-027(d)	Soil contamination from former drainline	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
970	AOC	21-028(a)	Container storage Area	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
971	AOC	21-028(c)	Container Storage Area	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Middle LA Cyn
972	AOC	21-028(d)	Container Storage Area	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
973	SWMU	21-029	Former DP Tank Farm	CoC without Controls	1/19/2016	
974	AOC	C-21-001	Spill/Non-intentional release area	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
975	AOC	C-21-005	Spill/Non-intentional release area	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
976	AOC	C-21-006	Spill/Non-intentional release area	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
977	AOC	C-21-007	Spill/Non-intentional release area	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
978	AOC	C-21-009	Spill/Non-intentional release area	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
979	AOC	C-21-012	Spill/Non-intentional release area	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
980	AOC	C-21-027	Former structure 21-143	RFI or Field Work Rpt Submitted to NMED		TA-21 D&D and Cleanup
981	AOC	C-21-033	Spill/Non-intentional release area	RFI or Field Work in Progress (IM, ACA)		TA-21 D&D and Cleanup
982	AOC	C-21-034	Soil contamination associated with former Tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
983	AOC	C-21-035	Soil contamination associated with former Aboveground tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
984	AOC	C-21-036	Soil contamination associated with former Aboveground tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
985	AOC	C-21-037	Soil contamination associated with former Aboveground tank	RFI or Field Work Rpt Submitted to NMED		MDAs-A & -T Remedy
986	SWMU	22-010(a)	Septic system	Pre-Investigation		Pajarito Watershed
987	SWMU	22-010(b)	Septic system	Pre-Investigation		Pajarito Watershed
988	SWMU	22-011	Disposal pit	Pre-Investigation		Pajarito Watershed
989	SWMU	22-012	Decontamination pad	Pre-Investigation		Pajarito Watershed
990	SWMU	22-014(a)	Sump System	Pre-Investigation		Pajarito Watershed
991	SWMU	22-014(b)	Sump System	Pre-Investigation		Pajarito Watershed
992	SWMU	22-015(a)	Drainlines and Dry Wells	Pre-Investigation		Pajarito Watershed
993	SWMU	22-015(b)	Sump and outfall	Pre-Investigation		Pajarito Watershed
994	SWMU	22-015(c)	Outfall from Building 22-52	Pre-Investigation		Pajarito Watershed
995	SWMU	22-015(d)	Drainline and outfall associated with Building 22-1	Pre-Investigation		Pajarito Watershed
996	SWMU	22-015(e)	Sump	Pre-Investigation		Pajarito Watershed
997	SWMU	22-016	Septic system	Pre-Investigation		Pajarito Watershed
998	SWMU	26-001	Surface disposal site	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
999	SWMU	26-002(a)	Soil contamination from former acid sump system	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
1000	SWMU	26-002(b)	Drainline associated with Vault 26-1	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
1001	SWMU	26-003	Septic tank	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Middle LA Cyn
1002	SWMU	27-002	Firing sites	Pre-Investigation		Pajarito Watershed
1003	SWMU	27-003	Bazooka impact area (Same as AOC 36-009)	Pre-Investigation		Pajarito Watershed
1004	SWMU	31-001	Soil Contamination from former Septic Tank	RFI or Field Work Rpt Submitted to NMED		Historical Properties - Pueblo Cyn
1005	SWMU	32-001	Soil contamination from former Incinerator	CoC without Controls	9/10/2010	
1006	SWMU	32-002(a)	Soil contamination from former septic tank	CoC with Controls	1/29/2013	
1007	SWMU	32-002(b1)	Soil contamination from former septic tank	CoC with Controls	12/28/2012	
1008	SWMU	32-002(b2)	Soil contamination from former septic tank	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
1009	AOC	32-003	Former Transformer Station	CoC without Controls	12/20/2012	
1010	AOC	32-004	Drainline and outfall from former Building 32-3	CoC with Controls	12/28/2012	
1011	SWMU	33-001(a)	Disposal Pit (MDA E)	Pre-Investigation		Southern External Boundary
1012	SWMU	33-001(b)	Disposal Pit (MDA E)	Pre-Investigation		Southern External Boundary
1013	SWMU	33-001(c)	Disposal Pit (MDA E)	Pre-Investigation		Southern External Boundary

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1014	SWMU	33-001(d)	Disposal Pit (MDA E)	Pre-Investigation		Southern External Boundary
1015	SWMU	33-001(e)	Soil contamination from underground chamber and shaft (MDA E)	Pre-Investigation		Southern External Boundary
1016	SWMU	33-002(a)	Septic System (MDA K)	Pre-Investigation		Southern External Boundary
1017	SWMU	33-002(b)	Sump (MDA K)	Pre-Investigation		Southern External Boundary
1018	SWMU	33-002(c)	Sump (MDA K)	Pre-Investigation		Southern External Boundary
1019	SWMU	33-002(d)	Drainline and outfall from former Building 33-86 (MDA K)	Pre-Investigation		Southern External Boundary
1020	SWMU	33-002(e)	Drainline and outfall from former Building 33-86 (MDA K)	Pre-Investigation		Southern External Boundary
1021	SWMU	33-003(a)	Soil contamination from former underground chamber and shaft (MDA D)	Pre-Investigation		Southern External Boundary
1022	SWMU	33-003(b)	Soil contamination from former underground chamber and shaft (MDA D)	Pre-Investigation		Southern External Boundary
1023	SWMU	33-004(a)	Septic System	Pre-Investigation		Southern External Boundary
1024	SWMU	33-004(b)	Septic system	Pre-Investigation		Southern External Boundary
1025	SWMU	33-004(c)	Septic system	Pre-Investigation		Southern External Boundary
1026	SWMU	33-004(d)	Septic system	Pre-Investigation		Southern External Boundary
1027	SWMU	33-004(g)	Drainline and outfall associated with Building 33-16	Pre-Investigation		Southern External Boundary
1028	SWMU	33-004(h)	Drainline and outfall associated with Building 33-20	Pre-Investigation		Southern External Boundary
1029	SWMU	33-004(i)	Drainline and outfall associated with Building 33-39	Pre-Investigation		Southern External Boundary
1030	SWMU	33-004(j)	Outfall from Building 33-26	Pre-Investigation		Southern External Boundary
1031	SWMU	33-004(k)	Drainline and Outfall Associated with Structure 33-87	Pre-Investigation		Southern External Boundary
1032	SWMU	33-004(m)	Septic Tank and Leach Field	Pre-Investigation		Southern External Boundary
1033	SWMU	33-005(a)	Soil contamination from former Septic System	Pre-Investigation		Southern External Boundary
1034	SWMU	33-005(b)	Soil Contamination from former Drainline	Pre-Investigation		Southern External Boundary
1035	SWMU	33-005(c)	Soil Contamination from former Waste Line and Leach Field	Pre-Investigation		Southern External Boundary
1036	SWMU	33-006(a)	Firing site	Pre-Investigation		Southern External Boundary
1037	SWMU	33-006(b)	Firing site	Pre-Investigation		Southern External Boundary
1038	SWMU	33-007(a)	Firing site	Pre-Investigation		Southern External Boundary
1039	SWMU	33-007(b)	Firing Sites	Pre-Investigation		Southern External Boundary
1040	SWMU	33-007(c)	Firing Sites	Pre-Investigation		Southern External Boundary
1041	SWMU	33-008(a)	Landfill	Pre-Investigation		Southern External Boundary
1042	SWMU	33-008(b)	Landfill	Pre-Investigation		Southern External Boundary
1043	SWMU	33-008(c)	Landfill	Pre-Investigation		Southern External Boundary
1044	SWMU	33-009	Surface disposal site	Pre-Investigation		Southern External Boundary
1045	SWMU	33-010(a)	Surface disposal site	Pre-Investigation		Southern External Boundary
1046	SWMU	33-010(b)	Surface disposal site	Pre-Investigation		Southern External Boundary
1047	SWMU	33-010(c)	Surface disposal site	Pre-Investigation		Southern External Boundary
1048	SWMU	33-010(d)	Surface disposal site	Pre-Investigation		Southern External Boundary
1049	SWMU	33-010(f)	Surface Disposal Site (MDA K)	Pre-Investigation		Southern External Boundary
1050	SWMU	33-010(g)	Surface disposal site	Pre-Investigation		Southern External Boundary
1051	SWMU	33-010(h)	Surface disposal site	Pre-Investigation		Southern External Boundary
1052	SWMU	33-011(a)	Soil contamination from former Storage Area	Pre-Investigation		Southern External Boundary
1053	AOC	33-011(b)	Storage Area	Pre-Investigation		Southern External Boundary
1054	SWMU	33-011(c)	Storage Area	Pre-Investigation		Southern External Boundary
1055	SWMU	33-011(d)	Storage Area	Pre-Investigation		Southern External Boundary
1056	SWMU	33-011(e)	Storage Area	Pre-Investigation		Southern External Boundary
1057	SWMU	33-012(a)	Drum storage area	Pre-Investigation		Southern External Boundary

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1058	SWMU	33-013	Drum storage area	CoC with Controls	8/30/2006	
1059	SWMU	33-014	Burn Site	Pre-Investigation		Southern External Boundary
1060	SWMU	33-015	Incinerator	Pre-Investigation		Southern External Boundary
1061	SWMU	33-016	Sump	Pre-Investigation		Southern External Boundary
1062	SWMU	33-017	Operations release	Pre-Investigation		Southern External Boundary
1063	AOC	C-33-001	Former Transformer	Pre-Investigation		Southern External Boundary
1064	AOC	C-33-002	Former Transformer	Pre-Investigation		Southern External Boundary
1065	AOC	C-33-003	Soil contamination	Pre-Investigation		Southern External Boundary
1066	SWMU	35-002	Material disposal area (MDA X)	CoC without Controls	6/30/2011	
1067	SWMU	35-003(a)	Former underground storage tank	CoC with Controls	6/30/2011	
1068	SWMU	35-003(b)	Former underground storage tank	CoC with Controls	6/30/2011	
1069	SWMU	35-003(c)	Former underground storage tank	CoC with Controls	6/30/2011	
1070	SWMU	35-003(d)	Soil contamination from former Building 35-10	CoC with Controls	6/30/2011	
1071	SWMU	35-003(e)	Soil contamination from former storage tank	CoC with Controls	6/30/2011	
1072	SWMU	35-003(f)	Soil contamination from former flocculator tank	CoC with Controls	6/30/2011	
1073	SWMU	35-003(g)	Soil contamination from former Regenerate tank	CoC with Controls	6/30/2011	
1074	SWMU	35-003(h)	Soil contamination from former Retention tank	CoC with Controls	10/14/2015	
1075	SWMU	35-003(j)	Soil contamination from former storage tank	CoC with Controls	6/30/2011	
1076	SWMU	35-003(k)	Soil contamination from former storage tank	CoC with Controls	6/30/2011	
1077	SWMU	35-003(l)	Soil Contamination from former Pump Pit	CoC with Controls	6/30/2011	
1078	SWMU	35-003(m)	Soil contamination from former Sludge tank	CoC with Controls	6/30/2011	
1079	SWMU	35-003(n)	Former phase separator pit	CoC with Controls	6/30/2011	
1080	SWMU	35-003(o)	Soil contamination from former manhole	CoC with Controls	6/30/2011	
1081	SWMU	35-003(p)	Former air-filter building	CoC with Controls	10/14/2015	
1082	SWMU	35-003(q)	Soil contamination from former pipe trench	CoC with Controls	6/30/2011	
1083	AOC	35-003(r)	Outfall associated with former Building 35-10	CoC with Controls	10/14/2015	
1084	AOC	35-003(misc)	Soil contamination from former Industrial Waste lines	CoC with Controls	6/30/2011	
1085	SWMU	35-004(a)	Container Storage Area	CoC without Controls	10/14/2015	
1086	SWMU	35-004(b)	Container Storage Area	CoC without Controls	6/30/2011	
1087	SWMU	35-004(g)	Container Storage Area	CoC without Controls	6/30/2011	
1088	SWMU	35-004(h)	Container storage area	CoC without Controls	10/14/2015	
1089	AOC	35-004(m)	Container storage area	CoC without Controls	6/30/2011	
1090	SWMU	35-008	Surface disposal site	CoC without Controls	10/14/2015	
1091	SWMU	35-009(a)	Septic system	CoC with Controls	10/14/2015	
1092	SWMU	35-009(b)	Septic system	CoC without Controls	6/30/2011	
1093	SWMU	35-009(c)	Septic system	CoC without Controls	6/30/2011	
1094	SWMU	35-009(d)	Septic system	CoC without Controls	10/14/2015	
1095	SWMU	35-009(e)	Drainline	CoC with Controls	6/30/2011	
1096	SWMU	35-010(a)	Wastewater Treatment Lagoons	CoC without Controls	6/30/2011	
1097	SWMU	35-010(b)	Wastewater Treatment Lagoons	CoC without Controls	6/30/2011	
1098	SWMU	35-010(c)	Wastewater Treatment Lagoons	CoC without Controls	6/30/2011	
1099	SWMU	35-010(d)	Filter Beds	CoC without Controls	6/30/2011	
1100	AOC	35-010(e)	Discharge headwall and sand filter associated with Structure 35-215 (includes 35-010(misc))	CoC without Controls	10/14/2015	
1101	SWMU	35-013(a)	Sumps	Deferred Site		
1102	SWMU	35-013(b)	Sumps	Deferred Site		
1103	SWMU	35-013(c)	Sumps	Deferred Site		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1104	SWMU	35-014(a)	Operational release from former Building 35-7	CoC without Controls	6/30/2011	
1105	SWMU	35-014(b)	Soil contamination from leaking drum	CoC with Controls	6/30/2011	
1106	AOC	35-014(d)	Soil contamination from Valve system for former storage tanks	CoC with Controls	6/30/2011	
1107	SWMU	35-014(e)	Spill/Non-intentional release area	CoC without Controls	10/14/2015	
1108	AOC	35-014(e2)	Soil contamination associated with overflows from waste oil	CoC with Controls	9/27/2013	
1109	AOC	35-014(f)	Soil contamination from oil-handling system	CoC without Controls	6/30/2011	
1110	SWMU	35-014(g)	Spill/Non-intentional release area	CoC without Controls	10/14/2015	
1111	AOC	35-014(g2)	Soil contamination from former leaking containers	CoC without Controls	6/30/2011	
1112	AOC	35-014(g3)	Spill/Non-intentional release area	CoC with Controls	10/14/2015	
1113	SWMU	35-015(a)	Soil contamination from former tank farm and waste-oil treatment facility	CoC with Controls	6/30/2011	
1114	SWMU	35-015(b)	Soil contamination from former waste oil treatment facility	CoC with Controls	6/30/2011	
1115	SWMU	35-016(a)	Drain and outfall from Building 35-34	CoC without Controls	10/14/2015	
1116	AOC	35-016(b)	Drain and Outfall from Building 35-87	CoC without Controls	10/14/2015	
1117	SWMU	35-016(c)	Drain and Outfall from Building 35-67	CoC with Controls	10/14/2015	
1118	SWMU	35-016(d)	Drain and Outfall from Building 35-46	CoC with Controls	10/14/2015	
1119	AOC	35-016(e)	Drain and Outfall from Building 35-85	CoC without Controls	10/14/2015	
1120	AOC	35-016(f)	Storm drain and Outfall	CoC without Controls	10/14/2015	
1121	AOC	35-016(g)	Drain and Outfall from Building 35-213	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1122	AOC	35-016(h)	Storm drains and Outfall associated with Building 35-213	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1123	SWMU	35-016(i)	Storm drains and Outfall	CoC with Controls	9/27/2013	
1124	AOC	35-016(j)	Storm drain and Outfall associated with Building 35-125	CoC with Controls	6/30/2011	
1125	SWMU	35-016(k)	Drainline and outfall from Building 35-29	CoC with Controls	10/14/2015	
1126	AOC	35-016(l)	Storm drains	CoC with Controls	10/14/2015	
1127	SWMU	35-016(m)	Drain lines and Outfall associated with Cooling Tower 35-33	CoC without Controls	10/14/2015	
1128	AOC	35-016(n)	Storm drain and Outfall associated with Building 35-86	CoC without Controls	10/14/2015	
1129	SWMU	35-016(o)	Storm Drains and outfalls	CoC with Controls	10/14/2015	
1130	SWMU	35-016(p)	Outfall from Building 35-27	CoC without Controls	10/14/2015	
1131	SWMU	35-016(q)	Storm waster collection basins	CoC without Controls	10/14/2015	
1132	AOC	35-018(a)	Former Transformer	CoC with Controls	6/30/2011	
1133	AOC	C-35-007	Soil contamination associated with WWTP/Sand Filters	CoC without Controls	6/30/2011	
1134	SWMU	36-001	Material disposal area (MDA) AA	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
1135	SWMU	36-002	Former Sump	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
1136	SWMU	36-003(a)	Septic system	RFI or Field Work Rpt Submitted to NMED		SIR - Threemile
1137	SWMU	36-003(b)	Septic system, I-J Site	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
1138	AOC	36-004(a)	Firing site	Deferred Site		
1139	AOC	36-004(b)	Firing site	Deferred Site		
1140	AOC	36-004(c)	Firing site	Deferred Site		
1141	SWMU	36-004(d)	Firing site	Deferred Site		
1142	AOC	36-004(e)	Firing site	Deferred Site		
1143	SWMU	36-005	Surface Storage Area	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
1144	SWMU	36-006	Surface Disposal Site	RFI or Field Work Rpt Submitted to NMED		SIR - Potrillo/Fence
1145	SWMU	36-008	New SWMU-Surface disposal Area located bear Building 36-1	RFI or Field Work Rpt Submitted to NMED		Known Cleanup Sites (Above SSLs)
1146	AOC	C-36-001	Containment vessel	Deferred Site		
1147	SWMU	C-36-003	Outfall from Building 36-1	RFI or Field Work Rpt Submitted to NMED		Known Cleanup Sites (Above SSLs)
1148	AOC	C-36-006(e)	I-J Firing Site, projectile test area	Deferred Site		
1149	SWMU	39-001(a)	Landfill	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1150	SWMU	39-001(b)	Disposal pits (MDA Y)	CoC without Controls	4/6/2010	Known Cleanup Sites (Above SSLs)
1151	SWMU	39-002(a)	Storage area	Deferred Site		
1152	AOC	39-002(b)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - N.Ancho
1153	AOC	39-002(c)	Storage area	CoC without Controls	4/6/2010	
1154	AOC	39-002(d)	Storage area	CoC without Controls	4/6/2010	
1155	AOC	39-002(e)	Storage area	CoC without Controls	4/6/2010	
1156	AOC	39-002(f)	Storage area	CoC without Controls	4/6/2010	
1157	SWMU	39-004(a)	Firing site	Deferred Site		
1158	SWMU	39-004(b)	Firing site	Deferred Site		
1159	SWMU	39-004(c)	Firing site TA-39-6	Deferred Site		
1160	SWMU	39-004(d)	Firing site TA-39-57	Deferred Site		
1161	SWMU	39-004(e)	Firing site	Deferred Site		
1162	SWMU	39-005	Potential soil contamination associated with former Seepage pit	CoC without Controls	4/6/2010	
1163	SWMU	39-006(a)	Septic system	Deferred Site		
1164	SWMU	39-007(a)	Storage area	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
1165	AOC	39-007(d)	Storage area	CoC without Controls	4/6/2010	
1166	SWMU	39-008	Disposal Trenches	Deferred Site		
1167	SWMU	39-010	Excavated soil pile	RFI or Field Work in Progress (IM, ACA)		SIR - N.Ancho
1168	SWMU	40-001(b)	Septic system	Pre-Investigation		Pajarito Watershed
1169	SWMU	40-001(c)	Septic system	Pre-Investigation		Pajarito Watershed
1170	AOC	40-003(b)	Burning area	Pre-Investigation		Pajarito Watershed
1171	SWMU	40-004	Operational release	Pre-Investigation		Pajarito Watershed
1172	SWMU	40-005	Sump	Pre-Investigation		Pajarito Watershed
1173	SWMU	40-006(a)	Firing site	Deferred Site		
1174	SWMU	40-006(b)	Firing site	Deferred Site		
1175	SWMU	40-006(c)	Firing site	Deferred Site		
1176	AOC	40-007(a)	Storage area	Pre-Investigation		Pajarito Watershed
1177	AOC	40-007(b)	Storage area	Pre-Investigation		Pajarito Watershed
1178	AOC	40-007(c)	Storage area	Pre-Investigation		Pajarito Watershed
1179	AOC	40-007(d)	Storage area	Pre-Investigation		Pajarito Watershed
1180	AOC	40-007(e)	Storage area	Pre-Investigation		Pajarito Watershed
1181	SWMU	40-009	Landfill	Pre-Investigation		Pajarito Watershed
1182	SWMU	40-010	Surface disposal site	Pre-Investigation		Pajarito Watershed
1183	SWMU	41-001	Septic Tank	CoC without Controls	9/10/2010	
1184	SWMU	41-002(a)	Imhoff Tank	Deferred Site		
1185	SWMU	41-002(b)	Chlorine Contact Tank	Deferred Site		
1186	SWMU	41-002(c)	Sludge Drying Bed	Deferred Site		
1187	AOC	41-003	Sump	Deferred Site		
1188	AOC	C-41-004	Storm drains	Deferred Site		
1189	SWMU	42-001(a)	Soil contamination from former Incinerator Building 42-1	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1190	SWMU	42-001(b)	Soil contamination from former Ash storage tank	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1191	SWMU	42-001(c)	Soil contamination from former Ash storage tank	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1192	AOC	42-002(a)	Soil contamination from former Vacublaster and storage area	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1193	SWMU	42-002(b)	Soil contamination from former Decontamination area	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1194	SWMU	42-003	Soil contamination from former Septic System	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1195	SWMU	43-001(a)	Waste lines (LANS call this (a1))	Deferred Site		
1196	AOC	43-001(a2)	Waste lines	Deferred Site		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1197	AOC	43-001(b2)	Outfall from Building 43-1	CoC with Controls	9/10/2010	
1198	SWMU	43-002	Former Incinerator	Deferred Site		
1199	AOC	C-43-001	Storm Drain associated with Building 43-1 Loading Dock	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
1200	SWMU	45-001	Soil contamination from former RLW Treatment Plant	CoC without Controls	2/22/2013	
1201	SWMU	45-002	Soil contamination from former Decontamination Facility	CoC without Controls	2/22/2013	
1202	SWMU	45-003	Soil contamination from former Waste lines	CoC without Controls	2/22/2013	
1203	SWMU	45-004	Sanitary sewer outfall	CoC without Controls	2/22/2013	
1204	AOC	C-45-001	Soil contamination from spill in parking lot south of former RLW Treatment Plant	CoC without Controls	2/22/2013	
1205	SWMU	46-002	Surface Impoundment	CoC without Controls	7/13/2012	
1206	SWMU	46-003(a)	Septic system	Deferred Site		
1207	SWMU	46-003(b)	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1208	SWMU	46-003(c)	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1209	SWMU	46-003(d)	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1210	SWMU	46-003(e)	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1211	SWMU	46-003(f)	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1212	SWMU	46-003(g)	Septic system	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1213	SWMU	46-003(h)	Outfall from Building 46-77	CoC without Controls	11/29/2005	
1214	SWMU	46-004(a)	Waste line	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1215	SWMU	46-004(a2)	Outfall associated with Building 46-31	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1216	SWMU	46-004(b)	Soil contamination associated with former tank	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1217	SWMU	46-004(b2)	Outfall associated with Building 46-1	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1218	SWMU	46-004(c)	Dry Well	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1219	SWMU	46-004(c2)	Outfall from Building 46-1	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1220	SWMU	46-004(d)	Dry well	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1221	SWMU	46-004(d2)	Soil Contamination from Stack Emissions	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1222	SWMU	46-004(e)	Dry well	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1223	AOC	46-004(e2)	Outfall from Building 46-42	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1224	SWMU	46-004(f)	Drain associated with Building 46-24	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1225	AOC	46-004(f2)	Outfall from Building 46-31	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1226	SWMU	46-004(g)	Drains and Exhaust System	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1227	SWMU	46-004(h)	Drains and Exhaust System	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1228	SWMU	46-004(m)	Outfall from Building 46-30	CoC without Controls	7/13/2012	
1229	SWMU	46-004(p)	Dry Well	CoC without Controls	7/13/2012	
1230	SWMU	46-004(q)	Outfall	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
1231	SWMU	46-004(r)	Outfall from Building 46-24	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1232	SWMU	46-004(s)	Outfall associated with Building 46-1	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1233	SWMU	46-004(t)	Outfall from Building 46-88	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1234	SWMU	46-004(u)	Outfall from Building 46-87	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1235	SWMU	46-004(v)	Outfall from Building 46-87	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1236	SWMU	46-004(w)	Outfall from Building 46-59	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1237	SWMU	46-004(x)	Outfall from Building 46-31	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1238	SWMU	46-004(y)	Outfall from Building 46-31	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1239	SWMU	46-004(z)	Outfall from Building 46-31	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1240	SWMU	46-005	Surface impoundment	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1241	SWMU	46-006(a)	Operational release	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1242	SWMU	46-006(b)	Former storage shed	CoC without Controls	7/13/2012	

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1243	SWMU	46-006(c)	Operational release	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1244	SWMU	46-006(d)	Operational release	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1245	SWMU	46-006(f)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1246	SWMU	46-006(g)	Storage area	CoC without Controls	7/13/2012	
1247	SWMU	46-007	Operational release	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1248	SWMU	46-008(a)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1249	SWMU	46-008(b)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1250	SWMU	46-008(d)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1251	SWMU	46-008(e)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1252	SWMU	46-008(f)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1253	SWMU	46-008(g)	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1254	SWMU	46-009(a)	Landfill	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1255	SWMU	46-009(b)	Surface disposal site	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1256	SWMU	46-010(d)	Storage Area	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1257	AOC	C-46-001	Spill/Non-intentional release area	CoC without Controls	7/13/2012	
1258	AOC	C-46-002	Soil contamination from stack emissions - Non-intentional release	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1259	AOC	C-46-003	Soil contamination from stack emissions - Non-intentional release	RFI or Field Work in Progress (IM, ACA)		SIR - U. Canada del Buey
1260	AOC	48-001	Air exhaust system	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1261	SWMU	48-002(a)	Container storage area	RFI or Field Work in Progress (IM, ACA)		SIR - Mortandad
1262	SWMU	48-002(b)	Container storage area	RFI or Field Work in Progress (IM, ACA)		SIR - Mortandad
1263	AOC	48-002(e)	Container storage	CoC without Controls	9/7/2010	
1264	SWMU	48-003	Soil contamination associated with former septic system	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1265	SWMU	48-004(a)	Sumps	Deferred Site		
1266	SWMU	48-004(b)	Tanks	Deferred Site		
1267	SWMU	48-004(c)	Tanks	Deferred Site		
1268	SWMU	48-005	Waste lines	Deferred Site		
1269	SWMU	48-007(a)	Outfall associated with Building 48-1	CoC with Controls	9/7/2010	
1270	SWMU	48-007(b)	Outfall from Building 48-1	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1271	SWMU	48-007(c)	Outfall from Building 48-1	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1272	SWMU	48-007(d)	Outfall associated with Building 48-1	CoC with Controls	9/7/2010	
1273	SWMU	48-007(f)	Outfall from Building 48-46	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1274	SWMU	48-010	Surface Impoundment	CoC with Controls	9/7/2010	
1275	AOC	48-011	Disposal shaft	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1276	SWMU	48-012	Soil Contamination	CoC with Controls	9/7/2010	
1277	SWMU	49-001(a)	Shafts at Area 1 (MDA AB)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1278	SWMU	49-001(b)	Shafts at Area 2 (MDA AB)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1279	SWMU	49-001(c)	Shafts at Area 2A (MDA AB)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1280	SWMU	49-001(d)	Shafts at Area 2B (MDA AB)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1281	SWMU	49-001(e)	Shafts at Area 3 (MDA AB)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1282	SWMU	49-001(f)	Shafts at Area 4 (MDA AB)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1283	SWMU	49-001(g)	Soil contamination (MDA AB)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1284	AOC	49-002	Operational facility (Area 10 underground chamber)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Outside
1285	SWMU	49-003	Leach field (Area 11 rad/chem and small shot area)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1286	SWMU	49-004	Burn site and landfill (Area 6)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Outside
1287	SWMU	49-005(a)	Landfill (east of Area 10)	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Outside
1288	AOC	49-005(b)	Landfill - Area 5	CoC without Controls	2/21/2011	
1289	SWMU	49-006	Sump (Area 5)	CoC without Controls	2/21/2011	

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1290	AOC	49-008(a)	Soil contamination (Area 5)	Deferred Site		
1291	AOC	49-008(b)	Soil contamination (Area 6)	Deferred Site		
1292	AOC	49-008(c)	Soil contamination (Area 11)	Deferred Site		
1293	AOC	49-008(d)	Firing sites (Bottle House area) soil contamination and underground chamber	RFI or Field Work in Progress (IM, ACA)		SIR - TA-49 Inside
1294	SWMU	50-001(a)	Waste treatment facility	Deferred Site		
1295	AOC	50-001(b)	Waste lines	Deferred Site		
1296	SWMU	50-002(a)	Underground tanks	Deferred Site		
1297	SWMU	50-002(b)	Vaulted underground tank	Deferred Site		
1298	SWMU	50-002(c)	Vaulted underground tank	Deferred Site		
1299	AOC	50-002(d)	Aboveground storage tank	Deferred Site		
1300	SWMU	50-004(a)	Soil contamination from former waste lines	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1301	SWMU	50-004(b)	Soil contamination from former vault and Tanks	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1302	SWMU	50-004(c)	Soil contamination from former Waste lines and Manholes	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1303	SWMU	50-006(a)	Operational release	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1304	SWMU	50-006(c)	Operational release	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1305	SWMU	50-006(d)	Outfall associated with Building 50-1	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
1306	AOC	50-007	Former Incinerator complex	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1307	AOC	50-008	Reduction site	RFI or Field Work Rpt Submitted to NMED		SIR - Mortandad
1308	SWMU	50-009	Material disposal area (MDA C)	CME Submitted to NMED		MDA-C Remedy
1309	AOC	50-010	Decontamination facility	Deferred Site		
1310	SWMU	50-011(a)	Soil contamination associated with former Septic system (includes SWMU 50-011(misc))	Deferred Site		
1311	AOC	50-011(b)	Lift stations	Deferred Site		
1312	AOC	C-50-001	Former Transformer	Pre-Investigation		Pajarito Watershed
1313	AOC	51-001	Former Septic system	CoC without Controls	4/14/2011	
1314	SWMU	52-001(d)	Former facility equipment	CoC without Controls	7/13/2012	
1315	SWMU	52-002(a)	Septic system	CoC without Controls	6/30/2011	
1316	AOC	52-003(a)	Former Wastewater Treatment Plant	CoC without Controls	6/30/2011	
1317	SWMU	53-001(a)	Storage area	RFI or Field Work in Progress (IM, ACA)		Known Cleanup Sites (Above SSLs)
1318	SWMU	53-001(b)	Storage area	CoC without Controls	7/31/2013	
1319	SWMU	53-002(a)	Former surface impoundment	CoC with Controls	9/13/2006	
1320	SWMU	53-002(b)	Former surface impoundment	CoC with Controls	9/13/2006	
1321	SWMU	53-005	Soil contamination from former disposal pit	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
1322	SWMU	53-006(b)	Underground tank	Deferred Site		
1323	SWMU	53-006(c)	Underground tank	Deferred Site		
1324	SWMU	53-006(d)	Underground tank	Deferred Site		
1325	SWMU	53-006(e)	Underground tank	Deferred Site		
1326	SWMU	53-006(f)	Underground tank	Deferred Site		
1327	SWMU	53-007(a)	Aboveground neutralizer tank	Deferred Site		
1328	AOC	53-008	Storage area	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
1329	AOC	53-009	Aboveground tanks	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
1330	AOC	53-010	Container storage	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
1331	AOC	53-012(e)	Outfall from Building 53-2	RFI or Field Work in Progress (IM, ACA)		SIR - L. Sandia
1332	SWMU	53-013	Soil contamination - Lead storage site I	CoC without Controls	7/31/2013	
1333	SWMU	53-014	Soil contamination - Lead storage site II	CoC without Controls	7/31/2013	
1334	SWMU	53-015	Radioactive Liquid Waste Treatment System	Deferred Site		

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1335	SWMU	54-004	MDA H	CME Submitted to NMED		MDA-H Remedy
1336	SWMU	54-005	MDA J	RFI or Field Work Rpt Submitted to NMED		
1337	SWMU	54-006	MDA L	CME Submitted to NMED		MDAs-G & -L Remedies
1338	SWMU	54-007(a)	Former Septic system (includes SWMU 54-007 (misc))	CoC without Controls	5/29/2007	
1339	AOC	54-007(d)	Former Septic system (includes SWMU 54-007(misc))	CoC without Controls	4/14/2011	
1340	AOC	54-012(a)	Former drum compactor	Pre-Investigation		Pajarito Watershed
1341	SWMU	54-012(b)	Drum crusher	Pre-Investigation		Pajarito Watershed
1342	SWMU	54-013(b)	Vehicle Monitoring/Decontamination area (MDA G)	CME Submitted to NMED		MDAs-G & -L Remedies
1343	AOC	54-014(a)	Storage Shafts at MDA L	RFI or Field Work in Progress (IM, ACA)		Other
1344	SWMU	54-014(b)	Pit 9 (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1345	SWMU	54-014(c)	Shafts 200-233 (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1346	SWMU	54-014(d)	Storage trenches A, B, C, and D (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1347	AOC	54-015(b)	Storage Area	Pre-Investigation		Pajarito Watershed
1348	SWMU	54-015(k)	Layer of TRU waste	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1349	AOC	54-016(b)	Sump	Pre-Investigation		Pajarito Watershed
1350	SWMU	54-017	Disposal Pits (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1351	SWMU	54-018	Disposal Pits (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1352	SWMU	54-019	Disposal Pits (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1353	SWMU	54-020	Disposal Shafts MDA G	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1354	SWMU	54-.023	Disposal Pit 38 (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1355	SWMU	54-024	Disposal Pit 39 (MDA G)	RFI or Field Work in Progress (IM, ACA)		MDAs-G & -L Remedies
1356	SWMU	55-008	Sumps and tanks	Deferred Site		
1357	AOC	57-001(b)	Former Settling ponds	RFI or Field Work Rpt Submitted to NMED		Other
1358	AOC	57-001(c)	Former Settling ponds	RFI or Field Work Rpt Submitted to NMED		Other
1359	AOC	57-002	Sludge pit	RFI or Field Work Rpt Submitted to NMED		Other
1360	AOC	57-004(a)	Former Settling ponds	RFI or Field Work Rpt Submitted to NMED		Other
1361	AOC	57-004(b)	Former Settling ponds	RFI or Field Work Rpt Submitted to NMED		Other
1362	AOC	57-006	Former Drum and contents	RFI or Field Work Rpt Submitted to NMED		Other
1363	AOC	57-007	Leach field	RFI or Field Work Rpt Submitted to NMED		Other
1364	AOC	59-004	Outfall from Building 59-1	Pre-Investigation		Pajarito Watershed
1365	AOC	C-59-001	Transformer	Deferred Site		
1366	SWMU	60-002	Storage area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
1367	AOC	60-004(b)	Storage area	CoC without Controls	2/18/2011	
1368	AOC	60-004(c)	Storage area	CoC without Controls	6/30/2011	
1369	AOC	60-004(d)	Storage area	CoC without Controls	2/18/2011	
1370	AOC	60-004(e)	Storage area	CoC without Controls	6/30/2011	
1371	AOC	60-004(f)	Storage area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
1372	SWMU	60-005(a)	Surface impoundment	CoC without Controls	6/30/2011	
1373	SWMU	60-006(a)	Septic System	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
1374	SWMU	60-007(a)	Operational Release	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
1375	SWMU	60-007(b)	Operational Release	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
1376	SWMU	61-002	Transformer storage area	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
1377	SWMU	61-005	Landfill (Los Alamos municipal)	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
1378	SWMU	61-006	Waste oil tank (renumbered from 00-002)	RFI or Field Work Rpt Submitted to NMED		Sandia Canyon Watershed
1379	SWMU	61-007	Soil contamination associated with transformer staging area	RFI or Field Work in Progress (IM, ACA)		Historical Properties - Upper LA Cyn
1380	AOC	C-61-002	Subsurface contamination	RFI or Field Work in Progress (IM, ACA)		Sandia Canyon Watershed
1381	SWMU	63-001(a)	Septic system	CoC without Controls	6/30/2011	

**Appendix A**  
**Solid Waste Management Unit/Area of Concern List**

Count	SWMU/AOC	Unit #	Unit Type	Status *	Date	Campaign **
1382	SWMU	63-001(b)	Septic system	CoC without Controls	6/30/2011	
1383	SWMU	69-001	Two-Mile Incinerator Facility	Pre-Investigation		Pajarito Watershed
1384	AOC	72-001	Firing range	Deferred Site		
1385	SWMU	73-001(a)	Landfill	RFI or Field Work in Progress (IM, ACA)		Airport Cover Replacement
1386	SWMU	73-001(b)	Soil contamination from former waste oil pit	RFI or Field Work in Progress (IM, ACA)		Airport Cover Replacement
1387	SWMU	73-001(c)	Bunkers	RFI or Field Work in Progress (IM, ACA)		Airport Cover Replacement
1388	SWMU	73-001(d)	Landfill	RFI or Field Work in Progress (IM, ACA)		Airport Cover Replacement
1389	SWMU	73-002	Incinerator Surface Disposal	CoC with Controls	8/13/2007	
1390	AOC	73-003	Soil contamination from former Steam cleaning plant	CoC with Controls	8/13/2007	
1391	SWMU	73-004(a)	Former septic tank	CoC with Controls	8/13/2007	
1392	SWMU	73-004(b)	Former septic tank	CoC with Controls	8/13/2007	
1393	SWMU	73-004(c)	Septic System	CoC without Controls	1/23/2008	
1394	SWMU	73-004(d)	Soil contamination form former septic tank	RFI or Field Work in Progress (IM, ACA)		Airport Cover Replacement
1395	SWMU	73-006	Airport Building Outfalls	CoC with Controls	8/13/2007	

\* CoC-Certification of Completion

69 CoCs with Controls; 174 CoCs without Controls; 127 Deferred Sites.

\*\* "Other" campaign is defined as sites that are not listed in an identified campaign in Appendix C.

APPENDIX B  
MILESTONES AND TARGETS

**Appendix B MILESTONES AND TARGETS**

		FY 2017 MILESTONES			FY 2018 TARGETS			FY 2019 TARGETS		
Campaign	Milestone # FY2017	Milestone	Milestone Description	Milestone Date	Target	Target Description	Target Date	Target	Target Description	Target Date
	11	Annual Update to the Interim Facility-Wide Groundwater Monitoring Plan (IFGMP) for MY2018 (October 2017-September 2018)	Annual update to the groundwater monitoring program baseline document with adjustments to sampling, monitoring groups, analysts, and frequencies based on previous results.	5/30/2017	Annual Update to the Interim Facility-Wide Groundwater Monitoring Plan (IFGMP), for MY2019 (October 2018-September 2019)	Annual update to the groundwater monitoring program baseline document with adjustments to sampling, monitoring groups, analysts, and frequencies based on previous results.	6/30/2018	Annual Update to the Interim Facility-Wide Groundwater Monitoring Plan (IFGMP) for MY2020 (October 2019-September 2020)	Annual update to the groundwater monitoring program baseline document with adjustments to sampling, monitoring groups, analysts, and frequencies based on previous results.	6/30/2019
	7	Annual Monitoring REPORT for the Completed FY and PLAN for the upcoming FY for Los Alamos/Pueblo Watershed Sediment Transport Mitigation Project	Annual report of last year's results and update to plan for the upcoming year based on last year's observations. Both the annual report and the plan address the performance of stormwater controls installed in the LA/Pueblo watershed. Includes LIDAR survey data.	4/30/2017	Annual Monitoring REPORT for the Completed FY and PLAN for the upcoming FY for Los Alamos/Pueblo Watershed Sediment Transport Mitigation Project	Annual report of last year's results and update to plan for the upcoming year based on last year's observations. Both the annual report and the plan address the performance of stormwater controls installed in the LA/Pueblo watershed. Includes LIDAR survey data.	6/30/2018	Annual Monitoring REPORT for the Completed FY and PLAN for the upcoming FY for Los Alamos/Pueblo Watershed Sediment Transport Mitigation Project	Annual report of last year's results and update to plan for the upcoming year based on last year's observations. Both the annual report and the plan address the performance of stormwater controls installed in the LA/Pueblo watershed. Includes LIDAR survey data.	6/30/2019
Chromium IM & Characterization	5	Chromium INJECTION WELL (4) completion reports for FY2016	Campaign level milestone for submittal of all four (4) Well Completion Reports for injection wells installed in FY2016 that are required for Chromium IM	3/31/2017	Chromium Corrective Measures Evaluation (CME) Report completed and submitted to NMED-HWB	The CME will be the culmination of the chromium investigatory activities and will include a recommendation of a remedy.	9/30/2018	Chromium Source Control Corrective Measures Implementation (CMI) Plan completed and submitted to NMED-HWB	This milestones is a the detailed implementation plan for executing the chromium remedy selected by NMED. (Date is dependent on the NMED development of a statement of basis).	6/30/2019
	10	Chromium EXTRACTION WELL evaluation report and Recommendation on CrEX-2	Campaign level milestone for submittal of the well evaluation report based on CrEX-1 and CrEX-3 data that is required for Chromium Characterization Work Plan specification for CrEX-2 for additional boundary withdrawal.	5/1/2017						
	13	Initial Operation of Chromium Interim Measures for Plume Control	Field completion milestone reflecting the initiation of pumping from CrEX-1, treatment of withdrawn water, and re-injection of treated water. This milestone shall be reported after 24-hours of operation of the connected equipment without failure and collection of the first sampling event.	9/30/2017						
Historical Properties - Upper LA Cyn	12	Status Report for the Cleanup of Townsite SWMUs and AOCs (Historical Activities)	This milestones is a field completion status report of corrective action complete at the following townsite SWMUs and AOCs: * 01-001(g), * 01-003(b), (assoc LAInn) * 01-006(b), (assoc LAInn) * 01-007(a), (assoc LAInn) * 01-007(b), (assoc LAInn)	6/30/2017	Upper Los Alamos Canyon Aggregate Area (including Former TA-32) Phase II Cleanup Complete and Investigation Report Submitted to NMED	Campaign level milestone for completion of all SWMUs/AOCs in Upper LA CAA and development and submittal of the Investigation Report. This report would include those DOE SWMUs on the back-side of private property (including SWMUs cleanup in Former TA-32 and separately reported).	9/30/2018			
ties Completion						Results currently planned to be				

Appendix B MILESTONES AND TARGETS											
			FY 2017 MILESTONES			FY 2018 TARGETS			FY 2019 TARGETS		
	Campaign	Milestone # FY2017	Milestone	Milestone Description	Milestone Date	Target	Target Description	Target Date	Target	Target Description	Target Date
Historical Proper	Historical Properties - Middle LA Cyn	14	Middle Los Alamos Canyon Aggregate Area Cleanups Field Completion	Field cleanup progress milestone SWMUs and AOCs that were identified in the Phase I and II investigations and requires remediation to less than SSLs which includes a PCB cleanup at AOC 02-011(a).	9/30/2017	Middle Los Alamos Canyon Phase III Investigation Report submitted to NMED	This milestone is the interim milestones for this aggregate area and will document the completion activities for all cleanups, ECORisk studies, a risk assessment for all sites within the aggregate area, and the recommendation for whether controls are required with a potential certificate of completion.	9/30/2018			
RDX Characterization	RDX Characterization	4	RDX Tracer Deployment Test Complete	Although the tracer test shall be physically completed, this milestone includes a summary report of the test and submittal of the relevant test data. This report will not include analysis of the data which will be included in the CME.	2/14/2017						
	RDX Characterization	6	CdV-9-1(i) Aquifer Test Complete and Report Submitted to NMED-HWB	Although the aquifer test shall be physically completed, this milestone includes a summary report of the test and submittal of the relevant data. This report will not include analysis of the data which will be included in the CME.	4/7/2017						
	RDX Characterization	15	Final Corrective Measures Evaluation (CME) Report for RDX TA-16 Submitted to NMED-HWB	The CME shall conduct the evaluation of the remaining corrective actions from the surface CMI and conduct the evaluation of information gathered for the subsurface. This CME shall also include a recommendation for an RDX remedy covering both surface and subsurface.	9/30/2107	RDX Surface Cleanup Work Plan Completed and Submitted to NMED-HWB	Surface Cleanup WP for any necessary immediate actions addressing either surface or subsurface water measures necessary before the CME can be completed and a remedy is selected by NMED.	9/30/2018			
mental Investigation Reports (SIR)	SIR - TA-49 Inside	1	Supplemental Investigation Report TA-49 Aggregate Area - Inside NES	Supplemental Investigation Report prepared to pair risk assessment with previous investigation results.	10/31/2016						
	SIR - CdV TA-14	3	Supplemental Investigation Report Canon de Valle Aggregate Area - TA-14	Supplemental Investigation Report prepared to pair risk assessment with previous investigation results.	12/31/2016						
	SIR - TA-49 Outside	2	Supplemental Investigation Report TA-49 Aggregate Area - Outside NES	Supplemental Investigation Report prepared to pair risk assessment with previous investigation results.	10/31/2016						
	SIR - N.Ancho	8	Supplemental Investigation Report North Ancho Aggregate Area	Supplemental Investigation Report prepared to pair risk assessment with previous investigation results.	4/30/2017						

Appendix B MILESTONES AND TARGETS

Appendix B MILESTONES AND TARGETS											
		FY 2017 MILESTONES			FY 2018 TARGETS			FY 2019 TARGETS			
	Campaign	Milestone # FY2017	Milestone	Milestone Description	Milestone Date	Target	Target Description	Target Date	Target	Target Description	Target Date
Supplier	SIR - L. Sandia	16	Supplemental Investigation Report Lower Sandia Canyon Aggregate Area	Supplemental Investigation Report prepared to pair risk assessment with previous investigation results.	9/30/2017						
TA 21 D&D and Cleanup	TA-21 D&D and Cleanup					TA-21 Corrective Actions Field Complete for Consolidated Unit 21-004(B)-99.	Field completion of corrective actions for Consolidated Unit 21-004(B)-99.	3/31/2018	Following demolition of TA-21 Building 21-257 (not under Consent Order), initiate the Investigation Work Plan for Building 21-257 Footprint Investigation (tied to removal of DP West Industrial Waste Lines).	Completion of Contractor Readiness Review.	6/30/2019
	TA-21 D&D and Cleanup					TA-21 WESTBAY Wells Evaluation Reconfiguration Activities Completed for (R-5, R-7, R-8, R-9i) and Report Submitted to NMED-HWB.	Reconfiguration completion report.	3/31/2018			
	TA-21 D&D and Cleanup					TA-21 Delta Prime (DP) West Building Footprint Investigations Complete and IR Submitted to NMED-HWB.	One of the few remaining IRs for TA-21.	9/30/2018			
	TA-21 D&D and Cleanup					TA-21 DP East Nature and Extent Investigation Report Completed and Submitted to NMED-HWB.	IR is one of last major investigation reports for TA-21.	9/30/2018			
RDX Remedy	RDX Remedy								RDX Remediation Corrective Measures Implementation (CMI) Plan Completed and Submitted to NMED-HWB.	CMIP for combining surface and subsurface remedies.	9/30/2019
Known Cleanup Sites (Above SSLs)	Known Cleanup Sites (Above SSLs)								Complete Aggregate Area Known Cleanups Campaign .	Field completion of cleanups of 20 sites in nine technical areas (from the middle ten aggregate areas investigations) currently known to exceed soil screening levels. These sites include: 03-049(a), 03-049(b), 03-049(e), 14-006, 14-009, 15-007(c&d), 15-008(b), 15-010(b), 16-026(b), 36-001, 36-008, C-36-008, 39-001(a&b), 39-002(a), 39-007(a), 46-004(q), 50-006(d), 53-001(a).	9/30/2019

Appendix B MILESTONES AND TARGETS

Appendix B MILESTONES AND TARGETS											
		FY 2017 MILESTONES				FY 2018 TARGETS			FY 2019 TARGETS		
	Campaign	Milestone # FY2017	Milestone	Milestone Description	Milestone Date	Target	Target Description	Target Date	Target	Target Description	Target Date
MDAs-A & -T Remedy	MDAs-A & -T Remedy					Supplement Investigation Work Plan for the Pits and Trenches at MDA-A Submitted to NMED-HWB	This supplemental Investigation Work Plan will provide for the collection of information necessary to complete the characterization for nature and extent of contamination at MDA-A and to develop a future corrective measures evaluation in order to recommend an appropriate remedy. A Documented Safety Analysis MAY be required and if so, may extend date significantly.	9/30/2018	MDA-T Moisture Monitoring Completion and Report Submittal to NMED-HWB	Installation of instrumentation of boreholes, application of water to bermed area, monitoring of moisture at boreholes, and development of completion report for activity.	9/30/2019
Chromium Final Remedy	Chromium Final Remedy								Chromium Source Control Corrective Measures Implementation (CMI) Plan completed and submitted to NMED-HWB	This implementation plan addresses the implementation of the chromium remedy selected by NMED. (Date is dependent on the NMED development of a statement of basis.)	6/30/2019
Southern External Boundary	Southern External Boundary								Chaquhui Canyon Aggregate Area Investigation Report Completed and Submitted to NMED-HWB	Initial Investigation and development of IR for one of the southern canyons. This is a low priority campaign but should be paired with South Ancho as geographical proximity warrants pairing.	3/31/2019
	Southern External Boundary								Investigation Report for South Ancho Canyon Aggregate Area	Initial Investigaiton Report for this aggregate area and the requisite risk assessment. This would include cleanups for media above SSLs.	12/31/2019
MDA-C Remedy	MDA-C Remedy										
Sandia Canyon Watershed	Sandia Canyon Watershed	9	Sandia Canyon Wetland Performance Report for Period April 2016 - December 2016 [2017]	Annual inspection report describing activities performed in canyon to stabilize headcutting in the wetland that is keeping trivalent chromium entrained.	4/30/2017	Sandia Canyon Wetland Performance Report for Period April 2017 - December 2017 [2018]	Annual inspection report describing activities performed in canyon to stabilize headcutting in the wetland that is keeping trivalent chromium entrained.	6/30/2018	Sandia Canyon Wetland Performance Report for Period April 2018 - December 2018 [2019]	Annual inspection report describing activities performed in canyon to stabilize headcutting in the wetland that is keeping trivalent chromium entrained.	6/30/2019
Pajarito Watershed	Pajarito Watershed					Initial Investigation of Twomile Canyon Aggregate Area and submittal of Investigation Report to NMED-HWB.	This builds on field sampling activity that may occur in FY2017 (but is not planned as of 3/31/2016) and development of the report and risk assessment in FY2018.	9/30/2018			

**Appendix B MILESTONES AND TARGETS**

		FY 2017 MILESTONES			FY 2018 TARGETS			FY 2019 TARGETS			
	Campaign	Milestone # FY2017	Milestone	Milestone Description	Milestone Date	Target	Target Description	Target Date	Target	Target Description	Target Date
Upper Water Watershed	Upper Water Watershed										
MDA-AB Remedy	MDA-AB Remedy										
MDA-H Remedy	MDA-H Remedy										
MDAs-G & -L Remedies	MDAs-G & -L Remedies										
					16				13		

APPENDIX C  
FUTURE CAMPAIGNS

## **Appendix C – Future Campaigns**

The following sections list and describe the campaigns expected to be performed at LANL. The campaigns listed below will complete the work scope under the Consent Order.

A. Chromium Interim Measures and Characterization Campaign – in progress

This campaign includes installation and operation of wells and associated equipment necessary to meet three primary objectives: 1) provide interim measures to prevent migration of the plume beyond the Laboratory boundary; 2) perform scientific studies and aquifer testing to obtain data necessary to conduct a corrective measures evaluation; and 3) conduct a corrective measures evaluation. This is an approximately 2-3 year campaign (remaining). (SWMUs/AOCs: 1)

B. Historical Properties Completion Campaign – in progress

This campaign involves additional investigation and remediation as necessary for: 1) sites located in the historical location of the Laboratory and 2) former Laboratory properties that were transferred and are private properties or that require access through private property. This is an approximately 15 month campaign (remaining). (SWMUs/AOCs: 84)

- Rendija Canyon Aggregate Area<sup>1</sup> Munitions controls and asphalt removal (SWMUs/AOCs: 0 without CoCs)
- Pueblo Canyon Aggregate Area Phase II submit requests for certificates of completion (SWMUs/AOCs: 7)
- Upper Los Alamos Canyon Aggregate Area cleanups and Phase II IR (SWMUs/AOCs: 31)
- Middle Los Alamos Canyon Aggregate Area PCB cleanup at AOC 02-011(a), ECORisk studies, and Phase II IR (SWMUs/AOCs: 46)

C. Royal Demolition Explosives (RDX) Characterization Campaign – in progress

This campaign includes: 1) potential interim measures or surface activities to prevent further migration of RDX and 2) characterization of the intermediate/regional groundwater through well installation, tracer studies and source control necessary to conduct a corrective measures evaluation. This is an approximately 2 year campaign (remaining). (SWMUs/AOCs: 2)

D. Supplemental Investigation Reports Campaign – in progress

This campaign includes preparation and submission of ten supplemental investigation reports and, where appropriate, submission of requests for Certificates of Completion. Previous investigations were conducted for ten aggregate areas and the results were reported in Investigation Reports (IR). Following submittal of these IRs, NMED updated its position on defining nature and extent of contamination. Therefore, the data for

<sup>1</sup> For purposes of Appendix C, “aggregate area” means an area within a single watershed or canyon made up of one or more SWMUs or AOCs and the media affected or potentially affected by releases from those SWMUs or AOCs, and for which investigation or remediation, in part or in entirety, is conducted for the area as a whole in order to address area-wide contamination, ecological risk assessment, and other factors.

aggregate areas, where IRs have already been submitted, will be reassessed to determine if that data documents the nature and extent of contamination for SWMUs and AOCs in each of the ten aggregate areas and whether each SWMU or AOC poses an unacceptable risk to human health and the environment. This is an approximately 15 month campaign (remaining). These aggregate areas include the following:

- S-Site Aggregate Area. (Submitted) (SWMUs/AOCs: 62)
- Potrillo and Fence Canyons Aggregate Areas. (Submitted) (SWMUs/AOCs: 15)
- Threemile Canyon Aggregate Area. (Submitted) (SWMUs/AOCs: 19)
- TA-49 Inside the Nuclear Environmental Site Boundary. (SWMUs/AOCs: 9)
- TA-49 Outside the Nuclear Environmental Site Boundary. (SWMUs/AOCs: 3)
- Cañon de Valle TA-14. (SWMUs/AOCs: 20)
- North Ancho Canyon Aggregate Area. (SWMUs/AOCs: 2)
- Lower Sandia Canyon Aggregate Area. (SWMUs/AOCs: 16)
- Upper Cañada del Buey Aggregate Area (SWMUs/AOCs: 48)
- Mortandad Canyon Aggregate Area (Submitted) (SWMUs/AOCs: 28)

E. TA-21 D&D and Cleanup Campaign – in progress

This campaign includes the removal and remediation of buried waste lines and contaminated soils to be performed as part of the DP Site Aggregate Area investigation. Demolition of facilities and slabs are not part of the Consent Order and will be executed under DOE requirements; the facilities to be demolished include the DP West slabs and the Radiological Liquid Waste Treatment Facility, TA-21-257, enabling access to the SWMUs and AOCs. (SWMUs/AOCs: 41)

F. RDX Remedy Campaign

Building on the RDX Characterization Campaign, following NMED's statements of basis and selection of a remedy, this campaign includes implementation of the remedy. This is potentially a 2-3 year campaign. (SWMUs/AOCs: 0)

G. Known Cleanup Sites (Above SSLs) Campaign

This campaign includes soil removal from twenty sites that previous investigations identified have hazardous contaminants at concentration that exceed the target risk levels of  $10^{-5}$  lifetime excess cancer risk for carcinogenic Contaminants and a hazard index (HI) of 1 for non-carcinogenic Contaminants. This is an approximately 15 month campaign. (SWMUs/AOCs: 20)

H. Material Disposal Areas A and T Remedy Campaign (MDAs –A & -T Remedy)

This campaign includes completion of additional characterization of the pit and trench wastes at MDA-A and performance of moisture monitoring at MDA-T including installation of instrumentation of boreholes, application of water to bermed area, and monitoring of boreholes for moisture to conduct corrective measures evaluations for both MDA-A and MDA-T. These CMEs will result in NMED's statements of basis and selections of a remedy, and then the campaign will implement the remedies. This is an approximately 5 year campaign – excluding implementation (which might be another 2-3 years). (SWMUs/AOCs: 26 SWMUs (plus 1 for MDA-A and 3 for MDA-T))

I. Chromium Final Remedy Campaign

Building on the Chromium IM and Characterization Campaign, following NMED's statements of basis and selection of a remedy, this campaign includes implementation of the remedy. This is potentially a 4-5 year campaign. (SWMUs/AOCs: 0)

J. Southern External Boundary Campaign

This campaign includes, as appropriate, initial investigations, remediation of media above soil screening levels, risk assessments, and certificates of completion for three aggregate areas. Aggregate Areas have generally been investigated from north to south across the Laboratory. These three areas are in the border area between the Laboratory, Bandelier, and White Rock populated areas. This is an approximately 2-1/2 year campaign. This campaign shall be conducted in the following areas (SWMUs/AOCs: 60):

- Chaquehui Canyon Aggregate Area Initial Investigation
- South Ancho Canyon Aggregate Area Initial Investigation
- Lower Water Canyon Aggregate Area Initial Investigation
- North Ancho Canyon Aggregate Area Phase II
- Potrillo/Fence Canyon Aggregate Area Phase II

K. Material Disposal Area C Remedy Campaign (MDA-C Remedy)

This campaign includes implementation of a remedy resulting from NMED's statement of basis and selection of a remedy derived from a corrective measure evaluation previously submitted. This campaign will include development of a corrective measures implementation plan, implementation of the remedy, and development of the corrective measures report. This is an approximately 4 year campaign. (SWMUs/AOCs: 1)

L. Sandia Canyon Watershed Campaign

This campaign includes completion of several investigations that are already in progress in the central portion of the Laboratory for certain Aggregate Areas. This is an approximately 2-year campaign, and it includes the following (SWMUs/AOCs: 49):

- Upper Sandia Canyon Aggregate Areas Phase II Investigations
- Lower Sandia Canyon Aggregate Areas Phase II Investigations
- Upper Mortandad Canyon Aggregate Area Phase II Investigation
- Upper Cañada del Buey Aggregate Area Phase II Investigation

M. Pajarito Watershed Campaign

This campaign includes initial investigations in some Aggregate Areas for which investigation has not yet occurred as well as completion of those investigations that are already in progress for other Aggregate Areas in the central portion of the Laboratory. For these areas, this campaign includes remediation, as appropriate, for media above soil screening levels. This is an approximately 2-1/2 year campaign that includes the following (SWMUs/AOCs: 167):

- Starmer/Upper Pajarito Canyon Aggregate Area Initial Investigation

- Twomile Canyon Aggregate Area Initial Investigation
- Threemile Canyon Aggregate Area Phase II Investigation
- Lower Pajarito Canyon Aggregate Area Initial Investigation

N. Upper Water Watershed Campaign

This campaign includes initial investigations in some Aggregate Areas for which investigation has not yet occurred as well as completion of those investigations that are already in progress for other Aggregate Areas. For these areas, this campaign includes remediation, as appropriate, for media above soil screening levels. This is an approximately 2-1/2 year campaign that includes the following (SWMUs/AOCs: 253):

- Cañon de Valle TA-15 Initial Investigation
- Cañon de Valle TA-16 Initial Investigation
- Cañon de Valle TA-14 Phase II Investigation
- Upper Water Canyon Aggregate Area Initial Investigation
- S-Site Canyon Aggregate Area Phase II Investigation

O. Material Disposal Area AB Remedy Campaign (MDA-AB Remedy)

This campaign includes additional characterization of the shaft areas inside and outside of the Nuclear Environmental Site (NES) boundary and completion of the corrective measures evaluation. Following NMED's statement of basis and selection of a remedy, this campaign includes development of a corrective measures implementation plan, implementation of the remedy, and development of the corrective measures report. This is an approximately 4 year campaign. (SWMUs/AOCs: 12; included in SIR)

P. Material Disposal Areas H Remedy Campaign (MDA-H Remedy)

Following NMED's statement of basis and selection of a remedy, this campaign includes development of a corrective measures implementation plan, implementation of the remedy, and development of the corrective measures report. This is an approximately 4 year campaign. (SWMUs/AOCs: 1)

Q. Material Disposal Areas G and L Remedy Campaign (MDAs-G & -L Remedy)

Following NMED's statements of basis and selection of a remedy for MDA-L and MDA-G, this campaign includes development of a corrective measures implementation plans, implementation of the remedies, and development of the corrective measures reports. This campaign will also perform soil vapor extraction (SVE) of volatile organic compounds as an interim measure while an asphalt cover still exists above MDA-L. This interim measure will address a subsurface vapor plume that is relatively shallow and has not yet progressed towards the basalt layer above the water table. This is an approximately 5 year campaign. (SWMUs/AOCs: 12)

APPENDIX D  
DOCUMENT REVIEW/COMMENT AND REVISION  
SCHEDULE

**APPENDIX D**

**DOCUMENT REVIEW/COMMENT AND REVISION SCHEDULE**

<b><u>Document</u></b>	<b><u>Activity</u></b>	<b><u>Period (days)</u></b>
RFI Work Plan	NMED Review	90
	DOE Revise	60
RFI Report (w/ Risk Assessment)	NMED Review	120
	DOE Revise	90
Interim Measures Work Plan	NMED Review	90
	DOE Revise	60
Interim Measures Report	NMED Review	120
	DOE Revise	90
Remedy Implementation Plan	NMED Review	150
	DOE Revise	90
Remedy Completion Report	NMED Review	180
	DOE Revise	90
CME Report	NMED Review	280
	DOE Revise	150
CMI Plan	NMED Review	210
	DOE Revise	120
Accelerated Corrective Action Report	NMED Review	120
	DOE Revise	90
Certificates of Completion	NMED Review	120
	DOE Revise	60
Area of Contamination Request	NMED Review	30
	DOE Revise	30

APPENDIX E  
EXAMPLE DOCUMENT TEMPLATES

## **I) General**

This Appendix (E) provides NMED's general expectations and guidance for reporting and document formats for corrective action documents under this Consent Order. The described formats include the general reporting recommendations and formats for site-specific RCRA Facility Investigation (RFI) work plans, RFI reports, periodic monitoring reports, risk assessment reports, corrective measures evaluations (CME), corrective measures implementation plans (CMIP), and corrective measures implementation reports (CMIR). This Appendix is not intended to provide recommended reporting formats for every potential corrective action document prepared under this Consent Order. Additionally, the recommendations for reporting and format of documents listed in this Appendix (E) may not include all sections that may be necessary to complete each type of document listed. Either Party may determine that additional sections are needed to address additional site-specific issues or information collected during corrective action or monitoring activities not listed below. Sections that do not apply to a particular plan or report may be omitted from that document.

## **II) RCRA Facility Investigation (RFI) Work Plan**

DOE should prepare work plans for site investigations or corrective action activities using the general outline below. The data quality objectives (e.g., define nature and extent of contamination) should be clearly stated and the research, locations, depths and schedules of proposed sampling should be included in the work plan. General descriptions of proposed methods of exploration, field procedures and data collection methods should be included in each work plan. The general work plan outline is described below.

As appropriate, information described below related to previous investigations may be presented in a Historical Investigation Report prepared in conjunction with the RFI work plan.

### **a) Title Page**

The title page should include the type of document; Facility name; TA designation; SWMU or AOC name, site, and any other unit name; and the submittal date.

### **b) Signature Block**

A signature block providing spaces for the name and title of the responsible representatives should be provided.

### **c) Executive Summary (Abstract)**

The executive summary or abstract should provide a brief summary of the purpose and scope of the investigation to be conducted at the subject site. The Facility, SWMU or AOC name, site name, any other unit name, location, and TA designation should be included in the executive summary.

#### d) Table of Contents

The table of contents should list all text sections, subsections, tables, figures, and appendices or attachments included in the work plan. The corresponding page numbers for the titles of each section of the work plan should be included in the table of contents.

#### e) Introduction

The introduction should include the Facility name, TA designation, unit location, and unit status. General information on the current site usage and status should also be included in this section. A brief description of the purpose of the investigation and the type of site investigation to be conducted should be provided in this section.

#### f) Background

The background section should describe relevant background information. This section should briefly summarize historical site uses by the U.S. Government and any other entity since 1940, including the locations of current and former site structures and features. A labeled figure should be included in the document showing the locations of current and former site structures and features. The locations of pertinent subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures should be included in the background summary and labeled on the figure, as appropriate.

This section should identify potential receptors, (e.g., groundwater), and include a brief summary of the type and characteristics of all waste and all Contaminants managed or released at the site, the known and possible sources of contamination, the history of releases or discharges of contamination, and the known extent of contamination. This section should include brief summaries of results of previous investigations including references to pertinent figures, data summary tables, and text in previous reports. At a minimum, detections of Contaminants encountered during previous investigations should be presented in table format, with an accompanying figure showing sample locations. If references to previous reports are presented, they should include page, table, and figure numbers for referenced information. Summary data tables and a site plan showing relevant investigation locations should be included in the Tables and Figures sections of the document, respectively.

For work plans addressing multiple technical areas (TAs) and/or multiple sites (i.e., SWMUs or AOCs), the information described in this section may be presented in TA-specific and/or site-specific background sections.

#### g) Site Description

##### i) Surface Conditions

A section on surface conditions should describe current and historical site topography, features and structures including topographic drainages, man-made drainages, vegetation, erosional features, and basins. It should also include a detailed description of current site uses and operations. In addition, descriptions of features located in surrounding sites that may have an

impact on the subject site regarding sediment transport, surface water runoff, or contaminant fate and transport should be included in this section.

#### ii) Subsurface Conditions

A section on subsurface conditions should describe the site conditions observed during previous subsurface investigations. It should include relevant soil horizons, stratigraphic information, groundwater conditions, and subsurface vapor information. A site plan showing the locations of all borings and excavations advanced during previous investigations should be included in the Figures section. A brief description of the anticipated stratigraphic units that may be encountered during the investigation may be included in this section if no previous investigations have been conducted at the site.

#### h) Proposed Investigation Activities

A section on proposed investigation activities should describe the data quality objectives of the proposed work scope as well as briefly describe a list of anticipated activities to be performed during the investigation to meet the data quality objectives. This could include background information research, health and safety requirements that may affect or limit the completion of tasks, drilling, test pit or other excavations, well construction, field data collection, survey data collection, chemical analytical testing, aquifer testing, remediation system pilot tests, and investigation-derived waste (IDW) storage and disposal. IDW includes general refuse, drill cuttings, excess sample material, water (decontamination, development and purge), and disposable equipment generated during the course of investigation, corrective action, or monitoring activities.

For work plans addressing multiple sites, the information described in this section may be presented in site-specific sections.

#### i) Investigation Methods

A section on investigation methods should provide a description of anticipated locations and methods for conducting the activities intended to achieve the data quality objectives. This section could include research methods, health and safety practices that may affect the completion of tasks, drilling methods, test pit or other excavation methods, sampling intervals and methods, well construction methods, field data collection methods, geophysical and land survey methods, field screening methods, chemical analytical testing, materials testing, aquifer testing, pilot tests, and other proposed investigation and testing methods. This information may also be summarized in table format, if appropriate.

#### j) Monitoring and Sampling Program

A section on monitoring and sampling should provide a description of the groundwater, ambient air, subsurface vapor, remediation system, engineering controls, and other monitoring and sampling programs currently being implemented at the site.

### k) Schedule

A section should set forth the anticipated schedule for completion of field investigation, pilot testing, and monitoring and sampling activities. In addition, this section should set forth a schedule for submittal of reports and data to NMED.

### l) References and Map Data Sources

A section should provide a reference list of all documents cited in the RFI work plan. The sources of geospatial data used to develop maps and figures presented in the RFI work plan should also be provided.

### m) Tables

All tables should be provided in this section of the report. The following summary tables may be included in the investigation work plans, if applicable and if previous investigations have been conducted at the site. Data presented in the tables should include information on dates of data collection, analytical methods, detection limits, and significant data quality exceptions. The summary analytical data tables should include only detected analytes and data quality exceptions that could potentially mask detections.

1. Tables summarizing regulatory criteria, background, and applicable cleanup levels (may be included in the analytical data tables instead of as separate tables).
2. Tables summarizing historical field survey location data.
3. Tables summarizing historical field screening and field parameter measurements of soil, rock, sediments, groundwater, surface water, and air quality data.
4. Tables summarizing historical soil, rock, and sediment laboratory analytical data should include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.
5. Tables summarizing historical groundwater elevation and depth to groundwater data. The table should include the monitoring well depths, the screened intervals in each well, and the dates and times measurements were taken.
6. Tables summarizing historical groundwater laboratory analytical data. The analytical data tables should include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.
7. Tables summarizing historical surface water laboratory analytical data. The analytical data tables should include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.
8. Tables summarizing historical air sample screening and laboratory analytical data. The data tables should include the screening instruments used, laboratory analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.
9. Tables summarizing historical pilot or other test data, if applicable, including units of measurement and types of instruments used to obtain measurements.

#### n) Figures

All figures should be provided in this section of the report. This section should include the following figures, including presentation of data where previous investigations have been conducted. All figures should include an accurate bar scale and a north arrow. An explanation should be included on each figure for all abbreviations, symbols, acronyms, and qualifiers. All maps should contain a date of preparation.

1. A vicinity map showing topography and the general location of the site relative to surrounding features and properties.
2. A site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and features. Off-site well locations and other relevant features should be included on the site plan, if appropriate. Additional site plans may be appropriate to present the locations of relevant off-site well locations, structures, and features.
3. Figures presenting historical and proposed soil boring or excavation locations and sampling locations.
4. Figures presenting historical soil sample field screening and laboratory analytical data.
5. Figures presenting the locations of all existing and proposed vapor monitoring wells and borings.
6. Figures presenting all existing and proposed groundwater monitoring wells and piezometers, historical groundwater elevation data, and groundwater flow directions.
7. Figures presenting historical groundwater laboratory analytical data, if applicable. The laboratory analytical data corresponding to each sampling location may be presented in table form on the figure or as an isoconcentration map.
8. Figures presenting historical and proposed surface water sample locations and field measurement data, if applicable.
9. Figures presenting historical surface water laboratory analytical data, if applicable.
10. Figures presenting historical and proposed air sampling locations and presenting historical air quality data.
11. Figures presenting historical pilot and other testing locations and data, where applicable, including site plans and graphic data presentation.
12. Figures presenting geologic cross-sections, based on outcrop and borehole data acquired during previous investigations.

#### o) Appendices

A description of IDW management should be included as an appendix to the investigation work plan. Additional appendices may be necessary to present additional data or documentation not listed above.

### III) RCRA Facility Investigation (RFI) Report

DOE should prepare investigation reports at the Facility using the general outline below. The RFI Report should be the reporting mechanism for presenting the results of completed RFI Work Plans. This section describes recommendations for reporting on SWMU and AOC investigations.

#### a) Title Page

The title page should include the type of document; Facility name; TA designation; SWMU or AOC name, site, and any other unit name; and the submittal date.

#### b) Signature Block

A signature block providing spaces for the name and title of the responsible representatives should be provided.

#### c) Executive Summary (Abstract)

The executive summary or abstract should provide a brief summary of the purpose, scope, and results of the investigation. The Facility, SWMU or AOC name, site name, any other unit name, location, and TA designation should be included in the executive summary. In addition, this section should include a brief summary of conclusions based on the investigation data collected and recommendations for future investigation, monitoring, remedial action or site closure.

#### d) Table of Contents

The table of contents should list all text sections, subsections, tables, figures, and appendices or attachments included in the report. The corresponding page numbers for the titles of each section of the report should be included in the table of contents.

#### e) Introduction

The introduction section should include the Facility name, TA designation, unit location, and unit status. General information on the current site uses and status should be included in this section. A brief description of the purpose of the investigation, the type of site investigation conducted, and the type of results presented in the report also should be provided in this section.

#### f) Background

The background section should describe relevant background information. This section should briefly summarize historical site uses by the U.S. Government and any other entity since 1940, including the locations of current and former site structures and features. A labeled figure should be included in the document showing the locations of current and former site structures and features. The locations of pertinent subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures should be included in the background summary and labeled on the figure, as appropriate.

In addition, this section should include a brief summary of known and possible sources of contamination, the history of releases or discharges of contamination, the known extent of contamination, and the results of previous investigations including references to pertinent figures, data summary tables, and text in previous reports. The references to previous reports should include page, table, and figure numbers for referenced information. Summary data tables and a site plan showing relevant investigation locations should be included in the Tables and Figures sections of the document, respectively.

For investigation reports addressing multiple technical areas (TAs) and/or multiple sites (i.e., SWMUs/AOCs), the information described in this section may be presented in TA-specific or site-specific background sections.

#### g) Site Description

##### i) Surface Conditions

A section on surface conditions should describe current site topography, features, and structures including topographic drainages, man-made drainages, vegetation, erosional features, and basins. It should also include a description of current site uses and operations. In addition, descriptions of features located in surrounding sites that may have an impact on the subject site regarding sediment transport, surface water runoff, or contaminant fate and transport should be included in this section.

A section should describe surface water conditions and include a description of surface water runoff, drainage, surface water sediment transport, and contaminant transport in surface water as suspended load and as a dissolved phase in surface water via natural and man-made drainages, if applicable. A description of contaminant fate and transport should be included, if appropriate.

##### ii) Subsurface Conditions

A section on subsurface conditions should describe known subsurface lithology and structures, based on observations made during the current and previous subsurface investigations, including interpretation of geophysical logs and as-built drawings of man-made structures. A description of any known locations of pipelines and utility lines and observed geologic structures should also be included in this section. A site plan showing boring and excavation locations and the locations of the site's above- and below-ground structures should be included in the Figures section of the report. In addition, cross-sections should be constructed, if appropriate, to provide additional visual presentation of site or regional subsurface conditions.

A section should describe groundwater conditions observed beneath the subject site and relate local groundwater conditions to regional groundwater conditions. A description of the depths to water, aquifer thickness, and groundwater flow directions should be included in this section for alluvial groundwater, shallow perched groundwater, intermediate perched groundwater, and regional groundwater, as appropriate to the investigation. Figures showing well locations, surrounding area, and groundwater elevations and flow directions for each hydrologic zone should be included in the Figures section of the report.

#### h) Investigation Activities

A section on the investigation activities should briefly describe all activities performed during the investigation. This could include background information research, implemented health and safety measures that affected or limited the completion of tasks, drilling, test pit or other excavation methods, well construction methods, field data collection, survey data collection, chemical analytical testing, aquifer testing, remediation system pilot tests, and IDW storage and disposal. Any deviations from the approved RFI work plan should be identified.

#### i) Regulatory Criteria

A section should set forth the cleanup standards, risk-based screening levels, and risk-based cleanup goals for each pertinent medium and exposure scenario at the subject site. The appropriate cleanup standards or screening levels for each site should be included if site-specific levels have been established at the subject site. A table summarizing the applicable cleanup standards or screening levels, or inclusion of applicable cleanup standards or screening levels in the data tables, should be included in the Tables section of the document. The risk assessment, if conducted, should be presented in a separate document or in an appendix to this report. If cleanup standards or screening levels calculated in an NMED-approved risk evaluation are employed, the risk evaluation document should be referenced including pertinent page numbers for referenced information.

#### j) Data Review Methodology

##### i) Identification of COPCs

A section should describe the process for evaluating investigation data to identify chemicals of potential concern (COPCs). The process should include, as appropriate, comparisons of site data to background values and background data, statistical tests using site data and background data, and evaluation of site history concerning use and release of chemicals at the site.

##### ii) Extent of Contamination

A section should describe the process for evaluating each COPC to determine whether extent of contamination has been defined. The process should consider the spatial distribution and trends of COPC concentrations. If extent is not defined, the process should determine whether additional sampling to determine extent is warranted based on comparisons to risk-based screening levels.

#### k) Field Investigation Results

A section should provide a summary of the procedures used and the results of all field investigation activities conducted at the site including the dates that investigation activities were conducted, the type and purpose of field investigation activities performed, field screening measurements, logging and sampling results, pilot test results, construction details, and conditions observed. Field observations or conditions that altered the planned work or may have influenced the results of sampling, testing, and logging should be reported in this section.

For investigation reports addressing multiple technical areas (TAs) and/or multiple sites (i.e., SWMUs/AOCs), the information described in this section may be presented in TA-specific or site-specific investigation result sections.

#### i) Site Contamination

A section should provide a description of sampling intervals and methods for detection of surface and subsurface contamination in soils, rock, sediments, groundwater, and surface water, and as vapor-phase contamination. Only factual information should be included in this section. Interpretation of the data should be reserved for the summary and conclusions sections of the report. Tables summarizing all sampling, testing, and screening results for detected Contaminants should be prepared in a format approved by NMED. The tables should be presented in the Tables section of the report.

##### (1) Soil, Rock, and Sediment Sampling

A section should describe the sampling of soil, rock, and sediment. It should include the dates, locations and methods of sample collection; sampling intervals; sample logging methods; screening sample selection methods; and laboratory sample selection methods including the collection depths for samples submitted for laboratory analyses. A site plan showing the sample locations should be included in the Figures section of the report.

##### (2) Soil, Rock, and Sediment Sample Field Screening Results

A section should describe the field screening methods used during the investigation and the field screening results. Field screening results also should be presented in summary tables in the Tables section of the document. The limitations of field screening instrumentation and any conditions that influenced the results of field screening should be discussed in this subsection.

##### (3) Soil, Rock, and Sediment Sampling Analytical Results

A section should summarize the results of laboratory analysis for soil, rock, and sediment samples. It should also describe the analytical methods used and provide a comparison of the analytical results to media-specific background values and screening levels for applicable exposure scenarios. The laboratory results also should be presented in summary tables in the Tables section of the document. Field conditions and sample collection methods that could potentially affect the analytical results should be described in this section. If appropriate, soil analytical data should be presented with sample locations on a site plan and included in the Figures section of the report.

Analytical results should be evaluated using the process described in the Data Review Methodology section. Analytical results should be evaluated to identify COPCs. The lateral and vertical extent of contamination should be evaluated for each COPC to determine if extent is defined and, if not, whether additional sampling is warranted.

#### (4) Groundwater Sampling

A section on groundwater sampling should describe the dates, locations, depths, and methods of sample collection; methods for sample logging; and methods for screening and laboratory sample selection. A map showing all site and surrounding area well locations should be included in the Figures section of the report.

#### (5) Groundwater General Chemistry

A section on the general groundwater chemistry should describe the results of measurement of field purging parameters and field analytical measurements. Field parameter measurements and field analytical results also should be presented in summary tables in the Tables section of the document. The limitations of field measurement instrumentation and any conditions that may have influenced the results of field screening should be discussed in this section. As determined by DOE and NMED, relevant water chemistry concentrations should be presented as data tables or as isoconcentration contours on a map included in the Figures section of the report.

#### (6) Groundwater Chemical Analytical Results

A section should summarize the results of groundwater chemical analyses. It should describe the groundwater chemical analytical methods and analytical results. It should also provide a comparison of the data to cleanup standards or established cleanup levels for the site. The rationale or purpose for altering or modifying the groundwater sampling program outlined in the site RFI work plan should also be provided as appropriate in this section. Field conditions should be described in this section that may have affected the analytical results during sample collection. Tables summarizing the groundwater laboratory, field, and field sample QA/QC chemical analytical data; applicable cleanup levels; and modifications to the groundwater sampling program should be provided in the Tables section of the report. Relevant contaminant concentrations should be presented as individual analyte concentrations, data tables, or as isoconcentration contours on a map included in the Figures section of the report.

#### (7) Surface Water Sampling

A section should describe the surface water sampling and should include the dates, times, locations, depths, and methods of sample collection. It should also describe methods for sample logging, sample-screening methods, and laboratory sample selection methods. A map showing all surface-water sampling locations should be included in the Figures section of the report.

#### (8) Surface Water General Chemistry

A section on the surface water general chemistry should describe the results of measurement of field parameters and field analytical measurements. Field parameter measurements and field analytical results also should be presented in summary tables in the Tables section of the document. The limitations of field measurement instrumentation and any conditions that influenced the results of field screening should be discussed in this section. Relevant water chemistry concentrations should be presented as data tables on a map included in the Figures section of the report.

### (9) Surface Water Chemical Analytical Results

A section should summarize the results of surface water chemical analyses. It should describe the analytical methods and analytical results, and provide a comparison of the data to the cleanup standards or established background or cleanup levels for the site. The rationale or purpose for altering or modifying the surface-water sampling program outlined in the site RFI work plan also should be provided as appropriate in this section. Field conditions that may have affected the analytical results during sample collection should be described in this section. Tables summarizing the surface water laboratory, field, and analytical field sample QA/QC analytical data; applicable cleanup levels; and modifications to the surface-water sampling program should be provided in the Tables section of the report. Relevant contaminant concentrations should be presented as individual analyte concentrations or as data tables on a map included in the Figures section of the report.

### (10) Air and Subsurface Vapor Sampling

A section should describe the air and subsurface vapor sampling. It should describe the dates, locations, depths or elevations above ground surface, methods of sample collection, methods for sample logging, and methods for laboratory sample selection. A map showing all air sampling locations should be provided in the Figures section of the report.

### (11) Air and Subsurface Vapor Field Screening Results

A section should describe the air and subsurface vapor field screening results. It should describe the field screening methods used for ambient air and subsurface vapors during the investigation and the field screening results. Field screening results should also be presented in summary tables in the Tables section of the report. The locations of ambient air and subsurface vapor screening sample collection should be presented on a site plan included in the Figures section of the report. The limitations of field screening instrumentation and any conditions that influenced the results of field screening should be discussed in this section.

### (12) Air and Subsurface Vapor Laboratory Analytical Results

A section should describe the results of air and subsurface vapor laboratory analysis. It should describe the air sampling laboratory analytical methods and analytical results, and provide a comparison of the data to emissions standards or established cleanup or emissions levels for the site. The rationale or purpose for altering or modifying the air monitoring or sampling program outlined in the site investigation work plan also should be provided as appropriate in this section. Field conditions that may have affected the analytical results during sample collection should be described in this section. Tables summarizing the air sample laboratory, field, and analytical field sample QA/QC data; applicable cleanup levels or emissions standards; and modifications to the air sampling program should be provided in the Tables section of the report. Relevant contaminant concentrations should be presented as individual analyte concentrations, data tables, or as isoconcentration contours on a map included in the Figures section of the report.

## ii) Summary of Human Health Risk Screening

As applicable, a section should summarize the results of the human health risk screening presented in the Risk Assessments appendix.

## iii) Summary of Ecological Risk Screening

As applicable, a section should summarize the results of the ecological risk screening presented in the Risk Assessments appendix.

## l) Conclusions

A section should provide a brief summary of the investigation activities and results and a discussion of the conclusions of the investigation conducted at the site. The purpose of the conclusions is to support the recommendations for each site. The conclusions should address whether nature and extent of contamination are defined for each site and whether additional sampling for extent is warranted. The conclusions should also address whether each site poses an unacceptable risk to human health and ecological receptors for the exposure scenarios evaluated.

## m) Recommendations

A section should discuss the need for further investigation, corrective measures, risk assessment and monitoring, or recommendations for corrective action completed, based on the conclusions provided in the Conclusions section. It should include explanations regarding additional sampling, monitoring, and site closure. A corresponding schedule for further action regarding the site should also be provided.

## n) References and Map Data Sources

A section should provide a reference list of all documents cited in the report. The sources of geospatial data used to develop maps and figures presented in the report should also be provided.

## o) Tables

All tables should be provided in this section of the report. As appropriate, DOE may combine one or more of the following tables. The summary analytical data tables should include only inorganic Contaminants detected above background values, detected without background values, or not detected with detection limits above background values and detected organic Contaminants.

1. Tables summarizing regulatory criteria, background levels, and applicable cleanup levels (this information may be included in the analytical data tables instead of as separate tables).
2. Tables summarizing field survey location data. Separate tables should be prepared for well locations and individual medium sampling locations except where the locations are the same for more than one medium.

3. Tables summarizing field screening and field parameter measurements of soil, rock, sediments, groundwater, surface water, and air quality data.
4. Tables summarizing soil, rock, and/or sediment laboratory analytical data.
5. Tables summarizing the groundwater elevations and depths to groundwater. The table should include the monitoring well depths and the screened intervals in each well, and the dates and times measurements were taken.
6. Tables summarizing groundwater laboratory analytical data.
7. Tables summarizing surface water laboratory analytical data.
8. Tables summarizing the air sample screening and laboratory analytical data.
9. Tables summarizing the pilot test data, if applicable, including units of measurement and types of instruments used to obtain measurements.
10. Tables summarizing any materials test data.

p) Figures

All figures should be provided in this section of the report. This section should provide the following figures. All figures should include an accurate bar scale and a north arrow. An explanation should be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. All maps should contain a date of preparation.

1. A vicinity map showing topography and the general location of the site relative to surrounding features and properties.
2. A site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and features. Off-site well locations and other relevant features should be included on the site plan, if appropriate. Additional site plans may be required to present the locations of relevant off-site well locations, structures and features.
3. Figures presenting boring or excavation locations and sampling locations.
4. Figures presenting soil sample field screening (if applicable) and laboratory analytical data.
5. Figures presenting the locations of all newly installed and existing vapor monitoring wells and borings.
6. Figures presenting groundwater monitoring well and piezometer locations, groundwater elevation data, and groundwater flow directions.
7. Figures presenting groundwater laboratory analytical data. The laboratory analytical data corresponding to each sampling location may be presented in table form on the figure or as an isoconcentration map.
8. Figures presenting surface water sample locations and field measurement data.

9. Figures presenting surface water laboratory analytical data. The laboratory analytical data corresponding to each sampling location may be presented in table form on the figure.
10. Figures presenting air sampling locations and presenting air quality. The field screening or laboratory analytical data corresponding to each sampling location may be presented in table form on the figure or as an isoconcentration map.
11. Figures presenting geologic cross-sections based on outcrop and borehole data, if applicable.
12. Figures presenting pilot test locations and data, if applicable, including site plans and graphic data presentation.

q) Appendices

Each investigation report should include the following appendices. Additional appendices may be necessary to present data or documentation not listed below.

i) Field Methods

An appendix should provide detailed descriptions of the methods used to acquire field measurements of each medium that was surveyed or tested during the investigation. This appendix should include exploratory drilling or excavation methods, the methods and types of instruments used to obtain field screening, field analytical or field parameter measurements, instrument calibration procedures, sampling methods for each medium investigated, decontamination procedures, sample handling procedures, documentation procedures, abandonment procedures for wells/boreholes and excavations, and a description of field conditions that affected procedural or sample testing results. Methods of measuring and sampling during pilot tests should be reported in this appendix, if applicable. Geophysical logging methods should be discussed in a separate appendix. IDW storage and disposal methods and documentation should be discussed in a separate appendix. Any deviations from the approved RFI work plan should be identified and discussed.

i) Exploratory Drilling or Excavation Investigations

A section should describe the locations, methods, and depths of subsurface explorations. The description should include the types of equipment used, the logging procedures, the soil or rock classification system used to describe the observed materials, exploration equipment decontamination procedures, and conditions encountered that may have affected or limited the investigation.

A description of the site conditions observed during subsurface investigation activities should be included in this section, including soil horizon and stratigraphic information. Site plans showing the locations of all borings and excavations should be included in the Figures section of the report. Boring and test pit logs for all exploratory borings and test pits should be presented in an appendix or attachment to the report.

#### ii) Exploratory and Monitoring Well Boring Geophysical Logging

A section should describe the methods, dates of measurement, depth intervals measured, and the results of geophysical logging. The relative merits and limitations of each geophysical logging method employed should be discussed, along with any field conditions or instrument malfunctions that occurred that may have affected the results of the geophysical logging.

#### iii) Monitoring Well Construction and Boring or Excavation Abandonment

A section should describe the methods and details of monitoring well construction and the methods used to abandon or backfill exploratory borings and excavations. The description should include the dates of well construction, boring abandonment, or excavation backfilling. In addition, well construction diagrams should be included in an appendix or attachment with the associated boring logs for monitoring well borings. The Respondents may submit well abandonment reports as an appendix to the investigation report.

#### iv) Surface Air and Subsurface Vapor Conditions

A section should describe surface air and subsurface vapor monitoring and sampling methods used during the site investigation. It should also describe observations made during the site investigation regarding subsurface flow pathways and the subsurface air-flow regime.

#### v) Materials Testing Results

A section should discuss the materials testing results, such as core permeability testing, grain size analysis, or other materials testing results. Sample collection methods, locations, and depths should also be included. Corresponding summary tables should be included in the Tables section of the report.

#### vi) Pilot Testing Results

A section should discuss the results of any pilot tests. Pilot tests are typically conducted after initial subsurface investigations are completed and the need for additional investigation or remediation has been evaluated. Pilot tests, including aquifer tests and remediation system pilot tests, should be addressed through separate work plans and pilot test reports. The format for pilot test work plans and reports should be approved by the Department prior to submittal.

#### vii) Boring/Test Pit Logs and Well Construction Diagrams

An appendix should provide boring logs, test pit logs, or other excavation logs, and well construction details. In addition, a key to symbols and a soil or rock classification system should be included in this appendix. Geophysical logs should be provided in a separate section of this appendix.

#### viii) Analytical Program

An appendix should discuss the analytical methods, a summary of data quality objectives, and the data quality review procedures. A summary of data quality exceptions and their effect on the

acceptability of the field and laboratory analytical data with regard to the investigation and the site status should be included in this appendix.

#### ix) Analytical Reports

An appendix should provide the contract laboratory final analytical data reports generated for the investigation. The reports should include all chain-of-custody records and Level II QA/QC results provided by the laboratory. The final laboratory reports and data tables should be provided electronically in a format. Paper copies (or electronically scanned in PDF format) of all chain-of-custody records should be provided with the reports. Electronic spreadsheets containing all analytical data, including dates of sampling and analysis, analytical methods, and detection limits should also be provided in this appendix, along with summary pivot tables containing all inorganic and organic results for each sample.

#### x) Investigation-Derived Waste Management

An appendix should provide a description of each IDW stream generated during the investigation; the methods used for characterization, storage, and disposal; and available records documenting disposal.

#### xi) Box Plots and Statistical Results

If statistical tests were performed as part of COPC identification, an appendix should provide the results of the statistical tests as well as box plots comparing site investigation data to background data.

#### xii) Risk Assessments

A risk assessment may be included as an appendix to the investigation report; however, the risk assessment should be presented in the Risk Assessment format described in Section V of this Appendix (E).

#### xiii) Other Appendices

Other appendices containing additional information should be included as deemed necessary by NMED or as otherwise appropriate.

### **IV) Periodic Monitoring Report**

DOE should use the following guidance for preparing periodic monitoring reports. The reports should present the reporting of periodic groundwater, surface water, vapor, and remediation system monitoring at the Facility. The following sections provide a general outline for monitoring reports, and also provide the minimum requirements for reporting for specific Facility sites, watersheds, and regional monitoring. All data collected during each monitoring and sampling event in the reporting period should be included in the reports.

a) Title Page

The title page should include the type of document; Facility name; TA designation; SWMU or AOC name, site, watershed, and any other unit name; the monitoring event or reporting period; and the submittal date.

b) Signature Block

A signature block providing spaces for the name and title of the responsible representatives should be provided.

c) Executive Summary (Abstract)

The executive summary or abstract should provide a brief summary of the purpose, scope, and results of the monitoring conducted at the subject site during the reporting period. The Facility, SWMU or AOC name, site name, location, and TA designation, watershed, and monitoring event or reporting period should be included in the executive summary. In addition, this section should include a brief summary of conclusions based on the monitoring data collected.

d) Table of Contents

The table of contents should list all text sections, subsections, tables, figures, and appendices or attachments included in the report. The corresponding page numbers for the titles of each section of the report should be included in the table of contents.

e) Introduction

The introduction section should include the Facility name, TA designation, unit location, and unit status. General information on the current site uses and status should be included in this section. A brief description of the purpose of the monitoring, type of monitoring conducted, the monitoring event or reporting period, and the type of results presented in the report should also be provided in this section.

f) Scope of Activities

A section on the scope of activities should briefly describe all activities performed during the monitoring event or reporting period including field data collection, analytical testing, remediation system monitoring, if applicable, and purge/decontamination water storage and disposal. Methods used should be identified or a reference provided to an approved work plan describing methods. Any deviations from approved work plans should be identified.

g) Regulatory Criteria

A section should provide information regarding applicable cleanup standards, risk-based screening levels and risk-based cleanup goals for each pertinent medium at the subject site consistent with Section IX (Cleanup Objectives and Cleanup Levels) of the Consent Order. A table summarizing the applicable cleanup standards or screening levels, or inclusion of the applicable cleanup standards or screening levels in the data tables should be included in the

Tables section of the document. The appropriate cleanup or screening levels for each site should be included, if site-specific levels have been established at separate sites. Risk-based evaluation procedures, if used to calculate cleanup or screening levels, should either be included as an appendix or attachment or referenced. The specific document and page numbers should be included for all referenced materials.

#### h) Monitoring Results

A section should provide a summary of the results of monitoring conducted at the site. This section should include the dates and times that monitoring was conducted, the measured depths to groundwater, directions of groundwater flow, field air and water quality measurements, contaminant surveys, static pressures, field measurements, and a comparison to previous monitoring results. Field observations or conditions that may influence the results of monitoring should be reported in this section. Tables summarizing vapor-monitoring parameters, groundwater elevations, depths to groundwater measurements, and other field measurements could be substituted for this section. The tables should include all information required in Section m) below.

#### i) Analytical Data Results

This section should discuss the results of the chemical analyses. It should provide the dates of sampling, the analytical methods, and the analytical results. It should also provide a comparison of the data to previous results and to applicable background values and/or screening levels. The rationale or purpose for altering or modifying the monitoring and sampling program should be provided in this section. The tables should include all information required in Section m) below.

#### j) Remediation System Monitoring

This section should discuss the remediation system monitoring. It should summarize the remediation system's capabilities and performance. It should also provide monitoring data, treatment system discharge sampling requirements, and system influent and effluent sample analytical results. The dates of operation, system failures, and modifications made to the remediation system during the reporting period should also be included in this section. A summary table may be substituted for this section. The tables should include all information required in Section m) below.

#### k) Summary and Interpretations

A summary section should provide a discussion and conclusions of the monitoring conducted at the site. In addition, this section should provide a comparison of the results to applicable screening levels, and to relevant historical monitoring and laboratory analytical data. The consistency of current monitoring results with previous results should be summarized. An explanation should be provided with regard to data gaps. A discussion of remediation system performance, monitoring results, modifications, if applicable, and compliance with discharge requirements should be provided in this section. Recommendations and explanations regarding future monitoring, remedial actions, or site closure, if applicable, should also be included in this section.

### l) References

A section should provide a reference list of all documents cited in the report.

### m) Tables

All tables should be provided in this section of the report. A section should provide the following summary tables for the media sampled. As appropriate, DOE may combine one or more of the tables. Data presented in the tables should include the current sampling and monitoring data plus data from the three previous monitoring events or, if data from less than three monitoring events is available, data acquired during previous investigations. Remediation system monitoring data also should be presented. The dates of data collection should be included in the tables. Summary tables may be substituted for portions of the text. As appropriate, the tables identified below may be provided as appendixes.

1. Tables summarizing the regulatory criteria, background levels, and applicable cleanup levels may be included in the analytical data tables instead of as separate table.
2. Tables summarizing groundwater elevations and/or depths to groundwater data. The table should include the monitoring well depths, the screened intervals in each well, and the dates and times of measurements.
3. Tables summarizing field measurements of surface water quality data.
4. Tables summarizing field measurements of vapor monitoring data (should include historical vapor monitoring data as described above).
5. Tables summarizing field measurements of groundwater quality data (should include historical water quality data as described above).
6. Tables summarizing vapor sample laboratory analytical data (should include historical vapor sample analytical data as described above).
7. Tables summarizing surface water laboratory analytical data (should include historical surface water analytical data as described above).
8. Tables summarizing groundwater laboratory analytical data (should include historical groundwater analytical data as described above).
9. Tables summarizing remediation system monitoring data, if applicable (should include historical remediation system monitoring data as described above).
10. Tables summarizing analytical results exceeding screening levels or regulatory criteria.
11. Tables summarizing deviations from approved work plans.

### n) Figures

All figures should be provided in this section of the report. This section should include the following figures. All figures should include an accurate bar scale and a north arrow. An explanation should be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. All figures should contain a date of preparation. As appropriate, figures identified below may be provided as appendixes.

1. A vicinity map showing topography and the general location of the subject site relative to surrounding features or properties.
2. A site plan that presents pertinent site features and structures, underground utilities, well and piezometer locations, and remediation system locations and features. Off-site well locations and other relevant features should be included on the site plan, if appropriate. Additional site plans may be required to present the locations of relevant off-site well locations, structures, and features.
3. Figures presenting, as applicable, the locations of piezometer, monitoring and other well locations, groundwater elevation data, and groundwater flow directions.
4. Figures presenting groundwater laboratory analytical data for the current monitoring event and historical monitoring events. Analytical data for the current event should be presented for each Contaminant exceeding screening levels at more than one location. Analytical data for current and historical events should show concentrations versus time for Contaminants exceeding screening levels. The analytical data corresponding to each sampling location may be presented as individual concentrations, in table form on the figure, or as an isoconcentration map.
5. Figures presenting surface water sampling locations and laboratory analytical data for the current monitoring period. Analytical data for the current event should be presented for each Contaminant exceeding screening levels at more than one location. Analytical data for current and historical events should show concentrations versus time for Contaminants exceeding screening levels.
6. Figures presenting vapor sampling locations and laboratory analytical data for the current monitoring event. Analytical data for the current event should be presented for each Contaminant exceeding screening levels at more than one location. The analytical data corresponding to each sampling location exceeding screening levels should also be presented as vertical profiles. Analytical data for current and historical events should show concentrations versus time for Contaminants exceeding screening levels. The analytical data corresponding to each sampling location may be presented as individual concentrations, in table form on the figure, or as an isoconcentration map.
7. Figures presenting geologic cross-sections based on outcrop and borehole data, if applicable.

o) Appendices

Each monitoring report should include the following appendices. Additional appendices may be necessary to present data or documentation not listed below.

i) Field Methods

If field methods are not described in an approved work plan, an appendix should be provided that includes the methods used to acquire field measurements of groundwater elevations, vapor and water quality data, and vapor, surface water and groundwater samples. It should include the methods and types of instruments used to measure depths to water, air or headspace parameters, flow measurements, and water quality parameters. In addition, decontamination, well purging

techniques, well sampling techniques, and sample handling procedures should be provided in this appendix. Methods of measuring and sampling remediation systems should be reported in this section, if applicable.

#### ii) Analytical Reports

An appendix should provide the analytical reports and include the contract laboratory final chemical analytical data reports generated during this reporting period. The reports should include all chain-of-custody records and Level II QA/QC results provided by the laboratory. The laboratory final reports and data tables should be provided electronically in a format approved by the NMED. Paper copies (or electronically scanned in PDF format) of all chain-of-custody records should be provided with the reports.

### **V) Risk Assessment Report**

This section provides a general outline for risk assessments and also lists the minimum requirements for describing risk assessment elements.

#### a) Title Page

The title page should include the type of document; Facility name; TA designation; SWMU or AOC name, site, and any other unit name; and the submittal date.

#### b) Signature Block

A signature block providing spaces for the name and title of the responsible representatives should be provided.

#### c) Executive Summary (Abstract)

The executive summary or abstract section should provide a brief summary of the purpose and scope of the risk assessment of the subject site. The Executive Summary should also briefly summarize the conclusions of the risk assessment. The Facility, SWMU or AOC name, site name, any other unit name, location, and TA designation should be included in the executive summary.

#### d) Table of Contents

The table of contents should list all text sections, subsections, tables, figures, and appendices or attachments included in the risk assessment. The corresponding page numbers for the titles of each unit of the report should be included in the table of contents.

#### e) Introduction

The introduction section should include the Facility name, TA designation, unit location, and unit status. General information on the current site usage and status should also be included in this section. A brief description of the purpose of the report should be provided in this section.

## f) Background

The background section should describe relevant background information. This section should briefly summarize historical site uses by the U.S. Government and any other entity since 1940, including the locations of current and former site structures and features. If a risk assessment report is provided separately from a RFI report, the separate risk assessment report should include a labeled figure in the document showing the locations of current and former site structures and features.

### i) Site Description

A section should describe current site topography, features and structures including topographic drainages, man-made drainages, erosional features, current site uses and operations, and other data relevant to assessing risk at the site. Depth to groundwater and direction of groundwater flow should be included in this section. The presence and location of surface water bodies such as springs or wetlands should be noted in this section. Photographs of the site may be incorporated into this section. Ecological features of the site should be described here, including type and amount of vegetative cover, observed and expected wildlife receptors, and level of disturbance of the site. The LANL ecological checklist for the site may be included as an appendix or attachment to the document and its inclusion may meet the requirement to describe the ecological features of the site. A topographical map of the site and vicinity of the site showing habitat types, boundaries of each habitat, and any surface water features should be included in the Figures section of the document.

If the risk assessment is presented as an appendix to an investigation report, the site description section may reference information presented in the main investigation report.

### ii) Investigation Sampling Results

A section should discuss the results of the sampling at the site. It should include a description of the history of releases of Contaminants, the known and possible sources of contamination, and the vertical and lateral extent of contamination present in each medium. This section should include summaries of sampling results of all investigations including site plans (included in the Figures section of the report) showing locations of detected Contaminants. This section should reference pertinent figures, data summary tables, and references in previous reports. References to previous reports should include page, table, and figure numbers for referenced information. Summaries of sampling data should include for each constituent: the maximum value detected, the detection limit, the 95 percent upper confidence level (UCL) of the mean value detected (if applicable to the data set), and whether the 95 percent UCL of the mean was calculated based on a normal or lognormal distribution. Background values used for comparison to inorganic constituents at the site should be presented here. The table of background values should appear in the Tables section of the document and include actual values used as well as the origin of the values (e.g., Facility-wide, UCL, and upper tolerance level (UTL)). This section should also include a discussion of how “non-detect” sample results were handled in the averaging of data.

If the risk assessment is presented as an appendix to an investigation report, the investigation sampling section may reference information presented in the main investigation report.

### iii) Determination of COPCs

A section should describe the process used to identify the COPCs evaluated in the risk assessment. If the risk assessment is presented as an appendix to an investigation report, the Determination of COPCs section may reference information presented in the main investigation report.

### g) Conceptual Site Model

A section should present the conceptual site model. It should include information on the expected fate and transport of Contaminants detected at the site. This section should provide a list of all sources of contamination at the site. Sources that are no longer considered to be ongoing but represent the point of origination for Contaminants transported to other locations should be included. The discussion of fate and transport should address potential migration of each contaminant in each medium, potential breakdown products and their migration, and anticipated pathways of exposure for human or ecological receptors. Diagrammatic representations of the conceptual site model should appear in the Figures section of the document.

For human health risk assessments, the conceptual site model should include the current and reasonably foreseeable land use and residential land use for all risk assessments. All values for exposure parameters and the source of those values should be included in table format and presented in the Tables section of the document.

Conceptual site models presented for ecological risk assessments should identify assessment endpoints and measurement receptors for the site. The discussion of the model should explain how the measurement receptors for the site are protective of the wildlife receptors identified by DOE in the Site Description section.

Exposure point concentrations (EPCs) may be calculated for each COPC for each applicable human health exposure scenario and for ecological receptors.

### h) Human Health Risk-Screening Evaluations

#### i) Risk Screening Levels

A section should present the actual screening values used for each COPC for comparison to all human health and ecological risk screening levels and be consistent with Section IX (Cleanup Objectives and Cleanup Levels) of the Consent Order.

#### ii) Risk Assessment Results

A section should present all risk values, hazard quotients (HQs), and hazard indices (HIs) for human health based on current and reasonably foreseeable future land use. For risk assessments addressing multiple sites, results should be presented separately for each site.

### iii) Vapor Intrusion Pathway

If one or more sites has volatile organic chemicals (VOCs) as COPCs, a section should present an evaluation of the vapor intrusion pathway. If the vapor intrusion pathway is not potentially complete because of land use, topography, or other factors, a qualitative evaluation may be used. If the vapor intrusion pathway is potentially complete, a quantitative evaluation should be used.

### iv) Essential Nutrients

If essential nutrients are present as COPCs, a section should present a comparison of detected concentrations of essential nutrients to essential nutrient screening levels for appropriate exposure scenarios.

### v) Uncertainty Analysis

A section should include discussion of qualitative, semi-quantitative, and quantitative uncertainty in the risk assessment and estimate the potential impact of the various uncertainties, including data evaluation and COPC identification, exposure, exposure evaluation, toxicity evaluation, and the additive approach.

### vi) Interpretation of Human Health Risk-Screening Results

A section should present all risk values, HQs, and HIs for human health based on current and reasonably foreseeable future land use, as adjusted based on the results of the uncertainty analysis.

## i) Ecological Risk-Screening Evaluations

### i) Scoping Evaluation

A section should present an evaluation of the breadth and focus of the ecological risk-screening evaluation. The scoping evaluation should be based on an ecological scoping checklist which should be included as an appendix.

### ii) Assessment Endpoints

A section should describe the ecological risk screening assessment endpoints evaluated in the screening assessment.

### iii) Ecological Risk Screening Evaluation

A section should present ecological risk-screening evaluations including comparisons of EPCs to ecological screening levels and calculations of HQs for each receptor for each COPC and HIs for each receptor.

### iv) Uncertainty Analysis

A section should include discussion of qualitative, semi-quantitative, and quantitative uncertainty in the risk assessment and estimate the potential impact of the various uncertainties, including

chemical form, exposure assumptions, toxicity values, area use factors, population area use factors, and lowest observable adverse effects levels (LOAELs). A qualitative evaluation of potential risks associated with COPCs not having ecological screening levels should also be provided.

#### v) Interpretation of Ecological Risk Screening Results

A section should include an evaluation of the potential ecological risk for each receptor considering the multiple lines of evidence presented in the assessment. A summary of the potential risk to ecological receptors should be presented.

#### j) Conclusions

A section should present the conclusions regarding potential human-health and ecological risk. As applicable, sites posing a potentially unacceptable risk to human health should be identified for each exposure scenario evaluated. As applicable, sites posing a potentially unacceptable ecological risk should be identified for each receptor.

#### k) References

A section should provide a reference list of all documents cited in the report.

#### l) Tables

All tables should be provided in this section of the report. As appropriate, DOE may combine one or more of the tables. If the risk assessment is a separate report rather than an appendix to an investigation report, the analytical data tables described in Section III of this Appendix (E) should also be presented.

1. Tables presenting the EPC for each site for each applicable human health exposure scenario and for ecological receptors. The tables should include all applicable COPCs and include the number of analyses, number of detections, minimum concentration, maximum concentration, statistical distribution, EPC, and method used to calculate the EPC.
2. Tables presenting applicable physical and chemical properties for each COPC evaluated in the human health screening assessment.
3. A table presenting exposure parameters for each scenario evaluated in the human health screening assessment and the sources of the parameters.
4. Tables of all human-health screening levels used and the sources of those values. Screening levels may be included in the individual risk screening tables.
5. Tables presenting all risk values, HQs, and HIs under current and reasonably foreseeable future land use for human health for each applicable scenario.
6. Tables presenting risk values, HQs, and HIs for vapor intrusion for each site having a potentially complete vapor intrusion pathway.
7. Tables presenting essential nutrient screening results.

8. Tables presenting ecological screening levels (ESLs) for each receptor evaluated.
9. Tables presenting HQs for each COPC based on the receptor having the minimum ESL.
10. Tables presenting the HI for each ecological receptor.
11. Tables presenting area use factors for each site.
12. Tables presenting the population area use factors for each applicable receptor at each site.
13. Tables presenting adjusted HIs for each applicable receptor at each site.
14. Tables presenting LOAEL-based ESLs for each applicable COPC and receptor.
15. Tables presenting HIs based on LOAEL-based ESLs.
16. Tables presenting adjusted HIs based on LOAEL-based ESLs.

i) Figures

All figures should be provided in this section of the report. As appropriate, DOE may combine one or more of the figures. All figures should include an accurate bar scale and a north arrow. An explanation should be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. If the risk assessment is an appendix to an investigation report, only the conceptual site model diagram is recommended.

1. A vicinity map showing topography and the general location of the subject site relative to surrounding features or properties.
2. For human health risk assessments, a site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and features. Off-site well locations and other relevant features should be included on the site plan, if appropriate. Additional site plans may be appropriate to present the locations of relevant off-site well locations, structures, and features.
3. For ecological risk assessments, a topographical map of the site and vicinity of the site showing habitat types, boundaries of each habitat, and any surface water features.
4. Conceptual site model diagrams for both human health and ecological risk assessments.

m) Appendices/Attachments

Each risk assessment report should include appendices containing supporting data. Appendices may include the results of statistical analyses of data sets and comparisons of data, LANL ecological checklists for the site, full sets of results of all sampling investigations at the site, or other data as appropriate. Risk assessments consisting of an appendix to an investigation report should include attachments containing supporting data not included in other appendices to the investigation report (e.g., ecological checklists, results of statistical analyses of data sets).

## **VI) Corrective Measures Evaluation Report**

DOE should prepare corrective measures evaluations for sites requiring corrective measures using the format listed below.

a) Title Page

The title page should include the type of document; Facility name; TA designation; SWMU or AOC name, site, and any other unit name; and the submittal date.

b) Signature Block

A signature block providing spaces for the name and title of the responsible representatives should be provided.

c) Executive Summary (Abstract)

This executive summary or abstract should provide a brief summary of the purpose and scope of the corrective measures evaluation to be conducted at the subject site. The executive summary or abstract should also briefly summarize the conclusions of the evaluation. The Facility, SWMU or AOC name, site name, any other unit name, location, and TA designation should be included in the executive summary.

d) Table of Contents

The table of contents should list all text sections, subsections, tables, figures, and appendices or attachments included in the corrective measures evaluation. The corresponding page numbers for the titles of each section of the report should be included in the table of contents.

e) Introduction

The introduction section should include the Facility name, TA designation, site location, and site status. General information on the current site uses and status should be included in this section. A brief description of the purpose of the corrective measures evaluation and the corrective action objectives for the project should also be provided in this section.

f) Background

The background section should describe the relevant background information. This section should briefly summarize historical site uses by the U.S. Government and any other entity since 1940, including the locations of current and former site structures and features. A labeled figure should be included in the document showing the locations of current and former site structures and features. The locations of pertinent subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures should be included in the background summary and labeled on the figure, as appropriate.

This section should include a brief summary of known and possible sources of contamination, the history of releases or discharges of contamination, and the vertical and lateral extent of contamination present in each medium. This section should include brief summaries of results of previous investigations, including references to pertinent figures, data summary tables, and text in previous reports. If references to previous reports are presented, they should include page, table, and figure numbers for referenced information. Summary tables and a site plan showing

relevant investigation locations should be referenced and included in the Tables and Figures sections of the document, respectively.

g) Site Description

i) Surface Conditions

A section on surface conditions should describe current and historical site topography, features, and structures, including a description of topographic drainages, man-made drainages, vegetation, erosional features, and basins. It should also include a description of current site uses and operations. This section should also include a description of those features that could potentially influence corrective action option selection or implementation such as archeological sites, wetlands, or other features that may affect remedial activities. In addition, descriptions of features located in surrounding sites that may have an impact on the subject site regarding sediment transport, surface water runoff or contaminant fate and transport should be included in this section. A site plan displaying the locations of all pertinent surface features and structures should be included in the Figures section of the corrective measures evaluation.

ii) Subsurface Conditions

A section on subsurface conditions should describe the site conditions observed during previous subsurface investigations. It should include relevant soil horizon and stratigraphic information, groundwater conditions, fracture data, and subsurface vapor information. A site plan showing the locations of all borings and excavations advanced during previous investigations should be included in the Figures section. A brief description of the stratigraphic units anticipated to be present beneath the site may be included in this section if stratigraphic information is not available from previous investigations conducted at the site.

h) Conceptual Site Model

i) Sources and Release Mechanisms

A section should provide a list of all sources of contamination at the subject site where corrective measures are to be considered or required. Sources that are no longer considered to be releasing Contaminants at the site, but may be the point of origination for Contaminants transported to other locations, should be included in this section. Descriptions of the mechanisms for releasing Contaminants from the sources should also be included in this section.

ii) Pathways

A section should describe potential migration pathways that could result in either acute or chronic exposures to Contaminants released from the site. It should include such pathways as utility trenches, paleochannels, surface exposures, surface drainages, stratigraphic units, fractures, structures, and other features. The migration pathways for each contaminant and each relevant medium should be tied to the potential receptors for each pathway. A discussion of contaminant characteristics relating to fate and transport of Contaminants through each pathway should also be included in this section.

### iii) Receptors and Risks

A section should provide a listing and description of all anticipated potential receptors that could possibly be affected by the contamination present at the site. Potential receptors should include, but are not limited to human and ecological receptors. Descriptions of the potential risks to receptors should also be included in this section. A summary should be provided of complete or potentially complete exposure pathways under current conditions and under reasonably foreseeable future conditions.

#### i) Regulatory Criteria

A section should set forth the cleanup standards, risk-based screening levels, and risk-based cleanup goals for each pertinent medium at the subject site. The appropriate cleanup levels for each site should be included, if site-specific levels have been established at separate sites. A table summarizing the applicable cleanup standards or screening levels, or inclusion of applicable cleanup standards or screening levels in the summary data tables should be included in the Tables section of the document. The risk assessment should be presented in a separate document or in an appendix to this report. If cleanup or screening levels calculated in a risk evaluation are employed, the risk evaluation document should be referenced including pertinent page numbers for referenced information. Other regulatory requirements (e.g. endangered species) applicable to corrective actions should be identified and described.

#### j) Identification of Treatment Technologies

A section should identify the treatment technologies potentially applicable for the waste and/or Contaminants at the site. General classes of technologies considered should include containment, in-situ treatment, excavation/removal, and ex-situ treatment. Candidate technologies should be screened to identify those that are potentially applicable and those that are not applicable.

#### k) Identification and Screening of Corrective Measures Alternatives

A section should identify and describe potential corrective measures for source, pathway, and receptor controls. Corrective measures alternatives should be comprised of applicable or potentially applicable technologies identified in the Identification of Treatment Technologies section. Corrective measures alternatives should include the range of available options including, as applicable, institutional controls, engineering controls, in-situ and on-site remediation alternatives, complete removal, and any combination of alternatives that would potentially achieve cleanup goals. The no action alternative should also be considered as a baseline for comparison to other alternatives.

#### l) Evaluation of Corrective Measures Alternatives

A section should provide an evaluation of the corrective measures options identified in Section k above. The evaluation should be based on the threshold criteria and the balancing criteria identified in Section XVI (Corrective Measures Evaluation). A table summarizing the corrective measures alternatives and the criteria listed in Section XVI should be included in the Tables section of this document. The general basis for evaluation of corrective measures options is defined below.

m) Selection of Recommended Corrective Measures Alternative

DOE should propose the recommended corrective measure(s) at the site and provide a justification for the selection in this section. The justification should include the supporting rationale for the remedy recommendation.

n) Design Criteria To Meet Cleanup Objectives

DOE should present general descriptions of the preliminary design for the recommended corrective measures in this section. The description should include appropriate preliminary plans and specifications to effectively illustrate the technology and the anticipated implementation of the remedial option at the subject area. The preliminary design should include a discussion of the design life of the alternative and provide preliminary engineering calculations for proposed remediation systems.

o) Schedule

A section should set forth a proposed schedule for completion of remedy-related activities such as bench tests, pilot tests, construction, installation, remedial excavation, cap construction, installation of monitoring points, and other remedial actions. The anticipated duration of corrective action operations and the schedule for conducting monitoring and sampling activities should also be presented. In addition, this section should provide a schedule for submittal of reports and data to NMED, including a schedule for submitting all status reports and preliminary data.

p) References and Map Data Sources

A section should provide a reference list of all documents cited in the report. The sources of geospatial data used to develop maps and figures presented in the report should also be provided.

q) Tables

All tables should be provided in this section of the report. As appropriate, DOE may combine one or more of the tables. Tables presenting the results of previous investigations and analytical data may also be presented in an appendix.

1. Tables summarizing regulatory criteria, background levels, and the applicable cleanup standards (may be included in the analytical data tables instead of separate tables).
2. Tables summarizing the inventories of wastes disposed of or Contaminants released at the site.
3. Tables summarizing historical field survey location data.
4. Tables summarizing historical field screening and field parameter measurements of soil, rock, sediments, groundwater, surface water, and air quality data.
5. Tables summarizing historical soil, rock, and sediment laboratory analytical data. The summary tables should include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.

6. Tables summarizing historical groundwater elevation and depth to groundwater data. The table should include the monitoring well depths and the screened intervals in each well, and the dates and times measurements were taken.
7. Tables summarizing historical groundwater laboratory analytical data. The analytical data tables should include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.
8. Tables summarizing historical surface water laboratory analytical data. The analytical data tables should include the analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.
9. Tables summarizing historical air sample screening and laboratory analytical data. The data tables should include the screening instruments used, laboratory analytical methods, detection limits, and significant data quality exceptions that could influence interpretation of the data.
10. Tables summarizing historical pilot or other test data, if applicable, including units of measurement and types of instruments used to obtain measurements.
11. Tables summarizing the corrective measures alternatives and evaluation criteria.
12. Tables identifying potential remedial action technologies and summarizing their potential applicability.
13. Tables summarizing the screening of corrective measures alternatives against screening criteria.
14. Tables presenting the schedule for installation, construction, implementation, and reporting of selected corrective measures.

r) Figures

All figures should be provided in this section of the report. This section should include the following figures for each site, as appropriate. All figures should include an accurate bar scale and a north arrow. An explanation should be provided on each figure for all abbreviations, symbols, acronyms, and qualifiers. All figures should contain a date of preparation. Figures presenting sampling locations and results of previous investigations may also be presented in an appendix.

1. A vicinity map showing topography and the general location of the subject site relative to surrounding features and properties.
2. A site plan that presents pertinent site features and structures, underground utilities, well locations, and remediation system locations and features. Off-site well locations and other relevant features should be included on the site plan, if appropriate. Additional site plans may be appropriate to present the locations of relevant off-site well locations, structures, and features.
3. Figures presenting historical soil boring or excavation locations and sampling locations.
4. Figures presenting historical soil sample field screening and laboratory analytical data, if appropriate.

5. Figures presenting all existing wells including vapor monitoring wells and piezometers.
6. Figures presenting historical groundwater elevation data and indicating groundwater flow directions.
7. Figures presenting historical groundwater laboratory analytical data including past data, if applicable. The analytical data corresponding to each sampling location may be presented as individual concentrations, in table form on the figure or as an isoconcentration map.
8. Figures presenting historical surface water sample locations and laboratory analytical data including past data, if applicable. The analytical data corresponding to each sampling location may be presented as individual concentrations or in table form on the figure.
9. Figures presenting historical air sampling locations and presenting air quality data. The field screening or laboratory analytical data corresponding to each sampling location may be presented as individual concentrations, in table form on the figure or as an isoconcentration map.
10. Figures presenting historical pilot and other test locations and data, if applicable, including site plans or graphic data presentation.
11. Figures presenting geologic cross-sections based on outcrop and borehole data, if applicable.
12. Figures depicting the baseline conceptual site model.
13. Figures presenting the locations of existing and proposed remediation systems.
14. Figures presenting existing remedial system design and construction details.
15. Figures presenting preliminary design and construction details for recommended corrective measures.
16. Figures depicting the conceptual site model following implementation of the recommended corrective measures.

s) Appendices

Each corrective measures evaluation should include, as appropriate, appendices presenting conceptual designs of corrective measures alternatives and relevant additional data, such as historical investigation results, pilot or other test or investigation data, remediation system design specifications, system performance data, or cost analyses as necessary.

## **VII) Corrective Measures Implementation Plan**

DOE should prepare corrective measures implementation plans for sites requiring corrective measures using the format listed below.

a) Title Page

The title page should include the type of document; Facility name; TA designation; SWMU or AOC name, site, and any other unit name; and the submittal date.

b) Signature Block

A signature block providing spaces for the name and title of the responsible representatives should be provided.

c) Executive Summary (Abstract)

This executive summary or abstract should provide a brief summary of the purpose and scope of the corrective measures to be implemented at the subject site. The executive summary or abstract should also briefly summarize the approach to the corrective measures to be implemented. The Facility, SWMU or AOC name, site name, any other unit name, location, and TA designation should be included in the executive summary.

d) Table of Contents

The table of contents should list all text sections, subsections, tables, figures, and appendices or attachments included in the corrective measures implementation plan. The corresponding page numbers for the titles of each section of the report should be included in the table of contents.

e) Introduction

The introduction section should include the Facility name, TA designation, site location, and site status. General information on the current site uses and status should be included in this section. A brief description of the purpose of the corrective measures to be implemented and the corrective action objectives for the project should also be provided in this section.

f) Background

The background section should describe the relevant background information at a summary level including:

- historical site uses by the U.S. Government and any other entity since 1940;
- the locations of current and former site structures and features (a labeled figure should be included in the document showing the locations of current and former site structures and features;
- the locations of pertinent subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures; and
- the vertical and lateral extent of contamination present in each medium.

### g) Site Description

This section should describe the site at which the corrective measures will be implemented, providing for the locations of structures, utilities, surface grades and conditions.

### h) Regulatory Criteria

This section should describe how the corrective measure will meet the cleanup standards, risk-based screening levels, and risk-based cleanup goals for each pertinent medium at the subject site after implementation of the remedy.

### i) Description of Corrective Measures to be Implemented

The Corrective Measures Implementation Plan should provide a description of the following elements:

- The selected final remedy,
- The cleanup goals and remediation system objectives, and
- The identification and qualifications of all persons, consultants, and contractors that will be implementing the remedy.

### j) Figures, Tables, and Appendices

The plan should include the following items:

- Detailed engineering design drawings and systems specifications for all elements of the remedy;
- A construction work plan;
- An operation and maintenance plan;
- The results of any remedy pilot tests;
- A plan for monitoring the performance of the remedy, including sampling and laboratory analysis of all affected media;
- A waste management plan;

### k) Schedule

This section should set forth a proposed schedule for submittal to NMED of periodic progress reports and for implementation of the remedy.

## **VIII) Corrective Measures Implementation Report**

DOE should prepare corrective measures implementation reports for sites requiring corrective measures using the format listed below.

a) Title Page

The title page should include the type of document; Facility name; TA designation; SWMU or AOC name, site, and any other unit name; and the submittal date.

b) Signature Block

A signature block providing spaces for the name and title of the responsible representatives should be provided.

c) Executive Summary (Abstract)

This executive summary or abstract should provide a brief summary of the purpose and scope of the corrective measures that were implemented at the subject site. The executive summary or abstract should also briefly summarize the final configuration and justification for acceptability of the corrective measures implemented. The Facility, SWMU or AOC name, site name, any other unit name, location, and TA designation should be included in the executive summary.

d) Table of Contents

The table of contents should list all text sections, subsections, tables, figures, and appendices or attachments included in the corrective measures evaluation. The corresponding page numbers for the titles of each section of the report should be included in the table of contents.

e) Introduction

The introduction section should include the Facility name, TA designation, site location, and site status. General information on the current site uses and status should be included in this section. A brief description of the purpose of the corrective measures that were implemented and how the corrective action objectives for the project were met.

f) Background

The background section should describe the relevant background information at a summary level including:

- historical site uses by the U.S. Government and any other entity since 1940;
- the locations of current and former site structures and features (a labeled figure should be included in the document showing the locations of current and former site structures and features;
- the locations of pertinent subsurface features such as pipelines, underground tanks, utility lines, and other subsurface structures; and
- the vertical and lateral extent of contamination present in each medium before the corrective measures implementation.

#### g) Description of Corrective Measures that were Implemented

This section should describe or summarize the corrective measures implemented at the site. A statement that the remedy has been completed in accordance with the NMED-approved corrective measures implementation plan for the remedy. Any differences from the Corrective Measures Implementation Plan should be identified with an explanation of the rationale for deviations from the original plan.

#### h) Site Description

This section should describe the site following implementation of the corrective measures. Photographs and figures may be used.

#### i) Conceptual Site Model

This section should be provided to update the conceptual site model (as presented in the CME Report) for the as-built configurations at the completion of the corrective measures implementation. Any differences from the Corrective Measures Implementation Plan should be identified with an explanation of the expected effect on the conceptual site model of anticipated performance. The final conceptual site model should address changes in the sources of Contaminants and release mechanisms, pathways, and receptors and risks.

#### j) Regulatory Criteria

This section should describe how the corrective measure meets the cleanup standards, risk-based screening levels, and risk-based cleanup goals for each pertinent medium at the subject site after implementation of the remedy.

#### k) References and Map Data Sources

This section should provide a reference list of all documents cited in the report. The sources of geospatial data used to develop maps and figures presented in the report should also be provided.

#### l) Figures, Tables, and Appendices

The report should include: as-built drawings and specifications signed and stamped by a registered professional engineer, if applicable; copies of the results of all monitoring, including sampling and analysis, and other data generated during the remedy implementation; and copies of all waste disposal records.

APPENDIX F  
SAMPLING/ANALYTICAL/FIELD METHOD  
REGULATORY GUIDANCE

## I. INVESTIGATION AND SAMPLING METHODS AND PROCEDURES

The purpose of this Appendix is to provide guidance on how to conduct field activities where environmental investigation, corrective action, sampling, or monitoring is being conducted or proposed. The site-specific RFI work plans should include the data quality objectives (DQOs) and the proposed methods to be used to conduct activities at each SWMU or AOC and, although not compulsory, generally should be prepared in accordance with the formats recommended in Appendix E of this Consent Order.

The methods used to conduct investigation, corrective action, and monitoring activities should be sufficient to achieve the DQOs presented in the work plan, fulfill the requirements of this Consent Order, and provide accurate data for the evaluation of site conditions, the nature and extent of contamination and Contaminant migration, and for corrective measures selection and implementation, where necessary. The methods presented in Section I.B of this Appendix (F) for environmental investigation and sampling are not intended to be an exhaustive inventory of the possible methods that may be necessary to fulfill the requirements of this Consent Order. The methods for conducting investigations, corrective actions, and monitoring must be determined based on the DQOs and conditions and Contaminants that exist at each SWMW or AOC.

DOE may propose alternative methods for data collection from those included in this Appendix (F). Such alternative methods should be discussed with NMED prior to implementation.

### I.A. Standard Operating Procedures

DOE should provide a brief description of investigation, sampling or analytical methods and procedures in documents submitted to NMED. DOE may reference relevant Standard Operating Procedures as presented on the Los Alamos National Laboratory (LANL) website. The reference should include the appropriate Internet address.

### I.B. Investigation, Sampling, and Analysis Methods

#### I.B.1. Introduction and Purpose

This Section (I.B) of this Appendix (F) provides recommendations for field investigations, sample collection, handling and screening procedures, field and laboratory sample analysis, and quality assurance procedures for samples of the medium being investigated or tested at the Facility.

The purpose of this Section (I.B) is to: 1) provide recommendations for drilling and sample collection in exploratory borings and other excavations; 2) provide recommendations for sampling of the target media; 3) provide recommendations for monitoring of groundwater and vadose zone conditions; and 4) identify screening, analytical, and quality assurance procedures that should be implemented during field sampling activities and laboratory analyses.

The quality assurance procedures referenced in the previous paragraph include: 1) the Facility investigation DQOs; 2) the methods for QA/QC recommended during field investigations and by the analytical laboratories; and 3) the methodology for the review and evaluation of the field and laboratory QA/QC results and documentation.

### I.B.2. Field Exploration Activities

Exploratory borings should be advanced as approved by NMED in site-specific work plans. Any additional boring locations, if required, may be determined by DOE or NMED, consistent with the Consent Order. The depths and locations of all exploratory and monitoring well borings should be specified in the site-specific work plans submitted to NMED for approval prior to the start of the respective field activities.

### I.B.3. Subsurface Features/Utility Geophysical Surveys

DOE should conduct surveys to locate underground utilities, pipelines, structures, drums, debris, and other buried features, including buried waste, in the shallow subsurface prior to the start of field exploration activities. The methods used to conduct the surveys, such as magnetometer, ground penetrating radar, resistivity, or other methods, should be selected based on the characteristics of the site and the possible or suspected underground structures. The results of the surveys should be included in the investigation reports submitted to NMED. DOE is responsible for locating and clearing all above- and below-ground utilities or other hazards at any site prior to conducting field work.

### I.B.4. Drilling and Soil, Rock, and Sediment Sampling

#### I.B.4.a) Drilling

Exploratory and monitoring well borings should be drilled using the most effective, proven, and practicable method for recovery of undisturbed samples and potential Contaminants.

DOE should propose drilling methods in the site-specific work plans submitted for each subject area. Exploratory borings should be advanced to the unit- and location-specific depths specified in the work plan and approved by NMED. The borings should be advanced in accordance with the following guidance:

- In all borings, 25 ft below the deepest detected contamination based on field screening, laboratory analyses, and/or previous investigations at the site.
- Twenty ft below the base of disposal units if contamination is not detected.
- Five ft below the base of shallow structures such as piping or building sumps, foundations, footings, or other building structures.
- Five ft below the contact between canyon alluvium and bedrock.
- Five feet below the alluvial groundwater table.
- One hundred ft below the deepest known intermediate perched groundwater zone.
- One hundred ft below the top of the regional aquifer.
- Depths specified by NMED based on regional or unit specific data needs.

Precautions should be taken to prevent the migration of Contaminants between geologic, hydrologic, or other identifiable zones during drilling and well installation activities. Reasonable efforts should be made to isolate Contaminant zones from other zones encountered in the borings.

The drilling and sampling should be accomplished under the direction of a qualified engineer or geologist who should maintain a detailed log of the materials and conditions encountered in each

boring. Both sample information and visual observations of the cuttings and core samples should be recorded on the boring log. Known site features and/or site survey grid markers should be used as references to locate each boring prior to surveying the location as described in Section I.B.2.f of this Appendix (F). The boring locations should be measured to the nearest foot, and locations should be recorded on a scaled site map upon completion of each boring.

Trenching and other exploratory excavation methods should follow the applicable general procedures outlined in this Appendix (F). The particular methods proposed for use by DOE for exploratory excavation and sampling at any specific unit should be included in the site-specific investigation work plan submitted to NMED.

#### I.B.4.b) Soil and Rock Sampling

Relatively undisturbed discrete soil and rock samples should be obtained, where possible, during the advancement of each boring for the purpose of logging, field screening, and analytical testing. The samples should be collected in accordance with the following guidance:

- At the depth immediately below the base of the disposal unit or facility structure and at the fill-native soil interface.
- At the maximum depth of each boring.
- At the depths of contacts or first encounter, observed during drilling, with geologic units of different lithology, structural or textural characteristics, or of relatively higher or lower permeability.
- Of soil or rock types relatively more likely to sorb or retain Contaminants than surrounding lithologies.
- At the depth of the first encounter, during drilling, with shallow or intermediate saturated zones.
- At intervals suspected of being source or contaminated zones.
- At the top of the regional aquifer.
- At other intervals approved or required by NMED.

The sampling interval for the borings may be modified, or samples may be obtained from a specific depth, based on field observations. A decontaminated split-barrel sampler lined with brass sleeves, a coring device, or other method approved by NMED should be used to obtain samples during the drilling of each boring.

A split barrel sampler lined with brass sleeves or a coring device is the preferred sampling method for borehole soil, rock, and sediment sampling. The following procedures should be followed if a split barrel sampler is used. Upon recovery of the sample, one or more brass sleeves should be removed from the split barrel sampler and the open ends of the sleeves covered with Teflon tape or foil and sealed with plastic caps fastened to the sleeves with tape for shipment to the analytical laboratory. If brass sleeves are not used, a portion of the sample should be directly placed in pre-cleaned, laboratory-prepared sample containers for laboratory chemical analysis. Encore™ samplers or equivalent sampling devices are preferred for collection of solid samples for VOC analysis, if brass sleeves are not used. The remaining portions of the sample should be used for logging and field screening, as described in Sections I.B.2.c and I.B.2.d of this Appendix (F), respectively.

Discrete samples should be collected for field screening and laboratory analyses. Homogenization of discrete samples collected for analyses other than for VOC and SVOC analyses should be performed by the analytical laboratory, if homogenization is necessary. DOE may submit site-specific, alternative methods for homogenization of samples in the field to NMED for review and written approval.

Samples to be submitted for laboratory analyses should be selected based on: 1) the results of the field screening or mobile laboratory analyses; 2) the position of the sample relative to groundwater, suspected releases, or site structures; 3) the sample location relative to former or altered site features or structures; 4) the stratigraphy encountered in the boring; and 5) the specific objectives and requirements of this Consent Order. The proposed number of samples and analytical parameters should be included as part of the site-specific work plan submitted to NMED for approval prior to the start of field investigation activities at each unit. In accordance with Section XIII.C, work plans should allow for flexibility in modifying the project-specific tasks based on information obtained during the course of the investigation.

#### 1. Sediment Sampling

Sediment samples should be collected in the same manner as described in Section I.B.2.b.ii for soil and rock sampling where borings are drilled to explore alluvial subsurface conditions. The sampling device should be a decontaminated, hand-held stainless steel coring device, shelly tube, thin-wall sampler, or other device approved by NMED where sediment sampling is conducted without the use of the drilling methods described in Section I.B.2.b.i of this Appendix (F). The samples should be transferred to pre-cleaned laboratory prepared containers for submittal to the laboratory. Samples obtained for volatiles analysis should be collected using Encore™ or equivalent samplers, shelly tubes, thin-wall samplers, or other device approved by NMED. With the exception of Encore™ or equivalent samplers, the ends of the samplers should be lined with Teflon tape or aluminum foil and sealed with plastic caps fastened to the sleeves with tape for shipment to the analytical laboratory.

The physical characteristics of the sediment (such as mineralogy, ASTM soil classification, rock classification, moisture content, texture, color, presence of stains or odors, and/or field screening results), depth where each sample was obtained, method of sample collection, and other observations should be recorded in the field log.

#### I.B.4.c) Investigation Derived Waste

Investigation derived waste (IDW) includes general refuse, drill cuttings, excess sample material, water (decontamination, development and purge), and disposable equipment generated during the course of investigation, corrective action, or monitoring activities. Drill cuttings, excess sample material and decontamination fluids, and all other IDW should be contained and characterized using methods based on the boring location, boring depth, drilling method, and type of Contaminants suspected or encountered. Proposed IDW management should be included with the unit-specific investigation work plan submitted to NMED for approval prior to the start of field investigations. Borings not completed as groundwater or vapor monitoring wells should be abandoned in accordance with the recommended methods listed in Section II.D of this Appendix (F). Borings completed as groundwater monitoring wells should be constructed in accordance with the recommendations described in Section II.C of this Appendix (F).

#### I.B.4.d) Logging of Soil/Rock and Sediment Samples

Samples obtained from all exploratory borings and excavations should be visually inspected and the soil or rock type classified in general accordance with ASTM D2487 (Unified Soil Classification System) and D2488, (Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)). Detailed logs of each boring should be completed in the field by a qualified engineer or geologist. Additional information, such as the presence of water-bearing zones and any unusual or noticeable conditions encountered during drilling should be recorded on the logs. Field boring logs, test pit logs, and field well construction diagrams should be converted to the format acceptable for use in final reports submitted to NMED. If requested, draft boring logs, test pit logs, and well construction diagrams should be submitted to NMED for review within thirty (30) days after the completion of each boring or monitoring well.

#### I.B.4.e) Soil, Rock, and Sediment Sample Field Screening

Samples obtained from borings should be screened in the field for evidence of the potential presence of Contaminants. Field screening results should be recorded on the exploratory boring and excavation logs. Field screening results are used as a general guideline to determine the nature and extent of possible contamination. In addition, screening results should be used to aid in the selection of soil, rock, sediment, and vapor-phase samples for laboratory analysis. NMED recognizes that field screening alone will not detect the possible presence or full nature and extent of all Contaminants that may be encountered at the site.

The primary screening methods to be used should include: 1) visual examination; 2) headspace vapor screening for VOCs; and 3) metals screening using X-ray fluorescence (XRF). Additional screening for site- or release-specific characteristics such as pH, high-explosives (HE), or for other specific compounds using field test kits should be conducted where appropriate.

Headspace vapor screening should target VOCs and should be conducted by placing a soil or rock sample in a plastic sample bag or a foil-sealed container allowing space for ambient air. The container should be sealed and then shaken gently to expose the soil or rock to the air trapped in the container. The sealed container should be allowed to rest for a minimum of five minutes while vapors equilibrate. Vapors present within the sample bag headspace should then be measured by inserting the probe of the instrument in a small opening in the bag or through the foil. The maximum value and the ambient air temperature should be recorded on the field boring or test pit log for each sample. The monitoring instruments should be calibrated each day to the manufacturer's standard for instrument operation. A photo-ionization detector (PID) equipped with a 10.6 or higher electron volt (eV) lamp, combustible gas indicator, or other instrument approved by NMED may be used for VOC field screening. The limitations, precision, and calibration procedures of the instrument to be used for VOC field screening should be included in the site-specific investigation work plan prepared for each unit.

XRF may be used to screen soil, rock, or sediment samples for the presence of metals. XRF screening requires proper sample preparation and proper instrument calibration. Sample preparation and instrument calibration procedures should be documented in the field logs. The methods and procedures for sample preparation and instrument calibration should be determined prior to the start of field activities. Field XRF screening results for selected metals may be used in

lieu of laboratory analyses; however, the results should, at a minimum, be confirmed by laboratory analyses at a frequency of 20 percent (one sample per every five analyzed by XRF analysis).

Field screening results are site- and boring-specific and the results vary with instrument type, media screened, weather conditions, moisture content, soil or rock type, and type of Contaminant. DOE should record on the field logs all conditions capable of influencing the results of field screening. DOE should submit to NMED conditions potentially influencing field screening results as part of the site-specific investigation, corrective action, or monitoring reports.

DOE should submit the samples with the greatest apparent degree of contamination, based on field observations and field screening, for laboratory analysis. DOE should also use the location of the sample relative to groundwater, stratigraphic units or contacts, and the proximity to significant site or subsurface features or structures as a guideline for sample selection. In addition, DOE should submit the samples with no or little apparent contamination, based on field screening, for laboratory analysis if the intention is to confirm that the base (or other depth interval) of a boring or other sample location is not contaminated.

#### I.B.4.f) Soil, Rock, and Sediment Sample Types

DOE should collect soil, rock, and sediment samples at the frequencies outlined in the site-specific investigation, corrective action, or monitoring work plans for each SWMU, AOC, or other site submitted by DOE for review and written approval by NMED. The samples collected should be representative of the media and site conditions being investigated or monitored. DOE should collect QA/QC samples to monitor the validity of the soil, rock, and sediment sample collection procedures. Field duplicates should be collected at a rate of ten percent. DOE should collect equipment blanks from all sampling apparatus at a frequency of ten percent for chemical analysis. Equipment blanks should be collected at a frequency of one per day if disposable sampling equipment is used. DOE should collect field blanks at a frequency of one per day for each medium (with the exception of air samples) at each SWMU or AOC. Reagent blanks should be used if chemical analytical procedures requiring reagents are employed in the field as part of the investigation or monitoring program. The resulting data will provide information on the variability associated with sample collection, handling, and laboratory analysis operations. The blanks and duplicates should be submitted for laboratory analyses associated with the project-specific Contaminants, data quality concerns, and media being sampled.

#### I.B.4.g) Sample Point and Structure Location Surveying

The horizontal and vertical coordinates of the top of each monitoring well casing and the ground surface at each monitoring well location should be determined by a registered New Mexico professional land surveyor in accordance with the State Plane Coordinate System (NMSA 1978 47-1-49 through 56 (Repl. Pamp. 1993)). The surveys should be conducted in accordance with Sections 500.1 through 500.12 of the Regulations and Rules of the Board of Registration for Professional Engineers and Surveyors Minimum Standards for Surveying in New Mexico. Alternative survey methods may be proposed by DOE in site-specific work plans. Any alternative survey method must be discussed with NMED prior to implementation. Horizontal positions should be measured to the nearest 0.1-ft, and vertical elevations should be measured to the nearest 0.01-ft. DOE should prepare site map(s), certified by a registered New Mexico professional land

surveyor, presenting all surveyed locations and elevations including relevant site features and structures for submittal with all associated reports to NMED.

Site attributes (e.g., soil sample locations, sediment sample locations, springs, outfalls, pertinent structures, monitoring stations, as well as staked out sampling grids) should be located by using the global positioning system (GPS), the electronic total station with prism reflectors, or a combination of both surveying systems, or by using a registered New Mexico Registered Land Surveyor using the methods described in the paragraph above. Horizontal locations should be measured to the nearest 0.5 ft.

#### I.B.4.h) Subsurface Vapor-phase Monitoring and Sampling

Samples of subsurface vapors should be collected from vapor monitoring points from both discrete zones, selected based on investigation and field screening results, and as total well subsurface vapor samples.

DOE should, at a minimum, collect vapor samples for field measurement of the following:

- Percent oxygen;
- Organic vapors (using a photo-ionization detector with an 11.7 eV (electron volt) lamp, a combustible vapor indicator or other method);
- Percent carbon dioxide;
- Static subsurface pressure; and
- Other parameters (such as carbon monoxide and hydrogen sulfide) if required by NMED.

DOE also should collect vapor samples for laboratory analysis of the following as required:

- Percent moisture;
- VOCs; and
- Other analytes if requested.

Vapor samples analyzed by the laboratory for percent moisture and VOCs should be collected using SUMMA canisters or other equivalent sample collection method. The samples should be analyzed for VOC concentrations by EPA Method TO-15, as it may be updated, or equivalent VOC analytical method.

Field vapor measurements, the date and time of each measurement, and the instrument used should be recorded on a vapor monitoring data sheet. The instruments used for field measurements should be calibrated daily in accordance with the manufacturer's specifications. The methods used to obtain vapor-phase field measurements and samples should be discussed with NMED prior to the start of air monitoring at each SWMU, AOC, or other site where vapor-phase monitoring is conducted.

#### I.B.5. Groundwater Monitoring

##### I.B.5.a) Groundwater Levels

Groundwater levels should be obtained, either through manual measurements or using a water-level pressure transducer, prior to purging in preparation for a sampling event. If the transducer is

malfunctioning and manual water-level measurements cannot be obtained, historical water level data may be used to meet the water level measurement requirement, to calculate purge volume, and to allow sampling to proceed.

The depth to groundwater should be recorded relative to the surveyed well casing rim or other surveyed datum, and should be measured and recorded at levels of accuracy consistent with manufacturers specifications.

Where possible, monitoring wells that are routinely sampled should be equipped with pressure transducers to measure and record water levels on a regular basis. The pressure transducer recording frequency will vary depending on the monitoring objectives for the well, but should always be less than 24 hours, and more typically 1-2 hours.

#### I.B.5.b) Surface Water Measurements

Stream flow rates within each watershed should be measured in conjunction with sampling events.

#### I.B.5.c) Groundwater Sampling

Groundwater samples should initially be obtained from newly installed alluvial monitoring wells between ten (10) and thirty (30) days after completion of well development. Groundwater samples should initially be obtained from newly installed intermediate zone and regional aquifer monitoring wells between ten (10) and sixty (60) days after completion of well development. Groundwater monitoring and sampling should be conducted at an interval agreed to by NMED and DOE after the initial sampling event. All monitoring wells within a watershed or area-specific monitoring group should be sampled within twenty one (21) days of the start of the groundwater sampling event. Sampling should be conducted in accordance with an NMED-approved groundwater monitoring work plan, if applicable.

Groundwater samples should be collected from all saturated zones, where possible, within exploratory borings not intended to be completed as monitoring wells prior to abandonment of the borings.

#### I.B.5.d) Well Purging

Monitoring wells should be purged prior to sampling to remove stagnant water and to ensure that samples collected are representative. The U.S. Environmental Protection Agency (EPA) outlines two purging methods to remove stagnant water from a well casing before sampling: the “low-flow approach” and the “well-volume approach.” Either approach is valid, and can provide representative samples, depending on the well construction and aquifer characteristics.

To ensure groundwater samples are as representative as possible, field parameter stability criteria for purging should be based on guidance or recommendations by the EPA, the USGS or other current perspectives for groundwater sampling. In some cases, purge-volume and/or field-parameter stability requirements cannot be met or special sampling requirements may need to be implemented. In these cases, well-specific sampling protocols may be applied.

Groundwater quality field parameters measured during purging include pH, specific conductance, dissolved oxygen concentrations, turbidity, redox potential, and temperature. Where possible, the

groundwater quality parameters should be measured using a flow-through cell and a multiparameter meter. The volume of groundwater purged, the instruments used, and the readings obtained at each interval should be recorded on the field monitoring log, or in an electronic equivalent log on a computer or mobile device.

Groundwater samples should be obtained from each well after field parameters have stabilized, and sufficient volume has been purged to ensure that the sample is representative of formation water. The groundwater samples should be collected in appropriate, clean, laboratory-prepared containers provided by the analytical laboratory. Recommended sample handling and chain-of-custody procedures are described in Sections I.B.6. and I.B.9. of this Appendix (F). Decontamination procedures should be established for reusable water sampling equipment as described in Section I.B.3 of this Appendix (F).

All purged groundwater should be characterized based on the results of the analysis of water samples from the well from which the purge water originated or by direct sampling and analysis of the purge water. Purge water should be land applied if it meets the criteria in the NMED-approved Notice of Intent (NOI) for land application of groundwater. If the purge water is RCRA hazardous, it should be managed in accordance with appropriate hazardous waste management requirements.

#### I.B.5.e) Surface Water Sample Collection

Surface water samples should be collected using methods agreed to by the Parties. Samples should be collected in clean laboratory-prepared sampling containers. The methods and instruments used to measure field parameters should be agreed to by the Parties prior to conducting surface water sampling. The sampling and monitoring techniques used and the measurements obtained should be recorded in the field monitoring reports.

#### I.B.5.f) Groundwater and Surface Water Sample Types

Groundwater samples should be collected from monitoring wells identified in the monitoring plan, and surface water samples should be collected at predetermined locations identified in the plan. Field duplicates, field blanks, equipment rinsate blanks, reagent blanks, if necessary, and trip blanks should be obtained for quality assurance during water sampling activities. The samples should be handled as described in Sections I.B.6. and I.B.9. of this Appendix (F).

Quality assurance/quality control sample collection including field duplicates, field blanks, equipment rinsate blanks, performance evaluation blanks (PEBs), and trip blanks should be described and collected in accordance with an approach presented in each annual Interim Facility-Wide Groundwater Monitoring Plan.

#### I.B.6. Sample Handling

The following recommended procedures should be used when collecting samples during investigation, corrective action, and monitoring activities:

I.B.6.a) Neoprene, nitrile, or other protective gloves should be worn when collecting samples. All samples collected of each medium for chemical analysis should be transferred into clean sample containers supplied by the project analytical laboratory with the exception of soil, rock, and sediment samples obtained in brass sleeves or in Encore™ or equivalent samplers. Upon recovery of the sample collected using split barrel samplers with brass sleeves, the brass sleeves should be removed from the split barrel sampler and the open ends of the sleeves should be lined with Teflon tape or foil and sealed with plastic caps. The caps should be fastened to the sleeve with tape for storage and shipment to the analytical laboratory. The sample depth and the top of the sample should be clearly marked. Sample container volumes and preservation methods should be in accordance with the most recent EPA SW-846 and established industry practices for use by accredited analytical laboratories. Sufficient sample volume should be obtained for the laboratory to complete the method-specific QC analyses on a laboratory-batch basis.

I.B.6.b) Sample labels and documentation should be completed for each sample following procedures included in the site-specific work plans approved by NMED. Immediately after the samples are collected, they should be stored in a cooler with ice or other appropriate storage method until they are delivered to the analytical laboratory. Standard chain-of-custody procedures, as described in Section I.B.6.b of this Appendix (F), should be followed for all samples collected. All samples should be submitted to the laboratory soon enough to allow the laboratory to conduct the analyses within the method holding times. Where possible, samples should be submitted to the laboratory within 48 hours after their collection.

Shipment procedures should include the following:

- Individual sample containers should be packed to prevent breakage and transported in a sealed cooler with ice or other suitable coolant or other EPA or industry-wide accepted method. The drainage hole at the bottom of the cooler should be sealed and secured in case of sample container leakage. Temperature blanks should be included with each shipping container.
- Each cooler or other container should be delivered directly to the analytical laboratory.
- Glass bottles should be separated in the shipping container by cushioning material to prevent breakage.
- Plastic containers should be protected from possible puncture during shipping using cushioning material.
- The chain-of-custody form and sample request form should be shipped inside the sealed storage container to be delivered to the laboratory.
- Chain-of-custody seals should be used to seal the sample-shipping container in conformance with EPA protocol.
- Signed and dated chain-of-custody seals should be applied to each cooler prior to transport of samples from the site.

### I.B.6.c) In-situ Testing

In-situ permeability tests, corrective measures system pilot tests, stream flow tests, and other tests conducted to evaluate site and subsurface conditions should be designed to accommodate specific site conditions and to achieve the test objectives. The tests should be conducted in order to appropriately represent site conditions and in accordance with USGS, ASTM or other methods generally accepted by the industry. Detailed logs of all relevant site conditions and measurements should be maintained during the testing events. A summary of the general test results, including unexpected or unusual test results and equipment failures or testing limitations should be reported to NMED. The summary should be presented in a format acceptable to NMED and in general accordance with the report formats recommended in Appendix E.

### I.B.6.d) Decontamination Procedures

The objective of the decontamination procedures is to minimize the potential for cross-contamination. A designated decontamination area should be established for decontamination of drilling equipment, reusable sampling equipment and well materials. The drilling rig should be decontaminated prior to entering the site or unit. Drilling equipment or other exploration equipment that may come in contact with the borehole should be decontaminated by steam cleaning, by hot-water pressure washing, or by other method prior to drilling each new boring.

Sampling or measurement equipment, including but not limited to, stainless steel sampling tools, split-barrel or core samplers, well developing or purging equipment, groundwater quality measurement instruments, and water level measurement instruments, should be decontaminated in accordance with the following procedures or other methods before each sampling attempt or measurement:

- Brush equipment with a wire or other suitable brush, if necessary or practicable, to remove large particulate matter.
- Rinse with potable tap water.
- Wash with nonphosphate detergent or other detergent (examples include Fantastik™, Liqui-Nox®) followed by a tap water rinse.
- Rinse with 0.1 M nitric acid (to remove trace metals, if necessary) followed by a tap water rinse.
- Rinse with methanol (to remove organic compounds, if necessary) followed by a tap water rinse.
- Rinse with potable tap water.
- Double rinse with deionized water.

All decontamination solutions should be collected and stored temporarily as described in Section I.B.5 of this Appendix (F). Decontamination procedures and the cleaning agents used should be documented in the daily field log.

### I.B.7. Field Equipment Calibration Procedures

Field equipment requiring calibration should be calibrated to known standards, in accordance with the manufacturers' recommended schedules and procedures. At a minimum, calibration checks should be conducted daily, or at other intervals consistent with the manufacturer's specifications,

and the instruments should be recalibrated, if necessary. Calibration measurements should be recorded in the daily field logs. If field equipment becomes inoperable, its use should be discontinued until the necessary repairs are made. In the interim, a properly calibrated replacement instrument should be used.

#### I.B.8. Collection and Management of Investigation Derived Waste

All IDW should be properly characterized and disposed of in accordance with all Federal, State, and local rules and regulations for storage, labeling, handling, transport, and disposal of waste. DOE should include a description of anticipated management of IDW as part of the applicable work plan submitted to NMED for review prior to disposal of any IDW produced during investigation, corrective action, or monitoring activities. All water generated during sampling and decontamination activities should be temporarily stored at satellite accumulation areas or transfer stations in labeled 55-gallon drums or other containers until proper characterization and disposal can be arranged. The IDW may be characterized for disposal based on the known or suspected Contaminants potentially present in the waste.

#### I.B.9. Documentation of Field Activities

##### I.B.9.a) General

Daily field activities, including observations and field procedures, should be recorded on appropriate forms. The original field forms should be maintained at the Facility. Copies of the completed forms should be maintained in a bound and sequentially numbered field file for reference during field activities. Indelible ink should be used to record all field activities. Alternatively, electronic field forms may be maintained on a routinely backed up server. Photographic documentation of field activities should be performed, as appropriate. The daily record of field activities should include the following:

- Site or unit designation;
- Date;
- Time of arrival and departure;
- Field investigation team members including subcontractors and visitors;
- Weather conditions;
- Daily activities and times conducted;
- Observations;
- Record of samples collected with sample designations and locations specified;
- Photographic log;
- Field monitoring data, including health and safety monitoring if conditions arise that require modification of required work;
- Equipment used and calibration records, if appropriate;
- List of additional data sheets and maps completed;
- An inventory of the waste generated and the method of storage or disposal; and
- Signature of personnel completing the field record.

### I.B.9.b) Sample Custody

All samples collected for analysis should be recorded in the field report or data sheets. Chain-of-custody forms should be completed at the end of each sampling day, prior to the transfer of samples off site, and should accompany the samples during shipment to the laboratory. A signed and dated custody seal should be affixed to the lid of the shipping container. Upon receipt of the samples at the laboratory, the custody seals will be broken, the chain-of-custody form should be signed as received by the laboratory, and the conditions of the samples should be recorded on the form. The original chain-of-custody form should remain with the laboratory and copies should be returned to the relinquishing party. DOE should maintain copies of all chain-of-custody forms generated as part of sampling activities. Copies of the chain-of-custody records (either paper copies or electronically scanned in PDF format) should be included with all draft and final laboratory reports submitted to NMED.

### I.C. Chemical Analyses

DOE should submit all samples for laboratory analysis to accredited contract laboratories. The laboratories should use the most recent EPA and/or industry-accepted extraction and analytical methods for chemical analyses for target analytes as the testing methods for each medium sampled.

DOE should submit a list of analytes and analytical methods to NMED for review and written approval as part of each site-specific investigation, corrective action, or monitoring work plan. The detection and reporting limits for each method should be less than applicable background, screening, or regulatory cleanup levels. The preferred method reporting (practical quantitation) limits are a maximum of 20 percent of the cleanup, screening, or background levels. Analyses conducted with detection limits that are greater than applicable background, screening, and regulatory cleanup levels should be considered data quality exceptions and the reasons for the elevated detection limits should be reported to NMED. These data should not be used for statistical analyses. All analytical data (non-detects, estimated values, and detects) should be included in the electronic copy of the investigation report in Microsoft™ Excel format with qualifiers as attached from the analytical laboratory. The summary tables should include only detects of the data based on the corresponding qualifiers. DOE should not censor the data based on detection limits, quantitation limits, or measurement uncertainty.

#### I.C.1. Laboratory QA/QC Requirements

The following recommendations for laboratory QA/QC procedures should be considered the minimum QA/QC standards for the laboratories employed by DOE that provide analytical services for environmental investigation, corrective action, and monitoring activities conducted at the Facility.

- Quality Assurance Procedures

Contract analytical laboratories should maintain internal quality assurance programs in accordance with EPA and industry-wide accepted practices and procedures. At a minimum, the laboratories should use a combination of standards, blanks, surrogates, duplicates, matrix spike/matrix spike duplicates (MS/MSD), blank spike/blank spike duplicates (BS/BSD), and laboratory control samples to demonstrate analytical QA/QC. The laboratories should establish control limits for

individual chemicals or groups of chemicals based on the long-term performance of the test methods. In addition, the laboratories should establish internal QA/QC that meets EPA's laboratory certification requirements. The specific procedures that should be completed are identified in the following sections.

#### I.C.1.a) Equipment Calibration Procedures and Frequency

The laboratories' equipment calibration procedures, calibration frequency, performance criteria, and calibration standards should be in accordance with the EPA test methodology requirements and documented in the laboratories' quality assurance and SOP manuals. All instruments and equipment used by the laboratory should be operated, calibrated, and maintained according to manufacturers' guidelines and recommendations as well as governing analytical methods. Operation, calibration, and maintenance should be performed by personnel who have been properly trained in these procedures. A routine schedule and record of instrument calibration and maintenance should be kept on file at the laboratory.

#### I.C.1.b) Laboratory QA/QC Samples

Analytical procedures should be evaluated by analyzing reagent or method blanks, surrogates, MS/MSDs, BS/BSDs, and laboratory duplicates, as appropriate for each method. The laboratory QA/QC samples and frequency of analysis to be completed should be documented in the cited EPA or other accepted test methodologies. At a minimum, the laboratory should analyze laboratory blanks, MS/MSDs, BS/BSDs, and laboratory duplicates at a frequency of one in twenty for all batch runs requiring EPA test methods and at a frequency of one in ten for non-EPA test methods or as required by the governing methodology. Laboratory batch QA/QC samples should be specific to the project.

#### I.C.1.c) Laboratory Deliverables

The laboratory analytical data package should be prepared in accordance with EPA-established Level III or IV analytical support protocol. The following should be provided in the analytical laboratory reports either electronically or in hard (paper) copy for this project:

- Transmittal letter, including information about the receipt of samples, the testing methodology performed, any deviations from the required procedures, any problems encountered in the analysis of the samples, any data quality exceptions, and any corrective actions taken by the laboratory relative to the quality of the data contained in the report.
- Sample analytical results, including sampling date; date of sample extraction or preparation; date of sample analysis; dilution factors and test method identification; soil, rock, or sediment sample results in consistent units (mg/kg) or micrograms per kilogram in dry-weight basis; water sample results in consistent units (milligrams per liter or micrograms per liter ( $\mu\text{g/L}$ )); vapor sample results in consistent units (ppmv or  $\mu\text{g/m}^3$ ); and detection limits for undetected analytes. Results should be reported for all field samples, including field duplicates and blanks, submitted for analysis.
- Method blank results, including detection limits for undetected analytes.
- Surrogate recovery results and corresponding control limits for samples and method blanks (organic analyses only).

- MS/MSD and/or BS/BSD spike concentrations, percent recoveries, relative percent differences (RPDs), and corresponding control limits.
- Laboratory duplicate results for inorganic analyses, including relative percent differences and corresponding control limits.
- Sample chain-of-custody documentation.
- Holding times and conditions.
- Conformance with required analytical protocol(s).
- Instrument calibration.
- Blanks.
- Detection/quantitation limits.
- Recoveries of surrogates.
- Variability for duplicate analyses.
- Completeness.
- Data report formats.
- The following data deliverables for organic compounds should be required from the laboratory:
  - A cover letter referencing the procedure used and discussing any analytical problems, deviations, and modifications, including signature from authority representative certifying to the quality and authenticity of data as reported;
  - Report of sample collection, extraction, and analysis dates, including sample holding conditions;
  - Tabulated results for samples in units as specified, including data qualification in conformance with EPA protocol, and definition of data descriptor codes;
  - Reconstructed ion chromatograms for gas chromatograph/mass spectrometry (GC/MS) analyses for each sample and standard calibration;
  - Selected ion chromatograms and mass spectra of detected target analytes (GC/MS) for each sample and calibration with associated library/reference spectra;
  - Gas chromatograph/electron capture device (GC/ECD) and/or gas chromatograph/flame ionization detector (GC/FID) chromatograms for each sample and standard calibration;
  - Raw data quantification reports for each sample and calibrations, including areas and retention times for analytes, surrogates, and internal standards;
  - A calibration data summary reporting calibration range used and a measure of linearity [include decafluorotriphenylphosphine (DFTPP) and p-bromofluorobenzene (BFB) spectra and compliance with tuning criteria for GC/MS];
  - Final extract volumes (and dilutions required), sample size, wet-to-dry weight ratios, and instrument practical detection/quantitation limit for each analyte;
  - Analyte concentrations with reporting units identified, including data qualification in conformance with the CLP Statement of Work (SOW) (include definition of data descriptor codes);
  - Quantification of analytes in all blank analyses, as well as identification of method blank associated with each sample;
  - Recovery assessments and a replicate sample summary, including all surrogate spike recovery data with spike levels/concentrations for each sample and all MS/MSD results (recoveries and spike amounts) when analyzed; and

- Report of tentatively identified compounds with comparison of mass spectra to library/reference spectra.
- The following data deliverables for inorganic compounds should be required from the laboratory:
  - A cover letter referencing the procedure used and discussing any analytical problems, deviations, and modifications; including signature from authority representative certifying to the quality and authenticity of data as reported;
  - Report of sample collection, digestion, and analysis dates, with sample holding conditions;
  - Tabulated results for samples in units as specified, including data qualification in conformance with the CLP SOW (including definition of data descriptor codes);
  - Results of all method QA/QC checks, including inductively coupled plasma (ICP) Interference Check Sample and ICP serial dilution results;
  - Tabulation of instrument and method practical detection/quantitation limits;
  - Raw data quantification report for each sample;
  - A calibration data summary reporting calibration range used and a measure of linearity, where appropriate;
  - Final digestate volumes (and dilutions required), sample size, and wet-to-dry weight ratios;
  - Quantification of analytes in all blank analyses, as well as identification of method blank associated with each sample; and
  - Recovery assessments and a replicate sample summary, including post-digestate spike analysis; all MS data (including spike concentrations) for each sample, if accomplished; all MS results (recoveries and spike amounts); and laboratory control sample analytical results).

DOE should present summary tables of these data and Level II QA/QC results to NMED in the formats described in Appendix E of this Consent Order. The raw analytical data, including calibration curves, instrument calibration data, data calculation work sheets, and other laboratory support data for samples from this project, should be compiled and kept on file at the Facility for reference.

#### I.C.2. Review of Field and Laboratory QA/QC Data

DOE should evaluate the sample data, field, and laboratory QA/QC results for acceptability with respect to the DQOs. Each group of samples should be compared with the DQOs and evaluated using data validation guidelines contained in EPA guidance documents, the most recent version of SW-846, and industry-accepted QA/QC methods and procedures. DOE should contact NMED of laboratory notification of data quality exceptions that may affect the ability to meet the objectives of the investigation or compliance activity in order to discuss the implications and determine whether the data will still be considered acceptable or if sample re-analysis or resampling is necessary. DOE should summarize the results of the discussion with NMED regarding the data quality exceptions via email.

### I.C.2.a)Blanks, Field Duplicates, Reporting Limits and Holding Times

The analytical results of field blanks and field rinsate blanks should be reviewed to evaluate the adequacy of the equipment decontamination procedures and the possibility of cross-contamination caused by decontamination of sampling equipment. The analytical results of trip blanks should be reviewed to evaluate the possibility for contamination resulting from the laboratory-prepared sample containers or the sample transport containers. The analytical results of laboratory blanks should be reviewed to evaluate the possibility of contamination caused by the analytical procedures. If Contaminants are detected in field or laboratory blanks, the sample data should be qualified, as appropriate.

### I.C.2.b) Field Duplicates

Field duplicates should consist of two samples either split from the same sample device or collected sequentially. Field duplicate samples should be collected at a minimum frequency of ten percent of the total number of samples submitted for analysis. RPDs for field duplicates should be calculated. A precision of no more than 20 percent for duplicates should be considered acceptable for soil, rock, and sediment sampling conducted at the Facility. The analytical DQO for precision should be used for water duplicates.

### I.C.2.c)Method Reporting Limits

Method reporting limits for sample analyses for each medium should be established at the lowest level practicable for the method and analyte concentrations and should not exceed soil, groundwater, surface water, or vapor emissions background levels, cleanup standards, or screening levels. The preferred method detection limits are a maximum of 20 percent of the background, screening, or cleanup levels. Detection limits that exceed established soil, groundwater, surface water, or air emissions cleanup standards, screening levels, or background levels and are reported as “not detected” should be considered data quality exceptions and an explanation for the exceedance and its acceptability for use should be provided.

### I.C.2.d) Holding Times

DOE should review the sampling, extraction, and analysis dates to confirm that extraction and analyses were completed within the recommended holding times, as specified by EPA protocol. Appropriate data qualifiers should be noted if holding times were exceeded.

## I.C.3. Representativeness and Comparability

### I.C.3.a) Representativeness

Representativeness is a qualitative parameter related to the degree to which the sample data represent the relevant specific characteristics of the media sampled. DOE should implement procedures to assure representative samples are collected and analyzed, such as repeated measurements of the same parameter at the same location over several distinct sampling events. DOE should note any procedures or variations that may affect the collection or analysis of representative samples and should qualify the data.

### I.C.3.b) Comparability

Comparability is a qualitative parameter related to whether similar sample data can be compared. To assure comparability, DOE should report analytical results in appropriate units for comparison with other data (past studies, comparable sites, screening levels, or cleanup standards), and should implement standard collection and analytical procedures. Any procedure or variation that may affect comparability should be noted and the data should be qualified.

### I.C.4. Laboratory Reporting, Documentation, Data Reduction, and Corrective Action

Upon receipt of each laboratory data package, data should be evaluated against the criteria outlined in the previous sections. Any deviation from the established criteria should be noted and the data will be qualified. A full review and discussion of analytical data QA/QC and all data qualifiers should be submitted as appendices or attachments to investigation and monitoring reports prepared in accordance with Appendix E of this Consent Order. Data validation procedures for all samples should include checking the following, when appropriate:

- Holding times;
- Detection limits;
- Field equipment rinsate blanks;
- Field blanks;
- Field duplicates;
- Trip blanks;
- Reagent blanks;
- Laboratory duplicates;
- Laboratory blanks;
- Laboratory matrix spikes;
- Laboratory matrix spike duplicates;
- Laboratory blank spikes;
- Laboratory blank spike duplicates; and
- Surrogate recoveries.

If significant quality assurance problems are encountered, appropriate corrective action should be implemented. All corrective action should be defensible and the corrected data should be qualified.

## II. MONITORING WELL CONSTRUCTION REQUIREMENTS

### II.A. Types of Monitoring Wells

Three types of groundwater monitoring wells have been installed at the Facility: alluvial, intermediate, and regional wells. In addition, vadose zone monitoring wells may be required for subsurface vapor monitoring. Alluvial wells are shallow wells which monitor groundwater or the vadose zone in the alluvium located in the canyon bottoms. Intermediate wells monitor perched groundwater or the vadose zone beneath the Facility and generally extend from depths of approximately 100 to 700 ft below ground surface. Regional wells monitor the deep regional aquifer beneath the Facility and generally are deeper than 700 ft below ground surface.

The well construction, installation, and completion procedures for these wells differ because each well monitors a different stratigraphic horizon and at different depths. General drilling procedures are presented in Section II.B and monitoring well construction recommendations are presented in Section II.C of this Appendix (F).

### II.B. Drilling Methods

Groundwater and vadose zone monitoring wells and piezometers should be designed, constructed and developed in a manner which will most likely yield high quality samples, best enable the well to last the duration of the project, and best ensure that the well will not serve as a conduit for Contaminants to migrate between different stratigraphic units or aquifers. The design, construction, and development of monitoring wells should comply with the guidelines established in various EPA RCRA guidance, including, but not limited to:

- U.S. EPA, *RCRA Groundwater Monitoring: Draft Technical Guidance*, EPA/530-R-93-001, November, 1992;
- U.S. EPA, *RCRA Groundwater Monitoring Technical Enforcement Guidance Document*, OSWER-9950.1, September, 1986; and
- Aller, L., Bennett, T.W., Hackett, G., Petty, R.J., Lehr, J.H., Sedoris, H., Nielsen, D.M., and Denne, J.E., *Handbook of Suggested Practices for the Design and Installation of Groundwater Monitoring Wells*, EPA 600/4-89/034, 1989.

A variety of methods are available for drilling, constructing, and developing monitoring wells. While the selection of the drilling, construction, and development procedures is usually based on the site-specific geologic conditions, the following issues should also be considered:

- Drilling should be performed in a manner that minimizes impacts to the natural properties of the subsurface materials.
- Contamination and cross-contamination of groundwater and aquifer materials during drilling and construction should be avoided.
- The drilling method should allow for the collection of representative samples of rock, unconsolidated materials, and soil.
- The drilling method should allow DOE to determine when the appropriate location for the screened interval(s) has been encountered.
- The drilling method should allow for the proper placement of the filter pack and annular sealants. The borehole diameter should be at least four inches larger in diameter than the

nominal diameter of the well casing and screen to allow adequate space for placement of the filter pack and annular sealants.

The drilling method should allow for the collection of representative vapor and groundwater samples. Drilling fluids (which includes air) should be used only when necessary and in a manner that minimizes impact to the surrounding formation and groundwater.

A brief description of the different drilling methods that may be appropriate for the construction of monitoring wells at the Facility follows. Many of these methods may be used alone, or in combination, to install monitoring wells at the Facility. While the selection of the specific drilling, construction and development procedures will usually depend on the site-specific geologic conditions, justification for the method selected should be provided through Drilling Work Plans to NMED for approval prior to commencing drilling.

#### II.B.1. Hollow-Stem Auger

The hollow-stem continuous flight auger consists of a hollow, steel shaft with a continuous, spiraled steel flight welded onto the exterior side of the stem. The stem is connected to an auger bit and, when rotated, transports cuttings to the surface. The hollow stem of the auger allows drill rods, split-spoon core barrels, Shelby tubes, and other samplers to be inserted through the center of the auger so that samples may be retrieved during the drilling operations. The hollow stem also acts to temporarily case the borehole, so that the well screen and casing (riser) may be inserted down through the center of the augers once the desired depth is reached, minimizing the risk of possible collapse of the borehole. A bottom plug or pilot bit can be fastened onto the bottom of the augers to keep out most of the soils and/or water that have a tendency to clog the bottom of the augers during drilling. Drilling without a center plug is acceptable provided that the soil plug, formed in the bottom of the auger, is removed before sampling or installing well casings. The soil plug can be removed by washing out the plug using a side discharge rotary bit, or augering out the plug with a solid-stem auger bit sized to fit inside the hollow-stem auger. In situations where heaving sands are a problem, potable water may be poured into the augers to equalize the pressure so that the inflow of formation materials and water should be held to a minimum when the bottom plug is removed. The hollow-stem auger method is best suited for drilling shallow overburden wells.

#### II.B.2. Air Rotary/Air Down-The-Hole Hammer/ODEX

The air rotary method consists of a drill pipe or drill stem coupled to a drill bit that rotates and cuts through soils and rock. The cuttings produced from the rotation of the drilling bit are transported to the surface by compressed air, which is forced down the borehole through the drill pipe and returns to the surface through the annular space (between the drill pipe and the borehole wall). The circulation of the compressed air not only removes the cuttings from the borehole but also helps to cool the drill bit. The use of air rotary drilling is best suited for hard-rock formations. In soft unconsolidated formations, casing is driven to keep the formation from caving. When using air rotary, the air compressor should have an in-line filter system to filter the air coming from the compressor. The filter system should be inspected regularly to insure that the system is functioning properly. In addition, a cyclone velocity dissipator or similar air containment/dust-suppression system should be used to funnel the cuttings to one location instead of allowing the cuttings to discharge uncontrolled from the borehole. Air rotary that

employs the dual-tube (reverse circulation) drilling system is acceptable because the cuttings are contained within the drill stem and are discharged through a cyclone velocity dissipator to the ground surface.

The injection of air into the borehole during air rotary drilling has the potential to alter the natural properties of the subsurface. This can occur through air-stripping of the VOCs in both soil and groundwater in the vicinity of the borehole, altering the groundwater geochemical parameters (e.g., pH and redox potential), and potentially increasing biodegradation of organic compounds in the aquifer near the borehole. These factors may prevent the well from yielding vapor or groundwater samples that are representative of in-situ conditions.

In hard, abrasive, consolidated rock, a down-the-hole hammer may be the more appropriate air rotary method. In this method, compressed air is used to actuate and operate a pneumatic hammer as well as lift the cuttings to the surface and cool the hammer bit. One drawback of the down-the-hole hammer is that oil is required in the air stream to lubricate the hammer-actuating device, and this oil could potentially contaminate the soil in the vicinity of the borehole and the aquifer.

The ODEX method is a variation of the air rotary method in which a casing-driving technique is used in combination with air rotary drilling. With the ODEX system, the drill bit extends outward and reams a pilot hole large enough for a casing assembly to slide down behind the drill bit assembly. As a result, casing is advanced simultaneously while drilling the hole.

### II.B.3. Water Rotary and Mud Rotary

The water and mud rotary drilling methods consist of rotary drilling techniques where water or drilling mud is used as the circulating fluid. In both methods, the circulating fluid is pumped down through the drill pipe and is returned back up the borehole through the annular space. The circulating fluid stabilizes the borehole, cools the drill bit, and carries the drill cuttings up to the surface. While the water and mud rotary drilling techniques are rapid and effective drilling methods, the recognition of water-bearing zones is hampered by the addition of water into the system.

Mud rotary drilling is similar to water rotary drilling with the exception that mud additives are added to the water to change the properties (e.g., density, viscosity, yield point, gel strength, fluid-loss-control effectiveness, and lubricity) of the circulating fluid. Drilling muds provide greater borehole stabilization than water alone. There are several types of mud presently available, including bentonite, barium sulfate, organic polymers, cellulose polymers, and polyacrylamides. While drilling muds enhance the stability of the borehole and allow for drilling in formations not appropriate to other methods, they can adversely affect the hydrologic properties and geochemistry of the aquifer. For example, drilling fluid invasion and the buildup of borehole filter cake may reduce the effective porosity of the aquifer in the vicinity of the borehole. In addition, bentonite drilling muds may affect the pH of groundwater and organic polymer drilling muds have been observed to facilitate bacterial growth, which reduces the reliability of sampling results. If polymer emulsions are to be used in the drilling program at the Facility, polymer dispersion agents should be used at the completion of the drilling program to remove the polymers from the boreholes. For example, if EZ Mud® is used as a drilling

additive, a dispersant (e.g., BARAFOS® or five percent sodium hypochlorite) should be used to disperse and chemically breakdown the polymer prior to developing and sampling the well.

#### II.B.4. Dual-Wall Reverse Circulation

The dual-wall reverse circulation drilling method utilizes a double-wall drill pipe and has the reverse circulation of other conventional rotary drilling methods. The circulating fluid (water or air) is pumped down the borehole between the outer and inner drill pipe, and returns up the inner drill pipe. Cuttings are lifted to the surface through the inner drill pipe. The inner drill pipe rotates the bit, and the outer drill pipe acts as a casing and stabilizes the borehole. Typically, a tri-cone bit is used when drilling through unconsolidated formations and a down-the-hole hammer is used in hard rock.

The dual-wall reverse circulation rotary method is one of the better methods available for obtaining representative and continuous formation samples while drilling. If a roller cone bit is used, the formation that is being drilled is located only a few inches ahead of the double-wall pipe. As a result, the cuttings observed at the surface represent no more than one foot of the formation at any point in time.

When drilling with air, an in-line filter should be used to remove oil or other impurities from the airstream. However, if a down-the-hole hammer is used, it should be used with caution since it requires oil in the airstream to lubricate the hammer. This could possibly introduce Contaminants to the borehole and aquifer.

#### II.B.5. Resonant Sonic

Resonant sonic drilling is a method that uses a sonic drill head to produce high-frequency, high-force vibrations in a steel drill pipe. The vibrations in the pipe create a cutting action at the bit face, which allows a continuous core of the formation to move into a core barrel. The method requires no drilling fluid, drills very fast (up to one ft/sec in certain formations), drills at any angle through most formations (rock, clay, sand, boulders, permafrost, glacial till), and yields virtually no cuttings in the drilling process. This drilling method has been tested by DOE and used at various DOE facilities.

#### II.B.6. Cryogenic

Cryogenic drilling is a technique that uses standard air rotary drilling methods, but employs cold nitrogen gas as the circulating fluid instead of compressed air. The use of nitrogen gas as the circulation fluid freezes the borehole wall while drilling, which stabilizes unconsolidated sediments and prevents potential cross-contamination of different water-bearing zones. In addition, the method produces fewer cuttings than liquid based drilling methods, requires minimal equipment modifications to existing drill rigs, and does not add Contaminants to the borehole during the drilling process due to the benign nature of nitrogen gas. The method is especially applicable for drilling through alternating hard (competent) and soft (unconsolidated) formations. This drilling method has been tested by DOE and proposed for future use at various DOE facilities.

## I.I.C. Well Construction/Completion Methods

### I.I.C.1. Well Construction Materials

Well construction materials should be selected based on the goals and objectives of the proposed monitoring program and the geologic conditions at the site. When selecting well construction materials, the primary concern should be selecting materials that will not contribute foreign constituents or remove Contaminants from the vadose zone or groundwater. Other factors to be considered include the tensile strength, compressive strength, and collapse strength of the materials; length of time the monitoring well will be in service; and the material's resistance to chemical and microbiological corrosion. Generally, if the monitoring program requires the analysis of organic Contaminants, stainless steel or fluoropolymer materials should be used. However, if the monitoring program requires only inorganic Contaminant analyses, polyvinyl chloride (PVC) materials may be used. PVC is less desirable for monitoring wells where organic Contaminants will be analyzed due to its potential for sorption and leaching of Contaminants. If stainless steel is used for monitoring wells where low levels of metals may be present, the steel must be passivated to minimize sorption and leaching of metals.

Well screen and casing materials acceptable for the construction of RCRA monitoring wells include stainless steel (304 or 316), rigid PVC (meeting American National Standards Institute/National Sanitation Foundation Standard 14), and fluoropolymer materials (polytetrafluoroethylene, fluorinated ethylene propylene, and polyvinylidene). In addition, there are other materials available for the construction of monitoring wells including acrylonitrile butadiene styrene (ABS), fiberglass-reinforced plastic (FRP), black iron, carbon steel, and galvanized steel, but these materials are not recommended for use in long term monitoring wells due to their low resistance to chemical attack and potential contribution of contamination to the groundwater. However, these materials may be used in the construction of monitoring wells where they will not be in contact with the groundwater that will be sampled (e.g., carbon steel pipe used as surface casing).

### I.I.C.2. Well Construction Techniques

#### I.I.C.2.a) Single-Cased Wells

The borehole should be bored, drilled, or augered as close to vertical as possible, and checked with a plumb bob, level, or appropriate downhole logging tool. Slanted boreholes should not be acceptable unless specified in the design. The borehole should be of sufficient diameter so that well construction can proceed without major difficulties. To assure an adequate size, a minimum two-inch annular space is recommended between the casing and the borehole wall (or the hollow-stem auger wall). The two-inch annular space around the casing will allow the filter pack, bentonite seal, and annular grout to be placed at an acceptable thickness. Also, the two-inch annular space will allow up to a 1.5-inch outer diameter tremie pipe to be used for placing the filter pack, bentonite seal, and grout at the specified intervals.

It may be necessary to overdrill the borehole so that any soils that have not been removed (or that have fallen into the borehole during augering or drill stem retrieval) will fall to the bottom of the borehole below the depth where the filter pack and well screen are to be placed. Normally, three to five ft is sufficient for overdrilling shallow wells. Deep wells may require deeper overdrilling.

The borehole can also be overdrilled to allow for an extra space for a well sump to be installed. If the borehole is overdrilled deeper than desired, it can be backfilled to the designated depth with bentonite pellets or the filter pack.

The well casings (riser assembly) should be secured to the well screen by flush-jointed threads or other appropriate connections and placed into the borehole and plumbed by the use of centralizers, a plumb bob, or a level. No petroleum-based lubricating oils or grease should be used on casing threads. Teflon tape can be used to wrap the threads to insure a tight fit and minimize leakage. No glue of any type should be used to secure casing joints. Teflon “O” rings can also be used to ensure a tight fit and minimize leakage. “O” rings made of materials other than Teflon should not be used if the well will be sampled for organic compound analyses. Before the well screen and casings are placed at the bottom of the borehole, at least six inches of filter material should be placed at the bottom to serve as a firm footing. The string of well screen and casing should then be placed into the borehole and plumbed. If centralizers are used, they should be placed below the well screens and above the upper transition sand so that the placement of the filter pack, overlying bentonite seal, and annular grout will not be hindered. Centralizers placed in the wrong locations can cause bridging during material placement. If installing the well screen and casings through hollow-stem augers, the augers should be slowly extracted as the filter pack, bentonite seal, and grout are tremied or poured into place. The gradual extraction of the augers will allow the materials being placed in the augers to flow out of the bottom of the augers into the borehole. If the augers are not gradually extracted, the materials will accumulate at the bottom of the augers causing potential bridging problems. After the string of well screen and casing is plumb, the filter material should be placed around the well screen (preferably by the tremie pipe method) up to the designated depth. After the filter pack has been installed, the bentonite seal should be placed directly on top of the filter pack up to the designated depth or a minimum of two ft above the filter pack, whichever is greater. After the bentonite seal has hydrated for the specified time, the annular sealant should be pumped by the tremie method into the annular space around the casings (riser assembly) up to within two ft of the ground surface or below the frost line, whichever is greater. The grout should be allowed to cure for a minimum of 24 hours before the surface pad and protective casing are installed. After the surface pad and protective casing are installed, bumper guards (guideposts) should be installed (if necessary).

#### II.C.2.b) Double-Cased Wells

Double-cased wells should be constructed when there is reason to believe that interconnection of two aquifers by well construction may cause cross contamination, or when flowing sands make it impossible to install a monitoring well using conventional methods. A pilot borehole should be advanced through the overburden and the contaminated zone into a clay, confining layer, or bedrock. An outer casing (surface or pilot casing) should be placed into the borehole and sealed with grout. The borehole and outer casing should extend into tight clay a minimum of two ft or into competent bedrock a minimum of one foot. The total depth into the clay or bedrock will vary depending upon the plasticity of the clay and the extent of weathering and fracturing of the bedrock. The size of the outer casing should be of sufficient inside diameter to contain the inner casing and the two-inch annular space. In addition, the borehole should be of sufficient size to contain the outer casing and the two-inch minimum outer annular space, if applicable.

The outer casing should be grouted by the tremie method from the bottom of the borehole to within two ft of the ground surface. The grout should be pumped into the annular space between the outer casing and the borehole wall. This can be accomplished by either placing the tremie pipe in the annular space and pumping the grout from the bottom of the borehole to the surface, or placing a grout shoe or plug inside the casing at the bottom of the borehole and pumping the grout through the bottom grout plug and up the annular space on the outside of the casing. The grout should consist of a Type I Portland cement and bentonite or other approved grout to provide a rigid seal. A minimum of 24 hours should be allowed for the grout plug (seal) to cure before attempting to drill through it. When drilling through the seal, care should be taken to avoid cracking, shattering, and washing out of the seal. If caving conditions exist so that the outer casing cannot be sufficiently sealed by grouting, the outer casing should be driven into place and a grout seal placed in the bottom of the casing.

### II.C.2.c) Bedrock Wells

The installation of monitoring wells into bedrock can be accomplished in two ways. The first method is to drill or bore a pilot borehole through the soil overburden into the bedrock. An outer casing is installed into the borehole by setting it into the bedrock, and grouting it into place. After the grout has set, the borehole can be advanced through the grout seal into the bedrock. The preferred method of advancing the borehole into the bedrock is rock coring. Rock coring makes a smooth, round hole through the seal and into the bedrock without cracking or shattering the seal. Roller cone bits are used in soft bedrock, but extreme caution should be taken when using a roller cone bit to advance through the grout seal in the bottom of the borehole because excessive water and bit pressure can cause cracking, eroding (washing), and/or shattering of the seal. Low volume air hammers may be used to advance the borehole, but they have a tendency to shatter the seal because of the hammering action. If the structural integrity of the grout seal is in question, a pressure test can be utilized to check for leaks. If the seal leaks, the seal is not acceptable. When the drilling is complete, the finished well will consist of an open borehole from the ground surface to the bottom of the well. The major limitation of open borehole bedrock wells is that the entire bedrock interval serves as the monitoring zone.

The second method is to install the outer surface casing and drill the borehole into bedrock, and then install an inner casing and well screen with the filter pack, bentonite seal, and annular grout. The well is completed with a surface protective casing and concrete pad. This well installation method gives the flexibility of isolating the monitoring zone(s) and minimizing inter-aquifer flow. In addition, it gives structural integrity to the well, especially in unstable areas (e.g., steeply dipping shales) where the bedrock has a tendency to shift or move when disturbed.

### II.C.3. Well Screen and Filter Pack Design

Well screens and filter packs should be designed to accurately sample the vadose zone interval or aquifer zone that the well is intended to target, minimize the passage of formation materials (turbidity) into the well, and ensure sufficient structural integrity to prevent the collapse of the intake structure. The selection of the well screen length depends upon the objective of the well. Piezometers and wells where only a discrete flow path is monitored are generally completed with short screens (two ft or less). While monitoring wells are usually constructed with longer screens (usually five to twenty ft), they should be kept to the minimum length appropriate for intercepting a Contaminant plume. The screen slot size should be selected to retain from 90 to

100 percent of the filter pack material in artificially filter packed wells, and from 50 to 100 percent of the formation material in naturally packed wells. All well screens should be factory wire-wrapped or machine slotted.

A filter pack should be used when: 1) the natural formation is poorly sorted; 2) a long screen interval is required or the screen spans highly stratified geologic materials of widely varying grain sizes; 3) the natural formation is uniform fine sand, silt, or clay; 4) the natural formation is thin-bedded; 5) the natural formation is poorly cemented sandstone; 6) the natural formation is highly fractured or characterized by relatively large solution channels; 7) the natural formation is shale or coal that will act as a constant source of turbidity to groundwater samples; or 8) the diameter of the borehole is significantly greater than the diameter of the screen. The use of natural formation material as a filter pack is only recommended when the natural formation materials are relatively coarse-grained, permeable, and uniform in grain size.

Filter pack materials should consist of clean, rounded to well-rounded, hard, insoluble particles of siliceous composition (industrial grade quartz sand or glass beads). The required grain-size distribution or particle sizes of the filter pack materials should be selected based upon a sieve analysis of the aquifer materials or the formation to be monitored, or the characteristics of the aquifer materials using information acquired during previous investigations.

Where sieve analyses are used to select the appropriate filter pack particle size, the results of a sieve analysis of the formation materials are plotted on a grain-size distribution graph, and a grain-size distribution curve is generated. The 70 percent retained grain size value should be multiplied by a factor between four and six (four for fine, uniform formations and six for coarse, non-uniform formations). A second grain-size distribution curve is then drawn on the graph for this new value, ensuring that the uniformity coefficient does not exceed 2.5. The filter pack that should be used will fall within the area defined by these two curves.

Once the filter pack size is determined, the screen slot size should be selected to retain at least 90 percent of the filter pack material. DOE may propose the use of a pre-determined well screen slot size and filter pack for monitoring wells in the site-specific work plans submitted to NMED.

The filter pack should be installed in a manner that prevents bridging and particle-size segregation. Filter packs placed below the water table should be installed by the tremie pipe method. Filter pack materials should not be poured into the annular space unless the well is shallow (e.g., less than 30 ft deep) and the filter pack material can be poured continuously into the well without stopping. At least two inches of filter pack material should be installed between the well screen and the borehole wall, and two ft of material should extend above the top of the well screen. A minimum of six-inches of filter pack material should also be placed under the bottom of the well screen to provide a firm footing and an unrestricted flow under the screened area. In deep wells (e.g., greater than 200 ft deep), the filter pack may not compress when initially installed. As a result, filter packs may need to be installed as high as five ft above the screened interval in these situations. The precise volume of filter pack material required should be calculated and recorded before placement, and the actual volume used should be determined and recorded during well construction. Any significant discrepancy between the calculated and actual volume should be explained. Prior to installing the filter pack annular seal, a one to two-ft layer of chemically inert fine sand should be placed over the filter pack to prevent the intrusion of annular sealants into the filter pack.

#### II.C.4. Annular Sealant

The annular space between the well casing and the borehole should be properly sealed to prevent cross-contamination of samples and the groundwater. The materials used for annular sealants should be chemically inert with respect to the highest anticipated concentration of Contaminants expected in the groundwater or vadose zone at the Facility. In general, the permeability of the sealing material should be one to two orders of magnitude lower than the least permeable parts of the formation in contact with the well. The precise volume of annular sealants required should be calculated and recorded before placement, and the actual volume should be determined and recorded during well construction. Any significant discrepancy between the calculated volume and the actual volume should be explained.

During well construction, an annular seal should be placed on top of the filter pack and any transition sand. This seal should consist of a high solids (10-30 percent) bentonite material in the form of bentonite pellets, granular bentonite, or bentonite chips. The bentonite seal should be placed in the annulus through a tremie pipe if the well is deep (greater than 30 ft), or by pouring directly down the annulus in shallow wells (less than 30 ft). If the bentonite materials are poured directly down the annulus (which is an acceptable method only in wells less than 30 feet deep), a tamping device should be used to ensure that the seal is emplaced at the proper depth and the bentonite has not bridged higher in the well casing. The bentonite seal should be placed above the filter pack a minimum of two ft vertical thickness. The bentonite seal should be allowed to completely hydrate in conformance with the manufacturer's specifications prior to installing the overlying annular grout seal. The time required for the bentonite seal to completely hydrate will differ with the materials used and the specific conditions encountered, but is generally a minimum of four to 24 hours.

A grout seal should be installed on top of the filter pack annular seal. The grout seal may consist of a high solids (30 percent) bentonite grout, a neat cement grout, or a cement/bentonite grout. The grout should be pumped under pressure (not gravity fed) into the annular space by the tremie pipe method, from the top of the filter pack annular seal to within a few ft of the ground surface. The tremie pipe should be equipped with a side discharge port (or bottom discharge for grouting at depths greater than 100 feet) to minimize damage to the filter pack or filter pack annular bentonite seal during grout placement. The grout seal should be allowed to cure for a minimum of 24 hours before the concrete surface pad is installed. All grouts should be prepared in accordance with the manufacturer's specifications. High solids (30 percent) bentonite grouts should have a minimum density of ten pounds per gallon (as measured by a mud balance) to ensure proper setup. Cement grouts should be mixed using six and one-half to seven gallons of water per 94-pound bag of Type I Portland cement. Bentonite (five to ten percent) may be added to delay the setting time and reduce the shrinkage of the grout.

#### II.C.5. Well Development

All groundwater monitoring wells should be developed to create an effective filter pack around the well screen, correct damage to the formation caused by drilling, remove fine particles from the formation near the borehole, and assist in restoring the natural water quality of the aquifer in the vicinity of the well. Development stresses the formation around the screen, as well as the filter pack, so that mobile fines, silts, and clays are pulled into the well and removed. Development is also used to remove any foreign materials (e.g., water, drilling mud) that may

have been introduced into the borehole during the drilling and well installation activities, and to aid in the equilibration that will occur between the filter pack, well casing, and the formation water. The development of a well is extremely important to ensuring the collection of representative groundwater samples.

Newly installed groundwater monitoring wells should not be developed for at least 48 hours after the surface pad and outer protective casing are installed. This will allow sufficient time for the well materials to cure before the development procedures are initiated. A new monitoring well should be developed until the column of water in the well is free of visible sediment, and the pH, temperature, turbidity, and specific conductivity have stabilized. In most cases, the above requirements can be satisfied. However, in some cases, the pH, temperature, and specific conductivity may stabilize but the water remains turbid. In this case, the well may still contain well construction materials, such as drilling mud in the form of a mud cake or formation soils that have not been washed out of the borehole. Thick drilling mud cannot be flushed out of a borehole with one or two well volumes of flushing. Instead, continuous flushing over a period of several days may be necessary to complete the well development. If the well is pumped dry, the water level should be allowed to sufficiently recover before the next development period is initiated. The common methods used for developing wells include:

- Pumping and overpumping;
- Backwashing;
- Surging (with a surge block);
- Bailing;
- Jetting; and
- Airlift pumping.

These development procedures can be used, either individually or in combination, to achieve the most effective well development. However, the most favorable well development methods include pumping, overpumping, bailing, surging, or a combination of these methods. Well development methods and equipment that alter the chemical composition of the groundwater should not be used. Development methods that involve adding water or other fluids to the well or borehole, or that use air to accomplish well development should be avoided, if possible. If water is introduced to a borehole during well drilling and completion, then the same or greater volume of water should be removed from the well during development. In addition, the volume of water withdrawn from a well during development should be recorded.

#### II.C.6. Surface Completion

Monitoring wells may be completed either as flush-mounted wells, or as above-ground completions. A surface seal should be installed over the grout seal and extended vertically up the well annulus to the land surface. The lower end of the surface seal should extend a minimum of one foot below the frost line to prevent damage from frost heaving. The composition of the surface seal should be neat cement or concrete. In above-ground completions, a three-foot wide, four-inch thick concrete surface pad should be installed around the well at the same time the protective casing is installed. The surface pad should be sloped so that drainage will flow away from the protective casing and off the pad. In addition, a minimum of one inch of the finished

pad should be below grade or ground elevation to prevent washing and undermining by soil erosion.

A locking protective casing should be installed around the well casing (riser) to prevent damage or unauthorized entry. The protective casing should be anchored in the concrete surface pad below the frost line and extend several inches above the well riser stickup. A weep hole should be drilled into the protective casing just above the top of the concrete surface pad to prevent water from accumulating and freezing inside the protective casing around the well riser. A cap should be placed on the well riser to prevent tampering or the entry of foreign materials, and a lock should be installed on the protective casing to provide security. If the wells are located in an area that receives traffic, a minimum of three bumper guards consisting of steel pipes three to four inches in diameter and a minimum of five-foot length should be installed. The bumper guards should be installed to a minimum depth of two feet below the ground surface in a concrete footing and extend a minimum of three feet above ground surface. The pipes should be filled with concrete to provide additional strength. The pipes should be painted a bright color to reduce the possibility of vehicular damage.

If flush-mounted completions are required (e.g., in active roadway areas), a protective structure such as a utility vault or meter box should be installed around the well casing. In addition, measures should be taken to prevent the accumulation of surface water in the protective structure and around the well intake. These measures should include outfitting the protective structure with a steel lid or manhole cover that has a rubber seal or gasket, and ensuring that the bond between the cement surface seal and the protective structure is watertight.

#### II.D. Well Abandonment

Wells may be abandoned when they are eliminated from the Facility monitoring network or when they are damaged beyond repair. Well plugging and abandonment methods and certification should be conducted in accordance with the *Rules and Regulations Governing Well Driller Licensing: Construction, Repair and Plugging of Wells* [19.27.4 NMAC]. DOE should notify NMED and submit a well abandonment plan to NMED prior to the date the wells are to be removed from the monitoring network.

The goal of well abandonment is to seal the borehole in such a manner that the well cannot act as a conduit for migration of Contaminants from the ground surface to the aquifer or between aquifers. To properly abandon a well, the preferred method is to completely remove the well casing and screen from the borehole, clean out the borehole, and backfill with a cement or bentonite grout, neat cement, or concrete.

For wells with small diameter casing, abandonment should be accomplished by overdrilling the well with a large diameter hollow-stem auger. After the well has been overdrilled, the well casing and grout can be lifted out of the ground with a drill rig, and the remaining filter pack can be drilled out. The open borehole can then be pressure grouted (via the tremie pipe method) from the bottom of the borehole to the ground surface. After the grout has cured, the top two-feet of the borehole should be filled with concrete to insure a secure surface seal.

Several other well abandonment procedures are available for wells with larger diameter screens and casings. One method is to force a drill stem with a tapered wedge assembly or a solid-stem

auger into the well casing and pull the casing out of the ground. However, if the casing breaks or the well cannot be pulled from the ground, the well will have to be grouted in place. To abandon a well in place, a tremie pipe should be placed at the lowest point in the well (at the bottom of the screen or in the well sump). The entire well is then pressure grouted from the bottom of the well upward. The pressurized grout will be forced out through the well screen into the filter pack and up the inside of the well casing sealing off all breaks and holes in the casing. Once the well is grouted, the casing is cut off even with the ground surface and covered with concrete.

If a PVC well cannot be abandoned due to internal casing damage (e.g., the tremie pipe cannot be extended to the bottom of the screen), it may be necessary to drill out the casing with a roller cone or drag bit using the wet rotary drilling method, or grind out the casing using a solid-stem auger equipped with a carbide tooth bit. Once the casing is removed, the open borehole can be cleaned out and pressure grouted from the bottom of the borehole upward.

## II.E. Documentation

All information on the design, construction, and development of each monitoring well should be recorded and presented on a boring log, a well construction log, and well construction diagram. The well construction log and well construction diagram should include the following information:

- Well name/number;
- Date/time of well construction;
- Borehole diameter and well casing diameter;
- Well depth;
- Casing length;
- Casing materials;
- Casing and screen joint type;
- Screened interval(s);
- Screen materials;
- Screen slot size and design;
- Filter pack material and size;
- Filter pack volume (calculated and actual);
- Filter pack placement method;
- Filter pack interval(s);
- Annular sealant composition;
- Annular sealant placement method;
- Annular sealant volume (calculated and actual);
- Annular sealant interval(s);
- Surface (grout) sealant composition;
- Surface (grout) seal placement method;
- Surface (grout) sealant volume (calculated and actual);
- Surface (grout) sealant interval;
- Surface completion and well apron design and construction;
- Well development procedure and turbidity measurements;
- Well development purge volume(s) and stabilization parameter measurements;

- Type and design and construction of protective casing;
- Well cap and lock;
- Ground surface elevation;
- Survey reference point elevation on well casing;
- Top of monitoring well casing elevation; and
- Top of protective steel casing elevation.

**SUMMONS**

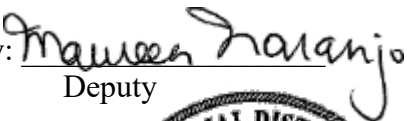
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 /225 Montezuma Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2021-00386 Assigned Judge: Honorable Francis J. Mathew
Plaintiff(s): NEW MEXICO ENVIRONMENT DEPARTMENT, v. Defendant(s): U.S. DEPARTMENT OF ENERGY.	Defendant Name: Fred J. Federici III Acting United States Attorney for the District of New Mexico Address: 201 3rd St NW #900 Albuquerque, NM 87102 fred.federici@usdoj.gov

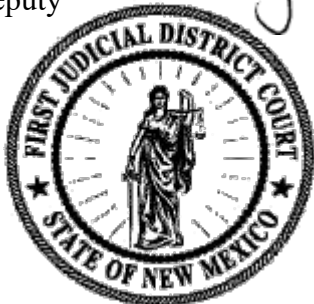
**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 25 day of February, 2021.

KATHLEEN VIGIL  
CLERK OF DISTRICT COURT

By:   
Deputy



Respectfully Submitted By:

/s/ John Verheul  
Assistant General Counsel  
Special Assistant Attorney General  
New Mexico Environment Department  
121 Tijeras Avenue NE, Ste 1000  
Albuquerque, NM 87102  
[John.Verheul@state.nm.us](mailto:John.Verheul@state.nm.us)  
505-383-2063 phone  
505-469-8862 mobile  
505-383-2064 fax

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.



[ ] to \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]



# Memorandum



**Buckman Direct Diversion**

**Date:** March 4, 2021  
**To:** Buckman Direct Diversion Board  
**From:** Rick Carpenter, BDD Facilities Manager  
**Subject:** Proposed Fiscal Year 2022 Annual Operating Budget Request

## ITEM AND ISSUE:

Request for approval and recommendation of the BDD Annual Operating Budget & Other Fund Contributions for Fiscal Year 2022.

## BACKGROUND AND SUMMARY:

BDD is pleased to present the proposed Buckman Direct Diversion (BDD) Annual Operating Budget for Fiscal Year 2022 and proposed contributions to the Major Repair & Replacement Fund. The proposed budget accounts for all projected necessary costs to meet the Board's service level objectives and to continue to provide high quality water to our partners, the City of Santa Fe, Santa Fe County, the Club at Las Campanas and the Las Campanas Water and Sewer Cooperative.

The BDD actively collaborated with its partners on the development of this budget, and with their support, we present this budget request.

### Budget Highlights & Considerations:

- Requesting budget approval of \$8,842,711 for FY 2022 Operations (Page 2)
  - \$8,626,711– Partner Reimbursements
  - \$120,000– PNM Solar Rebate Revenue
  - \$96,000 – Federal Funds
- FY 2022 Budget Request increased by \$78,996 from the FY 2021 Adopted Budget (Page 5)
- Emergency Reserve Fund is fully funded to our target balance of \$2,000,000 (Page 13)
- Major Repair & Replacement Fund - \$626,706 requested contributions. (Page 14)



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



**ACTION REQUESTED:**

Staff recommends approval and recommendation of the BDD Annual Operating Budget for Fiscal Year 2022 and the requested contributions to our Major Repair and Replacement Fund to City of Santa Fe's City Council and Santa Fe County Board of Commissioners.

We look forward to presenting the proposed budget and addressing your comments and questions.

Thank you



# Buckman Direct Diversion

## FISCAL YEAR 2022

Proposed Annual Operating  
Budget & Partner Contributions

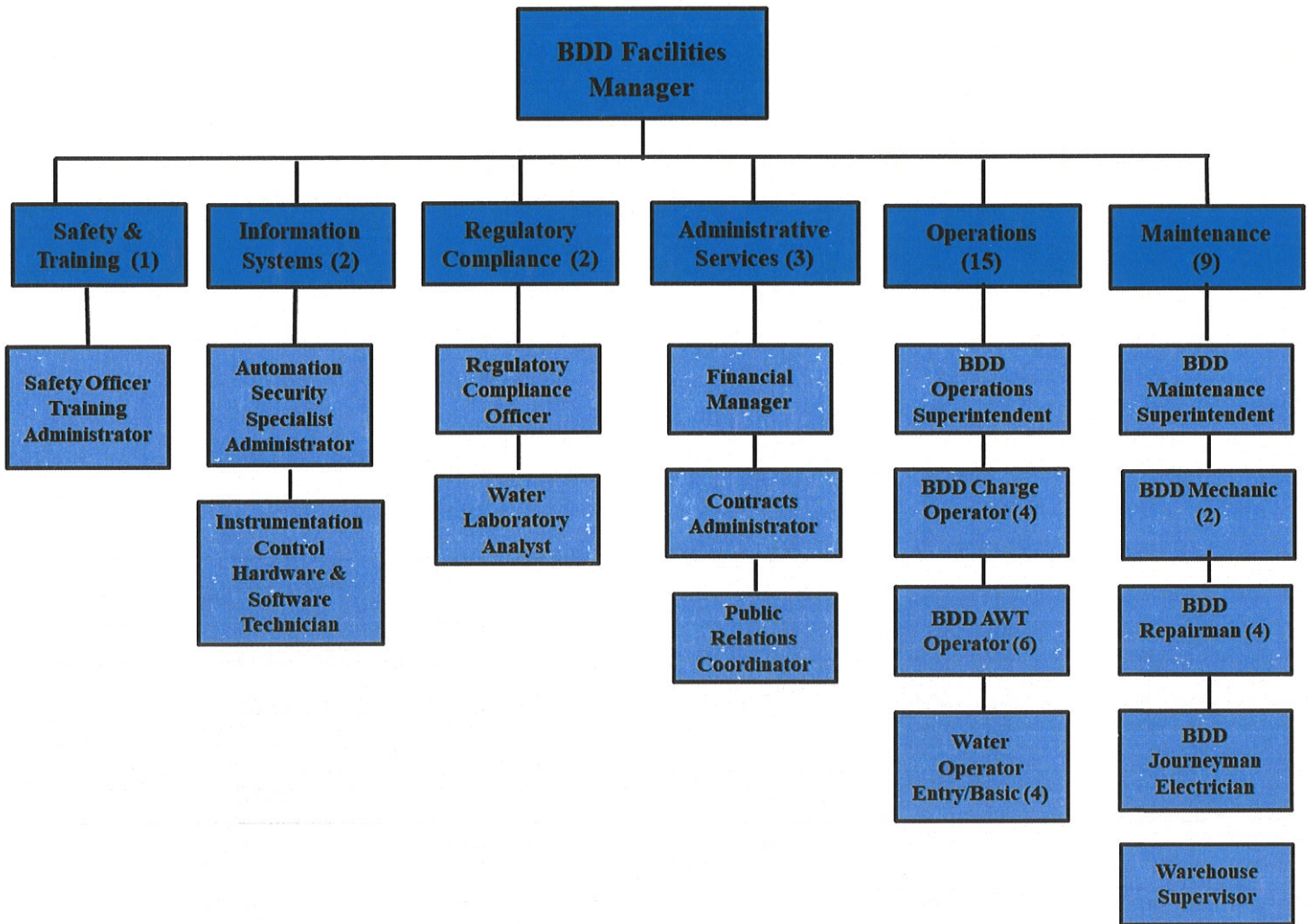


**Prepared by:**

**Mackie M. Romero, BDD Temp**  
**Rick Carpenter, BDD Facilities Manager**



**BUCKMAN DIRECT DIVERSION REGIONAL WATER PLANT**  
**ORGANIZATIONAL CHART**





## Buckman Direct Diversion (BDD) Proposed Annual Operating Budget

### Budget Message

The *Project Management and Fiscal Services Agreement* (PMFSA) requires the Project Manager to submit an Annual Operating Budget. With this submittal, the Project Manager requests the Buckman Direct Diversion Board (BDDDB) approve and recommend the Fiscal Year 2022 Operating Budget of \$8,842,711.

### Budget Revenue/Reimbursement Summary

#### TOTAL PROPOSED FISCAL YEAR 2022 OPERATING BUDGET

TABLE A

	<u>Fixed</u>	<u>Variable</u>	<u>Total</u>	<u>%</u>
<b>Revenues/Reimbursements by Source:</b>				
Federal Funds	\$ 96,000	\$ -	\$ 96,000	1%
PNM Solar Rebates	-	120,000	120,000	1%
City of Santa Fe	5,168,633	1,007,567	6,176,200	70%
Santa Fe County	1,918,492	402,728	2,321,220	26%
Las Campanas (Club)	56,447	-	56,447	1%
Las Campanas (Coop)	72,844	-	72,844	1%
<b>Total Revenues by Source</b>	<b>\$ 7,312,416</b>	<b>\$ 1,530,295</b>	<b>\$ 8,842,711</b>	<b>100%</b>
% of overall budget	83%	17%	100%	

This budget request consists of fixed and variable costs and includes revenue/reimbursements from several sources. The principle operating revenue of BDD’s operating budget is reimbursements from the partners for the cost of operations.

BDD was granted federal funds from the Department of Energy for the BDD Storm Water Sampling Program. This funding will be used for the collection of samples from the Rio Grande at the BDD in order to make determinations on the water quality of the river during LANL events.

The monthly PNM solar rebates received for the water treatment plant solar array are also accounted for as a source of revenue. The resulting reimbursement requests for American Capital Energy (primary owner of this solar array) to the City of Santa Fe and Santa Fe County will be reduced by the revenue received.

The partner reimbursement revenue is estimated based on projected expenditure types and allocated based on the cost sharing allocations established in the governing documents. Partners are billed in accordance with the BDD Working Capital and Billing Policy.



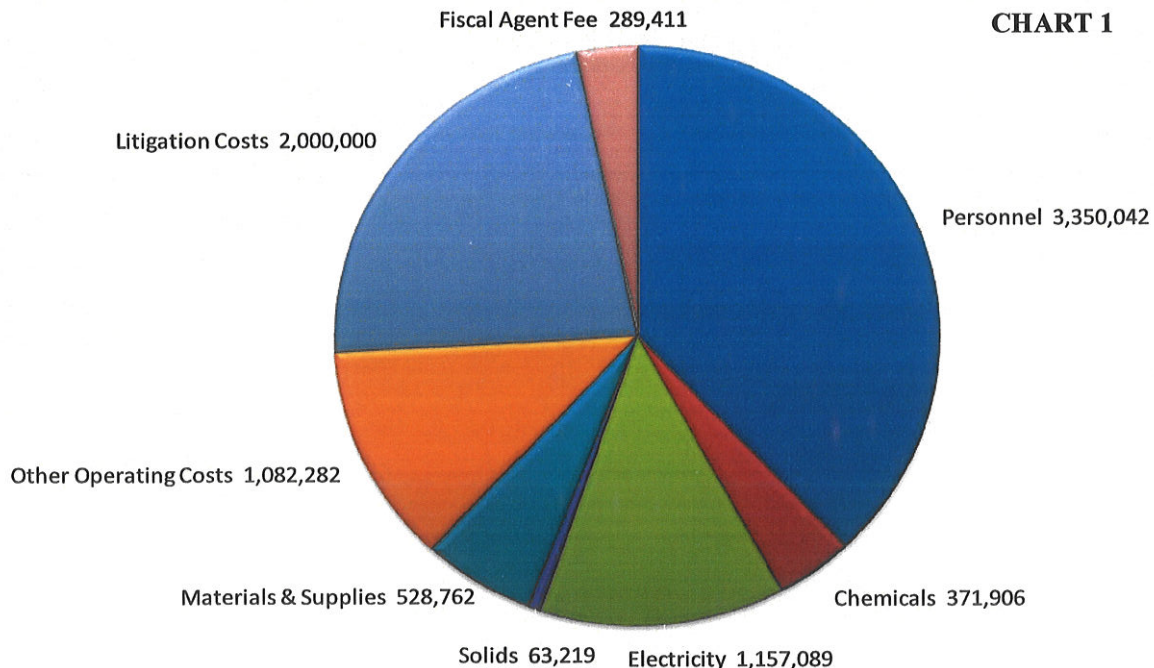
## Budget Expenditure Summary

The Buckman Direct Diversion budget consists of seven major categories as presented below. These categories are used to track expenditures for reporting and monitoring our available budget balance. In accordance with our BDD Working Capital and Billing policy, any budget adjustment requests between major categories require board approval. Expenditures are generally recorded when a liability is incurred and are reported in BDD’s main enterprise fund.

**PARTNER SHARE OF TOTAL PROPOSED FISCAL YEAR 2022 OPERATING BUDGET**

**TABLE B**

<b>Expenditure by Category:</b>	<b><u>City of Santa Fe</u></b>	<b><u>Santa Fe County</u></b>	<b><u>Las Campanas (Club)</u></b>	<b><u>Las Campanas (Coop)</u></b>	<b><u>Federal Funds</u></b>	<b><u>Total</u></b>
Personnel	\$ 2,380,758	\$ 870,820	\$ 42,988	\$ 55,476	\$ -	\$ 3,350,042
Electricity	835,200	313,893	3,491	4,505	-	1,157,089
Chemicals	264,460	107,446	-	-	-	371,906
Solids	47,761	15,458	-	-	-	63,219
Materials & Supplies	369,147	139,539	8,765	11,311	-	528,762
Other Operating Costs	711,326	272,201	1,203	1,552	96,000	1,082,282
Litigation Costs	1,448,600	551,400	-	-	-	2,000,000
Fiscal Agent Fee	209,620	79,791	-	-	-	289,411
<b>Total</b>	<b>6,266,872</b>	<b>2,350,548</b>	<b>\$ 56,447</b>	<b>\$ 72,844</b>	<b>\$96,000</b>	<b>\$ 8,842,711</b>
PNM Solar Rebates	(90,672)	(29,328)				
<b>Total</b>	<b>\$ 6,176,200</b>	<b>\$ 2,321,220</b>				





## Budget Summary & Highlights

In Fiscal Year 2022, the BDD will be in its eleventh year of operations. The BDD also uses yearly volumetric flow predictions provided by each partner for our variable and project wide allocation of expenditures.

The BDD has collaborated with its partners on the development of this budget and with their support; we present the Fiscal Year 2022 budget request with the following changes:

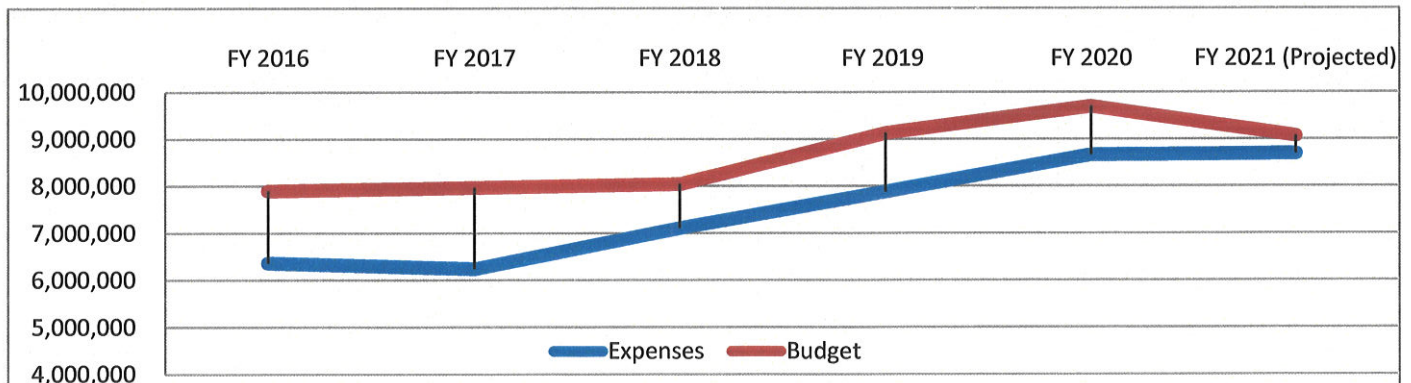
- The proposed annual operating budget for fiscal year 2022 is \$8,553,300 plus the fiscal agent fee of \$289,411, which represents 4.5% of the prior year’s annual operating budget as stated in the amended Facility Operations and Procedures Agreement (FOPA).

Closing the gap between actual expenditures and budget was considered in the development of the annual operating budget request. This will continue to be factor, to ensure funds are properly expended for the purposes as requested.

- Fiscal Year 2017 Actual Expenditures \$6,242,497 (with 6 vacant positions and \$701,988 of unexpended litigation fees) which was \$1,724,657 lower than the adopted budget.
- Fiscal Year 2018 Actual Expenditures \$7,112,089 (with 5 vacant positions and \$641,427 of unexpended litigation fees) of which \$590,000 was carry forwarded to the FY2019 Adopted Budget.
- Fiscal Year 2019 Actual Expenditures \$7,882,811 (with 11 vacant positions and \$255,212 of unexpended litigation fees) which was \$1,251,813 lower than the adopted budget.
- Fiscal Year 2020 Actual Expenditures \$8,665,134 which was \$1,031,275 lower than the adopted budget.

CUMULATIVE BDD EXPENSES TO ADOPTED BUDGET

CHART 2





## Budget Comparisons

Table C presents actual expenses by major category for fiscal year ended June 30, 2020. The change in the fiscal year 2022 operating budget request in comparison to the current 2021 adopted budget. For the most part the budget remained flat, while re-allocating expenses between categories. The budget includes an increase of \$78,996, which is related to a projected increase in electricity and chemicals as the County is projected to serve additional customers in FY2022, therefore these costs were only allocated to Santa Fe County.

The BDD staff will continue to work with its partners, the City of Santa Fe, Santa Fe County and Las Campanas entities, in determining the costs and funding needed to ensure BDD properly operates and maintains the facilities to meet the demands of its partners.

**BUCKMAN DIRECT DIVERSION OPERATING BUDGET**

**TABLE C**

	FY 2020 Adopted Budget	FY 2020 Unaudited Actual 6/30/20	FY 2020 Variance \$ (Under) / Over Budget	%	FY 2021 Adopted Budget	FY 2022 Proposed Budget	\$ Change FY 2022 vs FY 2021	%
<b>Revenues/Reimbursements by Fund:</b>								
Partner Reimbursements	\$9,415,409	\$ 8,532,597	(882,812)	91%	\$ 8,477,715	\$ 8,626,711	\$ 148,996	2%
PNM Solar Rebates	120,000	75,152	(44,848)	63%	120,000	120,000	-	0%
Federal Funds	96,000	57,385	(38,615)	60%	96,000	96,000	-	0%
Unrestricted Funds	65,000	-	(65,000)		70,000	-	(70,000)	-1%
<b>Total</b>	<b>\$9,696,409</b>	<b>\$ 8,665,134</b>	<b>\$ (1,031,275)</b>	<b>89%</b>	<b>\$ 8,763,715</b>	<b>\$ 8,842,711</b>	<b>\$ 78,996</b>	<b>1%</b>
<b>Expenditures by Category:</b>								
Salaries	\$2,254,610	\$ 1,765,013	\$ 489,597	78%	\$ 2,100,596	\$ 2,119,281	\$ 18,685	1%
Overtime	150,000	213,608	(63,608)	142%	150,000	152,025	2,025	1%
Benefits	1,173,761	905,616	268,145	77%	1,167,463	1,078,735	(88,728)	-8%
Electricity	970,000	869,406	100,594	90%	1,000,000	1,157,090	157,090	16%
Chemicals	336,000	371,375	(35,375)	111%	336,000	371,906	35,906	11%
Solids	120,000	46,647	73,353	39%	63,219	63,219	-	0%
Materials & Supplies*	802,054	544,132	257,922	68%	563,150	528,762	(34,388)	-6%
Other Operating Costs*	1,149,340	1,066,332	83,008	93%	1,050,928	1,082,282	31,354	3%
Litigation Costs	2,420,000	2,562,361	(142,361)	106%	2,000,000	2,000,000	-	0%
<b>Total</b>	<b>9,375,765</b>	<b>8,344,491</b>	<b>1,031,274</b>	<b>89%</b>	<b>8,431,356</b>	<b>8,553,300</b>	<b>121,944</b>	<b>1%</b>
Fiscal Agent Fee	320,644	320,644	0	100%	332,359	289,411	(42,948)	-1%
<b>Total</b>	<b>\$9,696,409</b>	<b>\$ 8,665,134</b>	<b>\$ 1,031,275</b>	<b>89%</b>	<b>\$ 8,763,715</b>	<b>\$ 8,842,711</b>	<b>\$ 78,996</b>	<b>1%</b>
* See Table C-1 and C-2 for a detailed summary of Major Category Costs								



**BDD Materials & Supplies Detailed Summary**

**TABLE C-1**

<u>Description</u>	<u>Amount</u>	<u>Total</u>
Repair & Maintenance Building / Structures - sprinkler, fire alarm, plumbing	18,000	
On-Call HVAC Service Agreement	60,000	
<b>Total</b>		<b>\$ 78,000</b>
<b>Repair &amp; Maintenance System Equipment</b>		
General maintenance, repairs and replacement to water system facilities	238,212	
Hach Service Agreement - Yearly calibration of instrumentation	10,000	
Eaton Service Agreement - VFD Troubleshooting	5,000	
Yukon & Assoc - On-call process instrumentation and control systems	10,000	
Wunderlich-Malec - On-call SCADA & computer networking	5,000	
Great Southwest Meters- Annual meter calibration and inspection	8,000	
Subsurface Contracting - On-call repair and replacement to water systems	18,000	
Alpha Southwest - On-call services mechanical & electrical	30,000	
Automation & Electric - On-call SCADA support, software, programming	15,000	
Positive Energy - Maintenance and service of BS2A Solar Array	6,500	
<b>Total</b>		<b>\$ 345,712</b>
Repair & Maintenance Grounds/Rd - Landscaping agreements		5,000
Repair & Maintenance Machine & Equipment -Copiers, machinery & equipment		24,300
Operating Supplies -Field supplies maintenance/operations		33,000
Auto Parts, Tires, Gasoline & Diesel - Fleet maintenance of vehicles		13,000
Inventory Exempt / IT - Small tools, radios, and phase III replacement of computers		1,500
Uniforms (\$500 clothing, \$200 boots = \$700 per employee)		19,600
Safety Supplies - First aid, protective gear, safety guides, periodicals		8,650
<b>Total</b>		<b>\$ 105,050</b>
<b>Total Materials &amp; Supplies Category</b>		<b>\$ 528,762</b>



## BDD Other Operating Costs Detailed Summary

TABLE C-2

<u>Description</u>	<u>Amount</u>	<u>Total</u>
<b>Agreements</b>		
BDDDB Insurance Broker/Agent	9,500	
Chavez Security - provides facilities patrol along Buckman road corridor	194,240	
Stenographer Agreement - BDD Board meetings	6,500	
USGS Operation and maintenance agreement of sediment and stream gage	51,386	
BDDDB Independent counsel	170,000	
Consultant for Technical Assistance	60,000	
Compliance Agreements -TREAT Study analysis	15,000	
Compliance Agreements -GAC Sampling and analysis	15,000	
Compliance Agreements -Stormwater sampling (Federal program)	96,000	
Compliance Agreements -Drinking water, solids analysis	10,000	
Compliance Agreements -Annual fire inspection and compliance	9,500	
Audit professional services agreement	7,500	
BDD Board - Public liability and real property insurance premiums	133,000	
Land Leases - BLM right of way agreements	68,200	
<b>Total</b>		<b>\$ 845,826</b>
Benefits Dept. Assessments - City Benefits Assessment Fees		8,026
General Liability Dept Assessments - City Risk Assessment Fees		10,736
General Liability Third Party - Crime Liability Assessment Fees		100,145
General Liability Third Party - Unemployment Claims		6,999
Public Relations - tours, outreach, promotions, website, virtual tour		3,500
Software/Software Subscriptions- Software support and upgrades		34,500
Employee Training - Safety, training, education, travel, dues & registrations		14,400
Advertising - Job postings, RFP bids		500
Office Supplies - General office supplies		2,500
Postage & Mailing Services - Delivery of water samples, correspondence		2,650
Utilities - Cell phones, landlines, data, website, satellite phone, natural gas, fees		52,500
<b>Total</b>		<b>\$ 236,456</b>
<b>BDDDB Litigation Costs</b>		<b>\$ 2,000,000</b>
<b>Total Other Operating Costs Category</b>		<b>\$ 3,082,282</b>



## Budget Fixed & Variable Costs Analysis

The BDD's annual operating budget consists of fixed, variable and project-wide costs. These costs are allocated by percentages contained in the Facility Operations and Procedures Agreement (FOPA). This budget request was prepared with the following cost sharing principles.

### Cost Sharing

TABLE D

<u>Fixed</u>	<u>City of Santa Fe</u>	<u>Santa Fe County</u>	<u>Las Campanas (Club)</u>	<u>Las Campanas (Coop)</u>	<u>Total</u>
Shared Facilities (CCL)	62.09%	25.61%	5.37%	6.93%	100.00%
Separate Facilities (CC)	75.33%	24.67%	0%	0%	100.00%
<b><u>Project Wide</u></b>					
Projected Volumetric Flow (PW)	72.43%	23.43%	4.14%	0.00%	100.00%
<b><u>Variable</u></b>					
Projected Volumetric Flow (CCL)	72.43%	23.43%	4.14%	0.00%	100.00%
Projected Volumetric Flow (CC)	75.56%	24.44%	0.00%	0.00%	100.00%

Annual volumetric flow predictions provided by the partners are also used as the basis for project wide costs and variable costs that are primarily related to chemicals, electricity, and solids management.

### Volumetric Flow History and FY 2022 Predictions

TABLE E

<u>Volumetric Flow (acft)</u>	<u>City of Santa Fe</u>	<u>Santa Fe County</u>	<u>LC (Raw Water) via County</u>	<u>Las Campanas (Raw Water)</u>	<u>Total Diverted</u>
FY 2016	4,127.74	1,077.23	374.33	165.14	5,744.44
FY 2017	3,896.60	1,156.87	273.60	297.73	5,624.80
FY 2018	4,397.40	1,147.92	343.38	260.61	6,149.30
FY 2019	3,300.96	1,207.86	423.08	102.35	5,034.25
FY 2020	3,435.42	1,314.08	156.08	493.44	5,399.02
<i>FY 2021</i>	<i>4,489.26</i>	<i>1,245.00</i>	<i>281.52</i>	<i>309.61</i>	<i>6,325.39</i>
<b><i>FY 2022</i></b>	<b><i>5,255.00</i></b>	<b><i>1,700.00</i></b>	<b><i>300.31</i></b>	<b><i>-</i></b>	<b><i>7,255.31</i></b>
<i>FY 2022 %</i>	72.43%	23.43%	4.14%	0.00%	100%

% Percentage is used in calculation of partner share (CCL) of variable costs & project wide



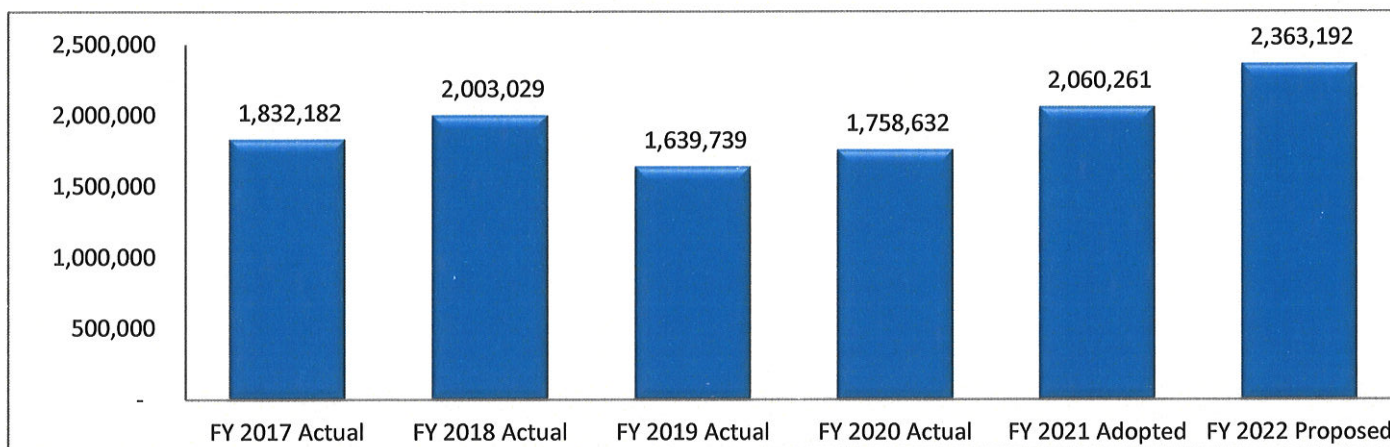
## Volumetric Flow History

BDD has completed a budget analysis for fiscal year 2022, which includes volumetric predictions of 2,363,192 gallons. This is an estimated 14.7% increase in water delivery thru BDD over fiscal year 2021 predicted water call. The BDD will continue to work with the partners to adaptively manage BDD water deliveries to meet changes in partner demands.

### Total gallons delivered in 1,000's

(Includes raw water)

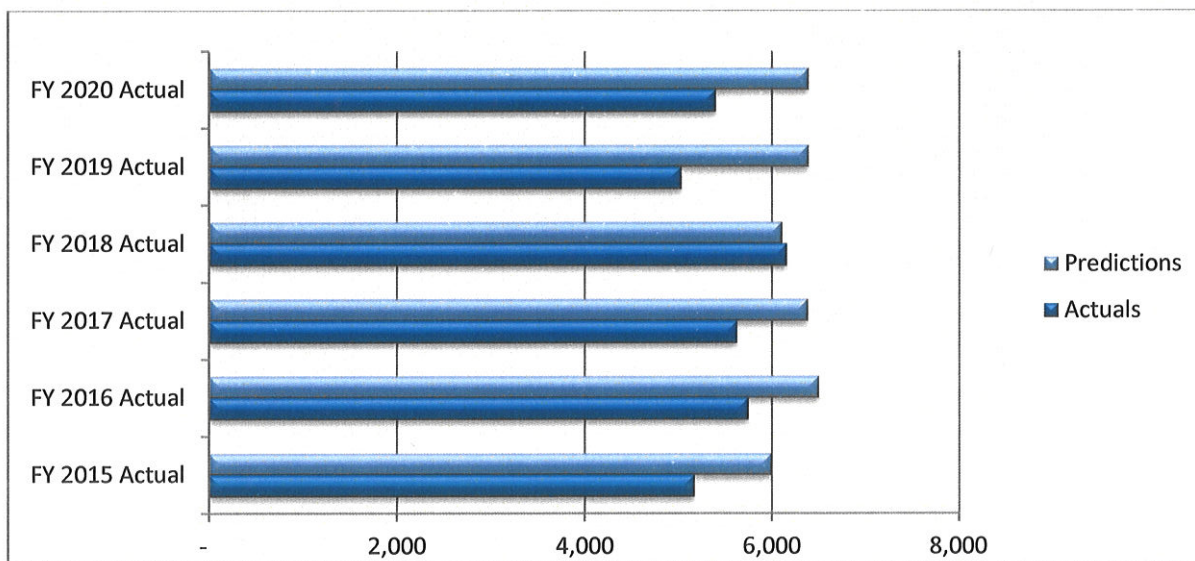
CHART 3



### Total gallons delivered vs. volumetric predictions

(Includes raw water)

CHART 4





## Programs

As the focal point for key resource decisions, the budget process is a powerful tool. The *National Advisory Council for State and Local Budgeting* (NACSLB) was created in 1997 to provide assistance to governments in improving their budgeting processes. In fulfilling that role, the NACSLB set forth a voluntary framework that provides budgeting guidance for state and local governments. The NACSLB established “Best Budgeting Practices” (BBP) which link budget decisions to desired outcomes consistent with organizational goals. This budget incorporates many BBP’s set forth by NACSLB.

While local governments struggle with declining revenues, *Outcome-based* budgeting has become an increasingly important national budgeting standard. This type of advanced budgeting links resources to key business strategies and performance indicators. This “performance-based” approach connects key financial decisions to interdependent concepts of strategy, planning, business execution and measurement. Hence, this budget document contains more than a tabulation of financial figures. Rather than narrowly focusing on expenditures, we’ve established a structure for measuring the “value” citizens receive for their dollars by quantifying organizational achievement. In other words, the heart of this budget centers on determining how well the BDD executes its core business functions. We’ve shifted the focus from “paying for costs” to “buying results”. In addition, this budget simultaneously unifies our financial planning efforts with the *High Performance Organization* (HPO) principles which have become thriving core values of the BDD’s working culture.

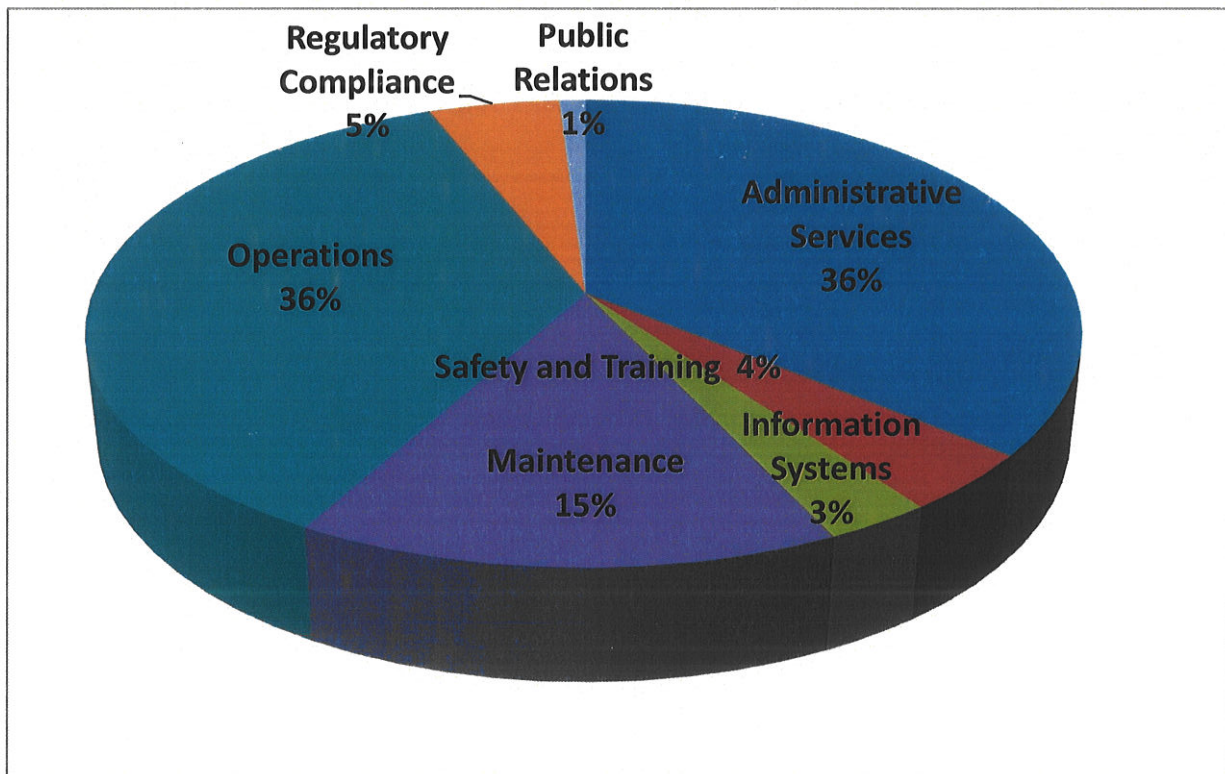
The BDD is divided into seven (7) key programs with explicit business functions as shown in Table G. Each Program was developed to support specific goals and objectives. These business activities encompass all functions necessary to operate the water treatment plant, maintain full regulatory compliance, execute Fiscal Agent responsibilities, and optimize infrastructure investments through comprehensive asset management.



**TABLE G**

Key Program	Business Function
1. Operations	Produce high quality drinking water
2. Regulatory Compliance	Provide full compliance with State and Federal water quality standards
3. Asset Management and Maintenance	Provide cost-effective maintenance services to BDD Operations and optimize infrastructure life-cycle costs
4. Safety and Training	Provides full compliance with State and Federal Health and Safety Regulations
5. Administrative Services	Provides general oversight and management support. Provides accounting, budgeting, procurement and payroll services as well as records management.
6. Information Systems	Provides automation security and communications services
7. Public Relations	Provides public outreach and awareness

**CHART 5**





## Program Budget Comparison

The expenditure budgets for these seven key programs are presented below. Total program funding includes all employee wages and benefits for full time equivalent employees, and associated overhead expenses. These key programs incorporate all business expenses necessary to execute core business functions, and allow the reader to understand how limited resources are allocated within the budget.

### Strategic Goals – Supported by program resources

- ✚ **Operations** – To ensure the highest standard of water quality, using the most efficient and up to date water production methods.
- ✚ **Regulatory** – To maintain and improve LANL/DOE monitoring program.
- ✚ **Maintenance** – To equip the staff with the tools and equipment to efficiently and effectively maintain and repair the assets of the BDD.
- ✚ **Safety & Training** – To promote and assure workplace safety and health in preventing workplace injuries.
- ✚ **Administrative Services** – To operate and maintain the BDD within budget and in accordance with the governing documents.
- ✚ **Information Systems** – To maintain and support all automation and security systems.
- ✚ **Public Relations** – To coordinate, create and support key events for the BDD outreach program.

## BDD Operating Budget – by Program

TABLE H

	FY 2020	FY 2020	Variance	FY 2021	FY 2022	\$ Change
	Adopted	Actuals	\$ (Under) or	Adopted	Proposed	FY 2022 vs
	Budget	6/30/2020	Over Budget	Budget	Budget	FY 2021
<b>Expenditures by Program:</b>						
1. Operations (16 FTE)	\$3,398,845	\$2,926,671	\$ (472,174)	\$2,996,634	\$ 3,198,652	\$ 202,018
2. Regulatory Compliance (2 FTE)	476,552	481,037	4,485	469,243	452,365	(16,878)
3. Maintenance (8 FTE)	1,439,561	1,081,446	(358,115)	1,341,010	1,312,139	(28,871)
4. Safety and Training (1 FTE)	346,587	312,799	(33,788)	322,741	331,841	9,100
5. Administrative Services (3 FTE)	2,948,410	3,239,815	291,405	2,989,455	2,897,979	(91,476)
6. Information Systems (2 FTE)	674,793	228,944	(445,849)	235,489	283,540	48,051
7. Public Relations (1 FTE)	91,017	73,778	(17,239)	76,784	76,784	-
<b>Total Expenditures (33 FTE)</b>	<b>9,375,765</b>	<b>8,344,490</b>	<b>(1,031,275)</b>	<b>8,431,356</b>	<b>8,553,300</b>	<b>121,944</b>
<b>Fiscal Agent Fee</b>	<b>320,644</b>	<b>320,644</b>	<b>-</b>	<b>332,359</b>	<b>289,411</b>	<b>(42,948)</b>
<b>Total</b>	<b>\$9,696,409</b>	<b>\$8,665,134</b>	<b>\$(1,031,275)</b>	<b>\$8,763,715</b>	<b>\$ 8,842,711</b>	<b>\$ 78,996</b>



## Emergency Reserve Fund (ERF)

The Project Management and Fiscal Services Agreement, Article 3. (E.) requires the BDD Board create an Emergency Reserve Fund, and establish procedures for its management. The Emergency Reserve Fund provides immediate reserves for unforeseen or catastrophic infrastructure failures that render facilities unable to deliver water at the needed capacity. The Project Manager, in consultation with the partners, must submit to the BDD Board an analysis of the funds required for an emergency reserve and suggest procedures for creation of and management of the Emergency Reserve Fund.

The BDD Board approved the Emergency Reserve Fund policy and funding contributions as part of the Fiscal Year 2012 budget request. This policy established target balances, replenishment requirements and funding allocations.

### Emergency Reserve Fund Balance

TABLE I

Emergency Fund	City of Santa Fe	Santa Fe County	Las Campanas Club	Las Campanas Coop	Balance
Fund Balance at June 30, 2020	1,347,979	480,965	130,775	103,777	2,063,495

As of June 30, 2020 the Emergency Reserve Fund remained fully funded to its targeted balance of \$2,000,000. As per the BDD Working Capital and Billing Policy, these funds are interest bearing and are allocated to the partners based on the percentage of cash held in their respective accounts at the end of each fiscal year.



## Major Repair and Replacement Fund (RRF)

The BDD Board also previously approved the Major Repair and Replacement Fund as part of the Fiscal Year 2012 Budget. Per the Major Repair and Replacement Fund policy these funds are to receive yearly contributions held in reserve to support major repair and replacement costs of facility equipment and systems.

The BDD Board has authorized expenditures of \$556,759 for repair and replacement of system equipment in accordance with the policy. These authorizations, upon expenditure will reduce the available balance in this fund. The Major Repair and Replacement fund will continue to receive yearly contributions in accordance with the policy.

### Major Repair and Replacement Fund Balance

TABLE J

Major Repair & Replacement	City of Santa Fe	Santa Fe County	Las Campanas Club	Las Campanas Coop	Balance
Balance as of June 30, 2020	1,417,388	493,323	40,281	36,799	1,987,791
2021 Contributions	445,545	156,494	10,769	13,898	626,706
Funds authorized for expenditure	(395,818)	(139,027)	(9,567)	(12,347)	(556,759)
<b>Projected Fund Balance</b>	<b>1,467,115</b>	<b>510,789</b>	<b>41,483</b>	<b>38,351</b>	<b>2,057,738</b>

### Major Repair and Replacement Fund Fiscal Year 2019 Contributions

TABLE K

Major Repair & Replacement	City of Santa Fe	Santa Fe County	Las Campanas Club	Las Campanas Coop	Balance
2022 Proposed Contributions	445,545	156,494	10,769	13,898	626,706

With the approval of this contribution and no additional authorizations, the fund balance will be \$2,684,444 for fiscal year 2022.

### Capital Assets Management

The BDD staff has begun work on maintaining our capital asset and replacement system with software upgrades, data verification and vehicle replacement schedule and policy. Our goals and initiatives are to continue to work on development of a multi-year projected asset plan, funding requirements, and related replacement/disposal policy.



## Budget Summary

With this submittal, the Project Manager requests the Buckman Direct Diversion Board approve and recommend the funding for our Fiscal Year 2022 Operating Budget of \$8,842,711 plus the annual contribution of \$626,706 for the Major Repair and Replacement Fund for a total request of \$9,469,417. We appreciate the input and support from our partners and our Buckman Direct Diversion Board Members.

### Fiscal Year 2022 Funding Allocation

TABLE L

<b>Funds</b>	<b>City of Santa Fe</b>	<b>Santa Fe County</b>	<b>Las Campanas (Club)</b>	<b>Las Campanas (Coop)</b>	<b>Total</b>
Operating Fund	\$6,176,200	\$2,309,721	\$ 56,446	\$ 72,844	\$ 8,615,211
			PNM Solar Rebate Revenue		120,000
			Federal Funds		96,000
			County Conservation Fee		11,500
					<b>\$ 8,842,711</b>
Major Repair & Replacement Fund	445,545	156,494	10,769	13,898	626,706
<b>Total Fiscal Year 2022 Request</b>	<b>\$6,621,745</b>	<b>\$2,466,215</b>	<b>\$ 67,215</b>	<b>\$ 86,742</b>	<b>\$ 9,469,417</b>



# Memorandum



## Buckman Direct Diversion

**Date:** March 4, 2021  
**To:** Buckman Direct Diversion Board  
**From:** Nancy R. Long  
**Subject:** Energy Efficient Equipment Project Agreements

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### ITEM AND ISSUE:

Request for the Approval of the Agreement between the City of Santa Fe and the Buckman Direct Diversion Board (“BDDDB”) for the installation of energy performance savings improvements at the Buckman Direct Diversion Project; and

Request for Limited Approval of a Cost Sharing Agreement among the City of Santa Fe, Santa Fe County, Las Campanas Water and Sewer Cooperative and the Club at Las Campanas for the Lease-Purchase of Energy Efficiency Measures to Reduce the Energy Use of the Buckman Direct Diversion Project.

### BACKGROUND AND SUMMARY:

The City performed an Investment-Grade Energy Audit (IGA) performed by Yearout Energy Services Company to assess possible energy savings measures at certain City facilities. The IGA also addressed potential energy savings projects at the Buckman Direct Diversion Facility.

The IGA recommended LED lighting facility improvement measures at four BDD facilities: BDD Main, BDD Booster Station #1A, BDD Booster Station #2A and at the BDD Lift Station. The IGA also recommended two solar renewable energy facility improvement measures at BDD Booster Station #1A and at the BDD Lift Station (“BDD Energy Projects”).

The City of Santa Fe will enter into a Lease-Purchase Agreement effective March 29, 2021 with Sterling National Bank to cover the costs of the construction, installation and maintenance of the energy savings projects. The cost for the BDD Energy Projects is contained within the total of the Lease-Purchase Agreement. The cost for the BDD Energy Projects is \$17,244,894.00. The savings realized from the Energy Projects will be paid by the BDD partners, to the City toward the loan repayment through regular billing from the BDDDB. The term of the loan is 18 years. The LED lighting and solar arrays will be conveyed to the BDDDB at the time of completion of the projects, subject to all rights of the lender. The lighting and solar arrays will be owned, as with the rest of the BDD Facility, by the City and County, equally.

There are two agreements requiring approval by the BDDDB to effectuate the BDD Energy Projects:

1. Cost Sharing Agreement for the Lease-Purchase of Energy Efficiency Equipment and Improvements to Reduce the Energy Use of the Buckman Direct Diversion Project.



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



The BDDDB is not a party to the Cost Sharing Agreement but is providing approval for the limited purpose of acknowledging BDD Project staff's obligations as to billing under the Agreement.

2. Energy Efficient Equipment Project at the Buckman Direct Diversion Facility: Agreement Between the City of Santa Fe and the Buckman Direct Diversion Board.

The Energy Efficient Equipment Project Agreement is between the City and the BDDDB to provide for: permission from the BDDDB to install the Energy Projects at the BDD Project; the transfer of the projects to the BDDDB; the maintenance of the solar arrays by the City during the term of the Lease-Purchase Agreement; and the maintenance of the LED lighting by the BDDDB.

**ACTION REQUESTED:**

It is recommended that the BDDDB approve the Cost Sharing Agreement for the purpose as stated within the agreement and approve the Energy Efficient Equipment Agreement with the City; and to allow for any revisions consistent with the terms and intent of the agreements as the agreements are finalized by all parties.

**ENERGY EFFICIENT EQUIPMENT PROJECT  
AT THE BUCKMAN DIRECT DIVERSION FACILITY**

**AGREEMENT BETWEEN THE CITY OF SANTA FE  
AND THE BUCKMAN DIRECT DIVERSION BOARD**

This Agreement (“Agreement”) between the City of Santa Fe (“City”) and the Buckman Direct Diversion Board (“BDDDB”) shall be effective as of the date of the full execution of this Agreement.

**RECITALS**

A. The City procured an Investment-Grade Energy Audit (“IGA”) performed by Yearout Energy Services Company to evaluate the Buckman Direct Diversion Facility (“BDD Facility”) along with its City facilities for energy savings improvements. The IGA recommended interior LED lighting retrofits and solar projects (“BDD Energy Projects”) at BDD Facility locations as returning energy savings within the timeframe parameters of the IGA.

B. The BDD Energy Projects include LED Lighting at BDD Main, Booster Station #1A, Booster Station #2A and the Buckman Lift Station (“LED Lighting”); installation of two (2) solar arrays: a 739.2 kW ground mount solar array at Booster Station #1A and a 278.08 kW ground mount solar array at the Buckman Lift Station (“Solar Projects”) all as described in the IGA.

C. The City and Sterling National Bank (“Lessor”) will enter into that certain Lease-Purchase Agreement dated March 29, 2021 (“Lease-Purchase Agreement”) to finance the design, acquisition, construction, permitting, and installation of the energy conservation measures recommended by the IGA. The Lease-Purchase Agreement will cover the installation of the BDD Energy Projects and the City, as borrower and lessee under the Lease-Purchase Agreement, is the sole obligor under the Lease-Purchase Agreement. The City, Santa Fe County (“County”), Las Campanas Water and Sewer Cooperative (“Cooperative”) and/or the Club at Las Campanas (“Club”) have entered, or will enter, into a separate cost sharing agreement to pay for the cost of the BDD Energy Projects out of utility cost savings.

D. Under the Lease-Purchase Agreement, the City will take title to the BDD Energy Projects upon installation. The City and BDDDB wish to transfer title of the BDD Energy Projects to the BDDDB once the Energy Projects are installed, subject to the conditions specified in this Agreement.

E. The City will also enter into that certain Professional Services Contract for Energy Performance Contracting (“EPC”) with Yearout Energy Services Company (“EPC Contractor”) for construction, installation, and other services related to the BDD Energy Projects and other projects at City facilities.

F. The City and the County each own an undivided 50% interest in the facilities comprising the Buckman Direct Diversion Project (“BDD Project”), (excluding Las Campanas Separate Facilities), as described in the *Joint Powers Agreement between the City of Santa Fe and the County of Santa Fe Governing the Buckman Direct Diversion* (“JPA”), as amended, and the

*Facility Operations and Procedures Agreement for the Buckman Direct Diversion Project*, as amended. In accordance with the JPA, the BDD Energy Projects will be appurtenant to and a part of the BDD Facility, which the City and County jointly own.

G. The permits (rights-of-way) for the BDD Facility are held by the BDDDB with the United States Forest Service (“USFS”) and with the Bureau of Land Management. The Solar Projects will require new permits to be issued by the USFS with the BDDDB’s consent and cooperation.

H. The parties wish to establish the terms and conditions under which the BDDDB will agree to allow for the installation of the BDD Energy Projects at the BDD Facility and for the transfer of the BDD Energy Projects to the BDDDB.

### **AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual covenants and obligations set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. The forgoing Recitals are incorporated into and made a part of this Agreement by reference.

2. Consent to Install BDDDB Energy Projects. The BDDDB agrees to allow the City and the EPC Contractor to install the BDDDB Energy Projects at the BDD Facility and to obtain the necessary Special Use Permits (“SUPs”) from the USFS for the installation of the Solar Projects at the BDD Facility. The SUPs shall be issued in the BDDDB’s name. The BDDDB shall cooperate as requested or required in obtaining the SUPs.

3. Solar Projects. The Solar Projects to be installed at the BDD Facility are a 739.2 KWdc Utility-Interactive Photovoltaic System at Booster Station #1A and a 278.08 kWdc Utility-Interactive Photovoltaic System at the Buckman Lift Station as depicted and described on the Site Plans for each, attached as Exhibit A-1 (Booster Station #1A) and Exhibit A-2 (Buckman Lift Station).

4. Transfer of Title and Maintenance of Energy Projects. Upon the vesting of title in the City to each Energy Project, the City agrees to transfer title to the Energy Project to the BDDDB subject to Lessor’s security interest and all rights and remedies of Lessor included in the Lease-Purchase Agreement. The City and the BDDDB agree to execute any and all necessary documents to effectuate the transfer subject to Lessor’s rights and interests. To the extent possible, the City shall transfer all warranties and guarantees of the Energy Project, other than the Savings Guarantee, which shall remain with the City, as fiscal agent for the BDD Facility. The EPC Contractor (or its subcontractor) shall perform all services as described in the EPC for the BDD Energy Projects, regardless of the transfer of title.

5. Good Faith. The parties shall cooperate in good faith to assure that the Agreement objectives are obtained.

6. Effective Date. This Agreement shall be effective on the date it has been fully executed by each party or the contingency in Section 7 is met, whichever is later.

7. Cost Sharing Agreement Contingency. This Agreement is contingent upon the BDD Partners executing a Cost Sharing Agreement establishing, at a minimum, the following with respect to the BDD Energy Projects: (1) operation, maintenance, repair, and replacement responsibilities (OMR&R); (2) cost sharing of OMR&R; and (3) cost sharing of the financing of the BDD Energy Projects.

8. Miscellaneous

A. No Waiver. Neither the City nor the BDDDB waive any limitation of liability that may apply under state law, including but not necessarily limited to the Bateman Act, NMSA 1978, Section 6-6-11, the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 through 41-4-30 and the Anti-Debt and Anti-Donation Clauses of the New Mexico Constitution, N.M. Const. Article IX, Sections 10 and 14, and NMSA 1978, Section 37-1-23.

B. Scope of Agreement. This Agreement constitutes the entire agreement and understanding between the City and the BDDDB and supersedes any and all prior agreements, and understandings, oral or written, relating to the subject matter hereof.

C. Continuing Cooperation Between the Parties. The City and the BDDDB shall work together cooperatively to assist one another in procuring and maintaining all necessary approvals and consents required for the installation and operation of the Energy Projects as, described in this Agreement and shall otherwise cooperate with one another as is required to effectuate the purposes of this Agreement.

D. No Third-Party Beneficiaries. The parties do not intend by this Agreement to confer any benefit on any person or entity that is not a party to this Agreement. Only the City and BDDDB may enforce this Agreement.

E. Neutral Construction. Both parties fairly and fully negotiated the terms of this Agreement and both were represented by counsel. If a court deems any provision of this Agreement ambiguous, such ambiguity shall not be construed against either party and shall be construed neutrally so as to carry out the intent of the parties.

F. Assignment. This Agreement is not assignable by either party.

G. Captions. Section headings in this Agreement are used solely for convenience and shall be disregarded in the construction of this Agreement.

H. Amendment. This Agreement shall not be amended except by an instrument in writing executed by the parties.

I. Applicable Law; Venue. This Agreement shall be governed by the laws of the State of New Mexico. If a conflict arises between the parties concerning this Agreement, the First Judicial State Court District, Santa Fe County, shall be the exclusive venue.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth below.

**CITY OF SANTA FE**

\_\_\_\_\_  
Alan Webber, Mayor

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Kristine Bustos-Mihelcic,  
City of Santa Fe Clerk

\_\_\_\_\_  
Date

**APPROVED:**

\_\_\_\_\_  
Mary McCoy, City Finance Director

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Erin K. McSherry, City Attorney

\_\_\_\_\_  
Date

**BUCKMAN DIRECT DIVERSION BOARD**

\_\_\_\_\_  
Anna Hansen, BDDDB Chair

\_\_\_\_\_  
Date

**ATTEST**

\_\_\_\_\_  
Katherine E. Clark, County Clerk

\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

\_\_\_\_\_  
Nancy R. Long, BDDDB Counsel

\_\_\_\_\_  
Date

**BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY'S APPROVAL OF ENCUMBRANCE OF BDD ASSETS PURSUANT TO PARAGRAPH 8 OF THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE COUNTY OF SANTA FE GOVERNING THE BUCKMAN DIRECT DIVERSION PROJECT**

\_\_\_\_\_  
Henry P. Roybal, Chair

\_\_\_\_\_  
Date

**ATTEST:**

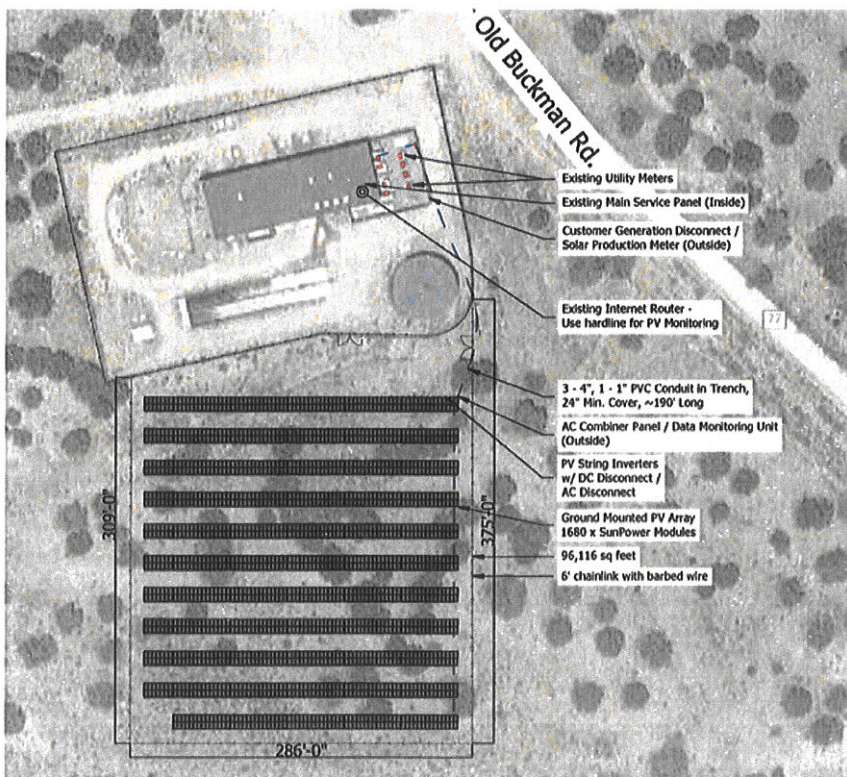
\_\_\_\_\_  
Katherine E. Clark, County Clerk

\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

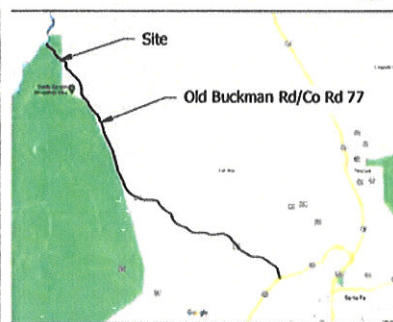
**1 Site Plan**  
1" = 75'



1. Special Access Instructions: **NO ACCESS ISSUES**
2. Exact location of equipment and conduit is subject to minor variations during installation.
3. Estimated annual energy production is based on existing site conditions and this array layout. Annual variations in weather and module degradation will affect production.
4. Maximum PV Array Height: ~ 9'-0" A.F.G

Inverters AC Capacity: 11 x 62500 W = 687.50 kWac  
 Array STC Watts: 1680 x 440 W = 739.20 kWdc  
 Combined Fault Current: 4840 Apk, 803 Arms; 26 ms

**2 Vicinity Map**  
Scale: CUSTOM



3209 Richards Lane  
 Santa Fe, NM 87507  
 (505) 424-1112  
 NM Electrical Contractor's  
 License #82573

Job 4232

**Booster Station 1A**

Utility-Interactive Photovoltaic System  
 System Size = 739.2 kWdc

Buckman Road  
 Santa Fe 87501

**DESIGN SUMMARY**

Number of Modules 1,680  
 Module Tilt Angle 30°  
 Module Azimuth 180°  
 Average Annual Shading 2.00%  
 Year 1 Production Estimate 1432902 kWh

**DESIGN APPROVAL**

I approve of this design showing all equipment and locations, and estimated production. Any change to this design may result in delays and additional costs.

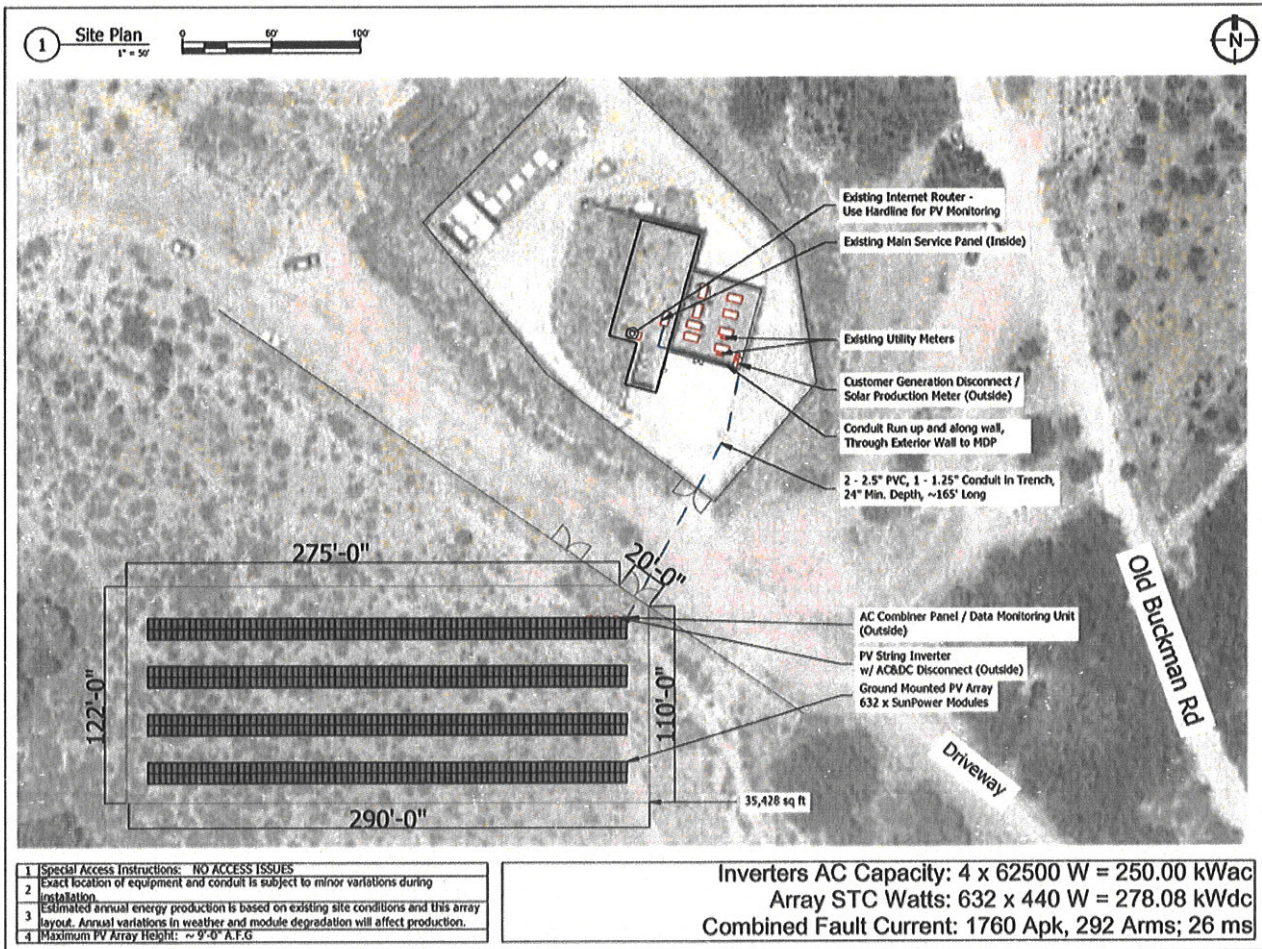
Signature:

Date:

DESIGNER:  
 David Dashiells

REV	DESCRIPTION	DATE
0	Initial Release	5/20/20

**SITE PLAN  
 PV100**



3209 Richards Lane  
 Santa Fe, NM 87507  
 (505) 424-1112  
 NM Electrical Contractor's  
 License #82573

Job 4233

**Buckman Lift Station**  
 Utility-Interactive Photovoltaic System

System Size = 278.08kWdc  
 Buckman Road  
 Santa Fe NM 87501

**DESIGN SUMMARY**

Number of Modules 632  
 Module Tilt Angle 30°  
 Module Azimuth 180°  
 Average Annual Shading 2.25%  
 Year 1 Production Estimate 537899 kWh

**DESIGN APPROVAL**

I approve of this design showing all equipment and locations, and estimated production. Any change to this design may result in delays and additional costs.  
 Signature:

Date:

DESIGNER:  
 David Dashiells

REV	DESCRIPTION	DATE
0	Initial Release	5/15/20

**SITE PLAN  
 PV100**

- 1 Special Access Instructions: NO ACCESS ISSUES
- 2 Exact location of equipment and conduit is subject to minor variations during installation.
- 3 Estimated annual energy production is based on existing site conditions and this array layout. Annual variations in weather and module degradation will affect production.
- 4 Maximum PV Array Height: ~9'-0" A.F.G

Inverters AC Capacity: 4 x 62500 W = 250.00 kWac  
 Array STC Watts: 632 x 440 W = 278.08 kWdc  
 Combined Fault Current: 1760 Apk, 292 Arms; 26 ms

**COST SHARING AGREEMENT FOR THE LEASE-PURCHASE OF ENERGY  
EFFICIENCY EQUIPMENT AND IMPROVEMENTS TO REDUCE THE ENERGY USE  
OF THE BUCKMAN DIRECT DIVERSION PROJECT**

This Cost Sharing Agreement (“Cost Sharing Agreement” or “Agreement”) is entered into by and between the City of Santa Fe (“City”), Santa Fe County (“County”), Las Campanas Water and Sewer Cooperative (“Cooperative”), and the Club at Las Campanas (“Club”) (each a “Party” and, collectively, the “Parties”), effective as of March 29, 2021. The Buckman Direct Diversion Board is a signatory to this Agreement solely to acknowledge BDD Project staff’s obligations under Agreement Sections B and C.

**RECITALS**

A. This Agreement is the Cost Sharing Agreement authorized by County Resolution No. 2021-\_\_\_\_(the “Resolution”).

B. Terms defined in the Resolution have the same meaning in this Agreement.

C. The City and Sterling National Bank are scheduled to enter into the Lease-Purchase Agreement, effective as of March 29, 2021.

D. Subject to the right to prepay, the Lease-Purchase Agreement requires the principal amount financed to be repaid over 18 years in amortized, monthly lease payments of principal plus interest at the rate of 2.145% per year on the outstanding principal amount. The cost for the BDD Energy Conservation Measures is contained within the total of the Lease-Purchase Agreement in the amount of \$17,244,894.

E. The repayment schedule under the Lease-Purchase Agreement attributable to BDD Energy Conservation Measures is attached to this Agreement as Exhibit A.

F. In accordance with the JPA, once the Lease-Purchase Agreement has been satisfied and the City conveys the BDD Energy Conservation Measures to the BDD Board, the Parties agree that the BDD Energy Conservation Measures will be a part of the BDD Project that the City and County jointly own as tenants in common.

G. The BDD Utility Cost Savings represent variable cost savings.

H. The purposes of this Agreement are to establish the terms and conditions under which (1) BDD Utility Cost Savings will be allocated between the Parties; (2) BDD Project staff will calculate the Parties’ respective share of BDD Utility Cost Savings; and (3) the County, Club, and Coop will remit to the City their proportionate share of BDD Utility Cost Savings to be used by the City for lease payments under the Lease-Purchase Agreement.

## **AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual covenants and obligations set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

A. Incorporation of Recitals. The forgoing Recitals and those set forth in the Resolution are incorporated into and made a part of this Agreement by reference.

B. Calculation of BDD Utility Cost Savings Attributable to Solar FIMs During the Term of the Lease-Purchase Agreement.

1. During the term of the Lease-Purchase Agreement, the Parties shall share all benefits (e.g., purchase of renewable energy credits and the sale of excess generation of electricity) and costs (e.g., unused facilities charges) from PNM attributable to the Solar FIMs in the billing period based upon their proportionate water usage in the billing period.

2. For each billing period and facility at which Solar FIMs are installed, BDD Project staff shall utilize the PNM bill to calculate (1) the utility charges to each Party if there were no Solar FIMs at the facility; (2) the utility charges to each Party with the Solar FIMs at the facility; and (3) the difference between (1) and (2), which represents the BDD Utility Cost Savings attributable to the Solar FIMs for the facility for the billing period. The invoice to each Party shall reflect all three amounts.

3. Within thirty (30) days of receiving the invoice for the month, the County, Club, and Cooperative shall remit to the City their respective shares (if any) of BDD Utility Cost Savings attributable to the Solar FIMs to be used by the City for monthly lease payments under the Lease-Purchase Agreement and the operation and maintenance of the Solar FIMs.

C. Calculation of BDD Utility Cost Savings Attributable to LED FIMs During the Term of the Lease Purchase Agreement.

1. During the term of the Lease-Purchase Agreement, BDD Utility Cost Savings attributable to the LED FIMs shall equal the energy savings for the LED FIMs calculated by the Contractor under the EPC. The City shall provide to the Parties and BDD Project staff the Contractor's quarterly calculation of energy savings for the LED FIMs required by the EPC.

2. BDD Utility Cost Savings attributable to the LED FIMs shall be allocated by facility among the Parties responsible for variable electrical costs at the facility based upon their proportionate water usage during the quarter.

3. On a quarterly basis, BDD Project staff shall calculate each Party's share (if any) of the BDD Utility Cost Savings attributable to the LED FIMs by facility and send each party a statement showing each Party's share (if any).

4. Within thirty (30) days of receiving a statement, the County, Club, and Cooperative shall remit to the City their respective shares of BDD Utility Cost Savings attributable

to the LED FIMs to be used by the City for monthly lease payments under the Lease-Purchase Agreement.

D. City Obligations Under Lease-Purchase Agreement and EPC; Periodic True-Up.

1. The City shall be solely responsible for timely making the payments due under the Lease-Purchase Agreement and EPC. The City also shall be responsible for the operation and maintenance of the Solar FIMs. Except as provided in Sections B, C, and E of this Agreement, the County, Club, and Cooperative shall have no obligation to reimburse the City for any amounts due under the Lease-Purchase Agreement or EPC or for operations and maintenance of the Solar FIMs.

2. The City shall further take all action necessary to avoid non-monetary defaults under the Lease-Purchase Agreement.

3. On every third anniversary of the Lease-Purchase Agreement and after expiration of the Lease-Purchase Agreement, the Parties shall conduct a true-up in accordance with this paragraph if total BDD Utility Cost Savings during the true-up period were greater than debt service and O&M during the true-up period.

a. As used herein, (a) "true-up period" means the time since the last true-up or Lease-Purchase Agreement inception, in the case of the first true-up, and (b) "debt service and O&M" means the sum of lease payments attributable to the BDD Energy Conservation Measures made under the Lease-Purchase Agreement and operation and maintenance costs of the Solar FIMs during the true-up period.

b. Each time a true-up payment is due, the Parties shall calculate their proportionate share of debt service and O&M during the true-up period by multiplying debt service and O&M during the true-up period by each Party's cumulative share of BDD Utility Cost Savings during the true-up period. That number shall be subtracted from each Party's respective cumulative share of BDD Utility Cost Savings during the true-up period. The City shall refund the other Parties the difference.

d. The following example demonstrates these principles. During the first true-up period, assume lease purchase payments attributable to the BDD Energy Conservation Measures was \$561,703.59 and total operations and maintenance costs for the Solar FIMs was

\$10,351.36. Debt service and O&M equals \$572,054.95. Total BDD Utility Cost Savings during the true-up period was \$600,000, allocated among the Parties as follows: City – 72%; County – 24%; and Club -4%. The City would owe the following true-up payments to the County and Club: County - \$6,706.81 ((24% x \$600,000)-(24% x \$572,054.95)) and Club - \$1,117.80 ((4% x \$600,000) – (4% x \$572,054.95)).

E. Parties Obligations After Expiration of the Lease-Purchase Agreement. BDD Utility Cost Savings shall not be calculated after expiration of the Lease-Purchase Agreement. After expiration of the Lease-Purchase Agreement, net utility charges and operation and maintenance costs shall be allocated among the Parties according to the FOPA; provided, however,

that any moneys the City receives during the remaining term of the Performance Guarantee Period under the EPC attributable to the BDD Energy Conservation Measures shall be remitted to the BDD Board for operation and maintenance costs.

F. Special Limited Obligation. Notwithstanding any other provision of this Agreement to the contrary and in accordance with Section 8 of the Resolution, the County's obligations under this Agreement are limited to its share of BDD Utility Cost Savings calculated in accordance with this Agreement.

G. Good Faith. The Parties shall work with BDD Project staff in good faith to assure that BDD Utility Costs Savings are properly calculated in accordance with this Agreement.

C. Effective Date. This Agreement shall be effective as of March 29, 2021.

D. Miscellaneous

1. No Waiver. Neither the City nor the County waive any limitation of liability that may apply under state law, including but not necessarily limited to the Bateman Act, NMSA 1978, Section 6-6-11, the New Mexico Tort Claims Act, NMSA 1978, Sections 41- 4-1 through 41-4-30 and the Anti-Debt and Anti-Donation Clauses of the New Mexico Constitution, N.M. Const. Article IX, Sections 10 and 14, and NMSA 1978, Section 37-1-23.

2. Scope of Agreement. This Agreement constitutes the entire agreement and understanding between the Parties and supersedes any and all prior agreements, and understandings, oral or written, relating to the subject matter hereof.

3. No Third-Party Beneficiaries. The Parties do not intend this Agreement to confer any benefit on any person or entity that is not a party to this Agreement. Only the Parties may enforce this Agreement.

4. Neutral Construction. The Parties fairly and fully negotiated the terms of this Agreement and all were represented by counsel. If a court deems any provision of this Agreement ambiguous, such ambiguity shall not be construed against either Party but, instead, shall be construed neutrally so as to carry out the intent of the Parties.

5. Assignment. This Agreement is not assignable by any Party.

6. Captions. Section headings in this Agreement are used solely for convenience and shall be disregarded in the construction of this Agreement.

7. Amendment. This Agreement shall not be amended except by an instrument in writing executed by the Parties.

8. Applicable Law; Venue. This Agreement shall be governed by the laws of the State of New Mexico. If a conflict arises between the Parties concerning this Agreement, the First Judicial State Court District, Santa Fe County, shall be the exclusive venue. Prior to the institute of a lawsuit, the Parties agree to attempt to mediate the dispute using a mutually acceptable mediator.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the date set forth below.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK,  
SIGNATURE PAGES FOLLOW]**

**CITY OF SANTA FE**

\_\_\_\_\_  
Alan Webber, Mayor

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Kristine Bustos-Mihelcic,  
City of Santa Fe Clerk

\_\_\_\_\_  
Date

**APPROVED:**

\_\_\_\_\_  
Mary McCoy, City Finance Director

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Erin K. McSherry, City Attorney

\_\_\_\_\_  
Date

**SANTA FE COUNTY**

\_\_\_\_\_  
Katherine Miller, County Manager

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Katherine E. Clark, County Clerk

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

\_\_\_\_\_  
Date

**FINANCE DIVISION APPROVAL**

\_\_\_\_\_  
Yvonne S. Herrera, Finance Director

\_\_\_\_\_  
Date

**BUCKMAN DIRECT DIVERSION BOARD**

\_\_\_\_\_  
Anna Hansen, BDDDB Chair

\_\_\_\_\_  
Date

**ATTEST**

\_\_\_\_\_  
Katherine E. Clark, County Clerk

\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

\_\_\_\_\_  
Nancy R. Long, BDDDB Counsel

\_\_\_\_\_  
Date

**LAS CAMPANAS WATER AND SEWER COOPERATIVE**

---

---

Date

**THE CLUB AT LAS CAMPANAS**

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---

Date

## **Exhibit A**

### **Repayment Schedule**