

**STATE OF NEW MEXICO**

**ENVIRONMENT DEPARTMENT**

**IN THE MATTER OF:**

<b>THE UNITED STATES DEPARTMENT</b>	)	<b>COMPLIANCE ORDER</b>
<b>OF ENERGY AND THE REGENTS OF THE</b>	)	<b>ON CONSENT</b>
<b>UNIVERSITY OF CALIFORNIA</b>	)	
	)	
	)	<b>PROCEEDING UNDER</b>
	)	<b>THE NEW MEXICO</b>
<b>LOS ALAMOS NATIONAL LABORATORY)</b>	)	<b>HAZARDOUS WASTE</b>
<b>LOS ALAMOS COUNTY, NEW MEXICO,</b>	)	<b>ACT § 74-4-10 AND THE</b>
	)	<b>NEW MEXICO SOLID</b>
<b>RESPONDENTS.</b>	)	<b>WASTE ACT § 74-9-36(D)</b>

**MARCH 1, 2005**  
**(Revised October 29, 2012)**

### III. GENERAL PROVISIONS

#### III.A PURPOSES AND SCOPE OF CONSENT ORDER

The purposes of this Consent Order are: 1) to fully determine the nature and extent of releases of Contaminants at or from the Facility; 2) to identify and evaluate, where needed, alternatives for corrective measures, including interim measures, to clean up Contaminants in the environment, and to prevent or mitigate the migration of Contaminants at or from the Facility; and 3) to implement such corrective measures.

Except as provided in Section III.W.1, this Consent Order fulfills the requirements for: 1) corrective action 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 action for releases of groundwater contaminants listed at 20.6.2.3103 NMAC, toxic pollutants listed at 20.6.2.7.VV NMAC, Explosive Compounds, nitrate, and perchlorate pursuant to section 74-9-36(D) of the SWA; 3) groundwater monitoring, groundwater characterization and groundwater corrective action 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).

This Consent Order contains no requirements for radionuclides or the radioactive portion of mixed waste. Therefore, any radionuclides found in any media at the Facility shall not be subject to this Consent Order or any enforcement action relating to this Consent Order. Notwithstanding the foregoing, Respondents 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 the Respondents 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.

This Consent Order also imposes no requirements on any areas of concern (“AOCs”) previously investigated by the Respondents and reviewed and determined by EPA to require no further investigation or other action; those AOCs are specifically identified in a letter from EPA, dated January 21, 2005, to the Department.

Section 1004(27) of RCRA, 42 U.S.C. § 6903(27) (and its implementing regulations at 40 C.F.R. § 261.4(a)(2)) and the HWA, NMSA 1978 § 74-4-3(M) (and its implementing regulations at 20.4.1.200 NMAC, incorporating 40 C.F.R. § 261.4(a)(2)) exclude from the definition of “solid waste” and thus exclude from regulation under the HWA or RCRA industrial discharges that are point sources subject to permits under section 402 of the Clean Water Act. Solely for the purposes of this Consent Order, the Respondents shall not assert this exclusion in response to

Associate Administrator for Infrastructure and Environment of NNSA, and the Director of Los Alamos National Laboratory (the “Tier 3 Officials”). The Tier 3 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 3 negotiations shall not exceed three business days from the date the Tier 3 Officials receive the statements, unless the period is extended by written agreement of the Parties to the dispute.

### **III.I.5 Other Remedies**

If the Parties are unable to resolve a dispute by Tier 3 negotiations under the preceding Paragraph, 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 the Department, bringing an enforcement action or, for the Respondents, 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 3 negotiations are complete.

### **III.I.6 Extension of Deadlines**

The deadline for any obligation of the Respondents under this Consent Order that is directly affected by a dispute raised pursuant to this section (III.I) shall be extended by a period of time not to exceed the actual time taken to resolve the dispute in accordance with the procedures of this section (III.I). The invocation of the dispute resolution process under this section (III.I) shall not, however, extend, postpone, or affect in any way any obligations of the Respondents under this Consent Order not directly in dispute, unless otherwise agreed by the Department in writing. Stipulated penalties attributable to the disputed matter shall continue to accrue, but payment shall be stayed pending resolution of the dispute. If the Department prevails in the dispute, the Respondents shall pay all accrued stipulated penalties, plus accrued interest, in accordance with Section III.G.

## **III.J MODIFICATION**

### **III.J.1 Procedures for Modifying Provisions of the Consent Order**

The Parties may modify any of the provisions of this Consent Order. Except as provided in Sections III.L (Notice to Parties) and III.M (Work Plans and Other Deliverable Documents), any such modifications must be in writing and signed by all Parties. As provided in Section III.W.5, modifications of this Consent Order are subject to the same procedural rights that would apply to those modifications if made under the Facility’s Hazardous Waste Permit pursuant to the regulations at 20.4.1.900 NMAC (incorporating 40 C.F.R. § 270.42) and 20.4.1.901 NMAC.

### **III.J.2 Provisions Governing Extensions of Time**

The Respondents may seek an extension of time in which to perform a requirement of this Consent Order, for good cause, by sending a written request for extension of time and proposed

revised schedule to the Department. The request shall state the length of the requested extension and describe the bases for the request. The Department will respond in writing to any request for extension within ten business days following receipt of the request. If the Department denies the request for extension, it will state the reasons for the denial. If the Department does not respond in writing within ten business days, the requested extension shall automatically be granted.

As set forth in Section III.M.2 (Review, Revision, and Approval of Work Plans and Other Deliverable Documents), a failure by the Department to meet the notice dates identified in Tables XII-2 and XII-3, shall result in an automatic extension of time for Respondents.

### **III.K COMPLIANCE WITH APPLICABLE LAWS**

#### **III.K.1 General**

The Respondents 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 the Respondents of their obligation to comply with applicable law.

#### **III.K.2 Atomic Energy Act**

The Atomic Energy Act (AEA), as amended, 42 U.S.C. §§ 2011 *et seq.*, and the Department of Energy Organization Act, 42 U.S.C. §§ 7101 *et seq.*, and their implementing regulations, orders and directives, require DOE to protect the public health and safety, and, to this end, exclusively authorize DOE to regulate nuclear safety at its facilities. DOE's authority to regulate nuclear safety is governed by the provisions of 10 C.F.R. Parts 830 through 835. Pursuant to those regulations, DOE is required to review and approve all activities and work, including activities and work under this Consent Order, to ensure that its statutory and regulatory responsibilities for nuclear safety are met. In making determinations concerning nuclear safety, DOE follows the requirements of 10 C.F.R. Parts 830 through 835. Nothing in this Consent Order shall require the performance of any work or activity that is inconsistent with any nuclear safety requirement implemented pursuant to 10 C.F.R. Parts 830 through 835. If such an inconsistency arises, the Respondents shall provide appropriate documentation demonstrating the inconsistency to the Department.

#### **III.K.3 Anti-Deficiency Act**

No provision of this Consent Order shall be interpreted as, or constitute, a commitment or requirement that the United States shall obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341. Payment or obligation of funds by the United States is subject to the availability of appropriated funds.

### **III.L NOTICE TO PARTIES**

Whenever under the terms of this Consent Order, any Party is required to provide notice to any other Party, or to submit any plan, report, or other document called for under this Consent Order, such notice, plan, report or other document shall be sent or directed to the following persons.

As to the Department:

Chief, Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Fe, New Mexico 87505-6303  
(505) 428-2512  
428-2567

Santa  
Telephone:  
Facsimile: (505)

As to DOE:

**First Class Mail and Overnight Delivery address:**  
Environmental Restoration Program Manager  
U.S. Department of Energy / National Nuclear Security Administration  
Los Alamos Site Office  
528 35th Street  
Alamos, New Mexico 87544  
5808

Los  
Telephone: (505) 667-  
Facsimile: (505) 667-9998

As to the University:

**First Class mail address:**  
Remediation Services Deputy Project Director  
Los Alamos National Laboratory  
P.O. Box 1663, MS-M992  
Los Alamos, New Mexico 87545  
(505) 667-0808

Telephone:  
Facsimile: (505) 665-4747

**Overnight delivery address:**  
Remediation Services Deputy Project Director  
Los Alamos National Laboratory  
1900 Diamond Drive  
Building 1237, Room 601  
Los Alamos, New Mexico 87544

Any Party may change the name, title, address, phone number or fax number of the contact person noted above by providing written notice to the other Parties. The provisions of Section III.J.1 (Modification) shall not apply to such changes.

### **III.M WORK PLANS AND OTHER DELIVERABLE DOCUMENTS**

All work plans, schedules, reports, and other deliverable documents that the Respondents are required to prepare under this Consent Order shall be submitted to the Department for review and approval.

### **III.M.1 Submittal of Work Plans**

Each work plan shall meet or address the requirements of this Consent Order in one or more of the following ways:

1. The work plan shall provide for performance of the work in full compliance with the requirements of this Consent Order.
2. The work plan shall state that work meeting the requirements of this Consent Order has been completed. The background section of the work plan shall summarize the data or other information used to satisfy the investigation requirements of this Consent Order. The summaries shall cite supporting documents with corresponding page numbers.
3. The work plan shall propose to the Department alternate requirements that differ from those in this Consent Order. Any such proposal shall be in writing, shall specifically identify each proposed alternate requirement and how it differs from the requirement in the Consent Order, and shall be accompanied by a detailed written justification. Alternate requirements may be satisfied by previous work that is documented in the work plan as described in Paragraph 2 above. If the Department approves in writing a work plan with alternate requirements, the alternate requirements of the work plan, rather than the requirements of the Consent Order, shall be applicable and enforceable.

### **III.M.2 Review, Revision, and Approval of Work Plans and Other Deliverable Documents**

Upon receipt of each work plan, schedule, report, or other deliverable document, the Department will review the document. The Department may either approve the document as submitted, modify the document and approve it as modified, or disapprove the document. Upon completing its review, the Department will send Respondents a written notice of approval, approval with modification, or disapproval, and will state in writing the deficiencies and other reasons for any modification or disapproval. If the Department disapproves the document, the Department may include in the written notice directions to the Respondents to modify and resubmit the document. Upon receipt of a written notice of disapproval, the Respondents shall revise the document to incorporate all modifications and comments, and otherwise correct all deficiencies that gave rise to the disapproval, or provide responses to written deficiency comments. Within 30 days after Respondents' receipt of a written disapproval, or such other time as specified by the Department, Respondents shall re-submit the revised document to the Department for approval or submit responses to written deficiency comments. The Department will either approve the revised document as submitted, modify the revised document and approve it as modified, or disapprove the revised document. Upon completing its review, the Department will send Respondents a written notice of approval, approval with modification, or disapproval, and will state in writing the deficiencies and other reasons for any modification or disapproval. If the Department disapproves the document, the Department may include in the written notice directions to the Respondents to modify and resubmit the document.

The Department anticipates that it will review all work plans and schedules, and other deliverable documents, that the Respondents are required to prepare pursuant to this Consent Order by the Department notice dates set forth in Tables XII-2 and XII-3. Timely review constitutes sending the Respondents, by the notice dates specified in Tables XII-2 and XII-3, a written notice of approval, notice of approval as modified, or directions to modify pursuant to this section (III.M.2). If additional time, beyond the notice dates specified in Tables XII-2 and XII-3, is taken to complete review and approval, including any time specified by the Department for resubmittal of a disapproved document pursuant to this Section, then the schedule for any subsequent work or deliverable document that is dependent upon such review shall be automatically extended by a period equal to such additional time. No stipulated penalties or any other liability for noncompliance with the Consent Order attributable to the Department's failure to respond by the notice dates specified in Tables XII-2 and XII-3 shall accrue to the Respondents.

### **III.N OFFSITE ACCESS**

To the extent any requirement of this Consent Order, including any work plan approved under this Consent Order, requires access to property not owned or controlled by DOE, Respondents shall use their best efforts to obtain access from the present owners of such property to conduct required activities, and to allow the Department access to such property to oversee such activities. In the event that access is not obtained when necessary, the Respondents shall notify the Department in writing regarding their best efforts and their failure to obtain such access.

### **III.O ENTRY AND INSPECTION**

In accordance with section 74-4-4.3 of the HWA, for purposes of enforcing the requirements of this Consent Order, the Respondents shall allow any authorized representative of the Department 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, soil, surface water, or ground water; and (3) to inspect and copy documents relating to this Consent Order, subject to normal security restrictions related to classified information.

The Respondents shall notify the Department 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 the Department the opportunity to collect split samples upon request of the Department. For such events, Respondents shall provide the Department as much advance notice as is practicable.

The Respondents shall notify the Department 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.

Nothing in this section (III.O) shall be construed to limit or impair in any way the inspection and entry authority of the Department under the HWA, the Hazardous Waste Regulations, RCRA, or any other applicable law or regulations.

## **XII. COMPLIANCE SCHEDULE TABLES**

The Respondents shall follow the specified compliance schedules for all of the SWMUs, AOCs, canyons, and watershed aggregates included in this Order. Table XII-1 is the closure milestone schedule by watershed. Tables XII-2 and XII-3 are the compliance schedules of deliverables. Table XII-4 is the compliance schedule for the general requirements included in this Order. Table XII-5 is the sampling and monitoring schedule for alluvial, intermediate, and regional groundwater monitoring wells and springs. The details of the compliance activities and deliverables can be found in Sections IV, V, and VI of this Consent Order. Specific remedies for SWMUs, AOCs, canyons, or watershed aggregates are not presumed under this Consent Order.



**Table XII-1**  
**Closure Milestone Schedule**

<b>SITE</b>	<b>DELIVERABLE</b>	<b>DUE DATE</b>
<b>Los Alamos/Pueblo Watershed</b>		
Los Alamos/Pueblo Canyon	Appropriate Report *	Submitted
MDA T	Appropriate Report *	9/30/05
	Remedy Completion Report	12/31/09
MDA B	Appropriate Report *	1/31/06
	Remedy Completion Report	4/30/11
MDA U	Appropriate Report *	1/31/06
	Remedy Completion Report	10/31/11
MDA V	Appropriate Report *	4/30/06
	Remedy Completion Report	11/30/10
MDA A	Appropriate Report *	8/31/06
	Remedy Completion Report	12/31/10
North Canyons (Guaje/Barrancas/Rendija/Bayo)	Appropriate Report *	6/30/09
Los Alamos/Pueblo Canyon Aggregate Areas	Remedy Completion Reports	8/31/11
<b>Mortandad Watershed</b>		
MDA C	Appropriate Report *	3/31/05
	Remedy Completion Report	9/5/2010
TA-35 (Middle Mortandad/Ten Site Aggregate Area)	Appropriate Report *	9/30/05
Mortandad Canyon	Appropriate Report *	6/30/06
Cañada del Buey	Appropriate Report *	8/31/09
Mortandad Canyon Aggregate Areas	Remedy Completion Reports	11/30/12
<b>Water Canyon/Cañon de Valle Watershed</b>		

<b>SITE</b>	<b>DELIVERABLE</b>	<b>DUE DATE</b>
Water Canyon/Cañon de Valle	Appropriate Report <sup>*</sup>	12/31/10
Potrillo/Fence Canyons	Appropriate Report <sup>*</sup>	8/31/11
Water Canyon/Cañon de Valle Aggregate Areas	Remedy Completion Reports	8/31/15
<b>Sandia Watershed</b>		
Sandia Canyon	Appropriate Report <sup>*</sup>	8/31/09
Sandia Canyon Aggregate Areas	Remedy Completion Reports	1/31/11
<b>Pajarito Watershed</b>		
MDA H	Appropriate Report <sup>*</sup>	6/30/05
	Remedy Completion Report	9/30/06
MDA G	Appropriate Report <sup>*</sup>	4/30/07
	Remedy Completion Report	8/31/15
MDA L	Appropriate Report <sup>*</sup>	1/31/07
	Remedy Completion Report	12/31/10
Pajarito Canyon	Appropriate Report <sup>*</sup>	2/29/08
Pajarito Canyon Aggregate Areas	Remedy Completion Reports	4/30/15
<b>Ancho/Chaquehui/Frijoles Watersheds</b>		
MDA AB	Appropriate Report <sup>*</sup>	5/31/10
	Remedy Completion Report	1/31/15
Frijoles Canyon Aggregate Area	Remedy Completion Report	10/31/11
Ancho/Chaquehui/Indio Canyons	Appropriate Report <sup>*</sup>	2/28/11
Chaquehui Canyon Aggregate Area	Remedy Completion Report	8/31/14
Ancho Canyon Aggregate Areas	Remedy Completion Reports	2/28/15

<sup>\*</sup> Appropriate Report includes one or more of the following: Investigation Report, Corrective Measures Implementation Plan, Corrective Measures Evaluation Report, Remedy Completion Report, or other document as required.

**Table XII-2**  
**Schedule of Deliverables by Watershed**

DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
<b>Los Alamos/Pueblo Watershed</b>			
<b>SWMU 21-014 (MDA A)</b>			
Investigation Work Plan	31-Jan-05 Submitted	17-May-05	26-Jul-05
Investigation Report	9-Nov-06 Submitted	9-Mar-07	
Remedy Completion Report	11-Mar-11	9-Jul-11	
<b>SWMU 21-015 (MDA B)</b>			
Investigation Work Plan	30-Jun-04 Submitted	28-Oct-04	21-Dec-04
Investigation/Remediation Work Plan	26-Mar-06 Submitted	31-Jan-07	
Remedy Completion Report	31-Dec-10	30-Jun-11	
<b>SWMUs 21-001, 21-010(a-h), 21-011(a, c-j), 21-016(a-c), 21-028(a), C-21-009, C-21-012 (MDA T)</b>			
Investigation Work Plan	29-Feb-04 Submitted	31-May-04	19-May-05
Investigation Report	18-Sep-06 Submitted	16-Jan-07	
Phase II Investigaton Work Plan	15-Feb-07 Submitted	30-Apr-07	
Phase II Investigation Report	15-Nov-07	15-Mar-08	
Remedy Completion Report	19-Dec-10	18-Apr-11	
<b>SWMUs 21-017(a-c), 21-022(f) (MDA U)</b>			
Investigation Work Plan	30-Nov-04 Submitted	15-Mar-05	21-Mar-05
Investigation Report	6-Feb-06 Submitted	6-Jun-06	28-Sep-06
Remedy Completion Report <sup>3</sup>	6-Nov-11	6-Mar-12	
<b>SWMUs 21-013(b, g), 21-018(a, b) (MDA V)</b>			
Investigation Work Plan	30-Jun-04 Submitted	13-Oct-04	5-Nov-04
Investigation Report	31-Oct-06 Submitted	28-Feb-07	

Revised Investigation Report	16-Jul-07 Submitted	15-Nov-07	
Remedy Completion Report	2-Jun-11	30-Sep-11	
SWMUs 73-001(a-d), 73-004(d) (Airport Landfill)			
Remedy Design Work Plan	30-Apr-04 Submitted	28-Aug-04	2-Sep-04
Remedy Completion Report	15-Apr-07 Submitted	13-Aug-07	
Los Alamos/Pueblo Canyons			
Investigation Report	30-Apr-04 Submitted	27-Oct-04	11-May-05
North Canyons (Guaje/Barrancas/Rendija/Bayo)			
Investigation Report	30-Jun-09	28-Sep-09	
DP Site Aggregate Area			
Investigation Work Plan	31-Aug-04 Submitted	28-Jan-05	13-Apr-05
Investigation Report	7-Nov-07	7-Sep-08	
Pueblo Canyon Aggregate Area			
Investigation Work Plan	31-May-05 Submitted	28-Sep-05	23-Sep-05
Investigation Report	28-Mar-08	25-Aug-08	
SWMU 73-002			
Investigation Work Plan	31-May-05 Submitted	28-Sep-05	30-Sep-05
Investigation Report	12-Sep-06 Not submitted	11-Dec-06	
Bayo Canyon Aggregate Area (includes SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007)			
Investigation Work Plan	30-Jul-05 Submitted	26-Dec-05	19-Dec-05
Investigation Report	1-Mar-08	30-May-08	
Upper Los Alamos Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Apr-06 Submitted	28-Aug-06	6-Nov-06
Investigation Report	31-May-09	30-Apr-10	
Lower Los Alamos Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	31-Oct-07	29-Jan-08	
Middle Los Alamos Canyon Aggregate Area			

Investigation Work Plan <sup>2</sup>	31-Dec-05 Submitted	30-May-06	30-May-06
Investigation Report	19-Jan-08	19-Jul-08	
Guaje/Barrancas/Rendija Canyons Aggregate Area			
Investigation Work Plan <sup>2</sup>	31-Jul-05 Submitted	29-Oct-05	5-Jan-06
Investigation Report	31-Aug-07	29-Dec-07	
Regional Well Rehabilitation and Replacement			
Work Plan Update	13-Jun-07	28-Aug-07	
<b>Mortandad Watershed</b>			
SWMU 50-009 (MDA C)			
Investigation Work Plan	31-Jul-03 Submitted	1-Jun-04	6-Apr-05
Investigation Report	6-Dec-06 Submitted	5-Apr-07	
Remedy Completion Report	5-Sep-10	3-Jan-11	
Mortandad Canyon			
Investigation Report	28-Oct-06 Submitted	25-Feb-07	
Cañada del Buey			
Investigation Report	31-Aug-09	29-Nov-09	
Upper Mortandad Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Nov-07	29-Mar-08	
Upper Cañada del Buey Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Jun-08	28-Oct-08	
Middle Cañada del Buey Aggregate Area			
Investigation Work Plan <sup>2</sup>	31-Oct-07	29-Jan-08	
Lower Mortandad/Cedro Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	31-Oct-09	29-Jan-10	
Lower Mortandad/Cañada del Buey Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Apr-09	29-Jul-09	
Middle Mortandad/Ten Site Canyon Aggregate Area			
Supplemental SAP	31-May-04 Submitted	29-Jun-04	25-Jun-04

Investigation Report	30-Sep-05 Submitted	27-Feb-06	14-Aug-06
Revised Investigation Report	20-Jul-07 Submitted	30-Apr-08	
Chromium Contamination in Regional Well R-28 Groundwater			
Interim Measures Report	30-Nov-06 Submitted	30-Dec-06	27-Dec-06
Phase II Work Plan <b>Water Canyon/Cañon de Valle Watershed</b>	30-Jan-07	1-Mar-07	
SWMU 16-003(o)			
Investigation Work Plan	31-Mar-04 Submitted	29-Jun-04	28-Jun-04
Investigation Report	31-Jan-06 Submitted	1-May-06	25-Oct-06
SWMU 16-008(a)			
Investigation Work Plan	31-Mar-05 Submitted	29-Jul-05	19-Aug-05
Investigation Report	21-Jun-07	19-Sep-07	
SWMUs 16-021(c), 16-003(k)			
Phase III RFI Report	30-Sep-03 Submitted	1-Mar-05	21-Jun-04
CMS Report for Surface System/Alluvial Groundwater	Submitted	1-Mar-05	13-Oct-06
CMI Plan for Surface System/Alluvial Groundwater	13-May-07 Submitted	30-Sep-07	
Investigation Report for Intermediate and Regional Groundwater	31-Aug-06 Submitted	29-Nov-06	
CME Report for Intermediate and Regional Groundwater	31-May-07	28-Sep-07	
CMI Plan for Intermediate and Regional Groundwater	30-Nov-07	28-Feb-08	
Water Canyon/Cañon de Valle			
Investigation Work Plan (includes Ancho/Chaquehui/Indio/Fence/Potrillo Canyons)	30-Sep-06 Submitted	29-Mar-07	
Investigation Report (Water Canyon/Cañon de Valle)	31-Dec-10	30-Apr-11	
Potrillo/Fence Canyons			
Investigation Report	31-Aug-11	29-Nov-11	
Cañon de Valle Aggregate Area			

Investigation Work Plan <sup>2</sup>	30-Sep-06 Submitted	12-Feb-07	
S-Site Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Sep-07	28-Jan-08	
Upper Water Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	31-Aug-10	29-Dec-10	
Lower Water/Indio Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Sep-12	29-Dec-12	
Potrillo/Fence Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Apr-09	13-Aug-09	
<b>Sandia Watershed</b>			
SWMU 53-002 (a,b)			
Investigation Report	30-Jan-04 Submitted	30-May-04	25-Jul-06
Sandia Canyon			
Investigation Report	31-Aug-09	29-Dec-09	
Upper Sandia Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	31-Mar-08	13-Aug-08	
Lower Sandia Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Apr-09	13-Aug-09	
<b>Pajarito Watershed</b>			
SWMU 54-004 (MDA H)			
CMS Report	31-May-03 Submitted	31-Dec-04	Pending
CMI Plan	Pending	Pending	
Remedy Completion Report	Pending	Pending	
SWMU 54-006 (MDA L)			
Investigation Work Plan	31-Aug-03 Submitted	31-Mar-04	28-Sep-04
Investigation Report	13-Sep-05 Submitted	<del>27-Dec-05</del> 31-Jul-07	
CME Report	9-Aug-07	7-Dec-07	
Remedy Completion Report	9-Jul-11	6-Nov-11	
SWMU 3-010(a)			
Investigation Report	31-Aug-05 Submitted	29-Nov-05	
MDA G			

Investigation Work Plan	30-Sep-03 Submitted	31-Jul-04	5-Nov-04
Investigation Report	8-Sep-05 Submitted	21-Jan-06	Pending
CME Work Plan	5-Jun-06	<del>31-Oct-06</del> 31-Dec-07	
CME Report <sup>3</sup>	12-Sep-08	31-Jan-09	
Remedy Completion Report	6-Dec-15	4-Apr-16	
<b>Pajarito Canyon</b>			
Investigation Report	29-Feb-08	28-Jun-08	
<b>Threemile Canyon Aggregate Area</b>			
Investigation Work Plan <sup>2</sup>	31-Jul-08	28-Nov-08	
<b>Lower Pajarito Canyon Aggregate Area</b>			
Investigation Work Plan <sup>2</sup>	31-Jul-10	13-Dec-10	
<b>Starmer/Upper Pajarito Canyon Aggregate Area</b>			
Investigation Work Plan <sup>2</sup>	30-Sep-10	12-Feb-11	
<b>Twomile Canyon Aggregate Area</b>			
Investigation Work Plan <sup>2</sup>	31-Jan-10	15-Jun-10	
<b>Ancho Watershed</b>			
SWMUs 49-005(a), 49-006, AOCs C-49-002, C-49-005(b), C-49-008(a, b) (Areas 5, 6, and 10)			
Investigation Work Plan	31-Oct-07	28-Feb-08	
Investigation Report	31-May-10	28-Sep-10	
SWMUs 49-001(a-g), 49-003, AOC C-49-008(d) (MDA AB, Areas 1, 3, 4, 11, and 12)			
Investigation Work Plan	31-Oct-07	28-Feb-08	
Investigation Report	31-May-10	28-Sep-10	
Remedy Completion Report	31-Jan-15	31-May-15	
<b>Ancho/Chaquehui/Indio Canyons</b>			
Investigation Report	28-Feb-11	29-May-11	
<b>North Ancho Canyon Aggregate Area</b>			
Investigation Work Plan <sup>2</sup>	30-Sep-07	13-Jan-08	
<b>South Ancho Canyon Aggregate Area</b>			
Investigation Work Plan <sup>2</sup>	31-Mar-13	29-Jun-13	
<b>Chaquehui Watershed</b>			
Chaquehui Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	30-Nov-09	28-Feb-10	
SWMU 33-013			



Remedy Completion Report	3-Mar-06 Submitted	1-Jun-06	30-Aug-06
<b>Frijoles Watershed</b>			
Frijoles Canyon Aggregate Area			
Investigation Work Plan <sup>2</sup>	31-Oct-10	29-Jan-11	
<b>Technical Area 57</b>			
TA-57 Aggregate Area (Fenton Hill)			
Investigation Work Plan <sup>2</sup>	31-Oct-11	29-Jan-12	

Note: All deliverables marked as "Submitted" were submitted to the Department on or before the due date.

1. "Notice Date" is described in Section III.M.2 of the Order on Consent.
2. Investigation Work Plans for the Aggregate Areas shall include a schedule for submitting the Investigation Reports.
3. NMED has issued a Certificate of Completion for the SWMU(s) and AOC(s) covered by this document. Pending a Class 3 permit modification to remove the SWMU(s) from the list of SWMUs requiring corrective action, NMED will no longer require submittal of this document.

**Table XII-3**  
Schedule of Deliverables by Calendar Year

SITE	DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
		CY03		
SWMU 54-004 (MDA H)	CMS Report	5/31/03 Submitted	12/31/04	Pending
SWMU 50-009 (MDA C)	Investigation Work Plan	7/31/03 Submitted	6/1/04	4/6/05 309 days past due
MDA G	Investigation Work Plan	9/30/03 Submitted	7/31/04	11/5/04 97 days past due
SWMU 54-006 (MDA L)	Investigation Work Plan	8/31/03 Submitted	3/31/04	9/28/04 181 days past due
SWMUs 16-021(c), 16-003(k)	Phase III RFI Report	9/30/03 Submitted	3/1/05	6/21/04
		CY04		
SWMUs 53-002 (a,b)	Investigation Report	1/31/04 Submitted	5/30/04	7/25/06 785 days past due
SWMUs 21-001, 21-010(a-h), 21-011(a,c-j), 21-016(a-c), 21-028(a), C-21-009, C-21-012 (MDA T)	Investigation Work Plan	2/29/04 Submitted	5/31/04	5/19/05 353 days past due
Middle Mortandad/Ten Site Canyon Aggregate Area	Supplemental SAP	3/31/04 Submitted	6/29/04	6/25/04
SWMU 16-003(o)	Investigation Work Plan	3/31/04 Submitted	6/29/04	6/28/04
Los Alamos/Pueblo Canyon	Investigation Report	4/30/04 Submitted	10/27/04	5/11/05 196 days past due
SWMUs 73-001(a-d), 73-004(d) (Airport Landfill – Mesa Top)	Remedy Design Work Plan	4/30/04 Submitted	8/28/04	9/2/04 5 days past due

SITE	DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
SWMUs 21-013(b, g), 21-018(a, b) (MDA V)	Investigation Work Plan	6/30/04 Submitted	10/13/04	11/5/04 23 days past due
SWMU 21-015(MDA B)	Investigation Work Plan	6/30/04 Submitted	10/28/04	12/21/04 54 days past due
DP Site Aggregate Area	Investigation Work Plan <sup>2</sup>	8/31/04 Submitted	1/28/05	4/13/05 75 days past due
SWMUs 21-017(a-c), 21-022(f) (MDA U)	Investigation Work Plan	11/30/04 Submitted	3/15/05	3/21/05 6 days past due
		CY05		
SWMUs 16-021(c), 16-003(k)	CMS Report for Surface System/Alluvial Groundwater	Submitted	3/1/05	10/13/06 591 days past due
SWMU 21-014 (MDA A)	Investigation Work Plan	1/31/05 Submitted	5/17/05	7/26/05 70 days past due
SWMU 16-008(a)	Investigation Work Plan	3/31/05 Submitted	7/29/05	8/19/05 21 days past due
Pueblo Canyon Aggregate Area	Investigation Work Plan	5/31/05 Submitted	9/28/05	9/23/05
SWMU 73-002	Investigation Work Plan	5/31/05 Submitted	9/28/05	9/30/05 2 days past due
SWMU 54-004 (MDA H)	CMI Plan	Pending	Pending	
Bayo Canyon Aggregate Area (including SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007)	Investigation Work Plan	7/30/05 Submitted	12/26/05	12/19/05
Guaje/Barrancas/ Rendija Canyons Aggregate Area	Investigation Work Plan <sup>2</sup>	7/31/05 Submitted	10/29/05	1/5/06 68 days past due

SITE	DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
SWMU 3-010(a)	Investigation Report	8/31/05 Submitted	11/29/05	5/14/07 531 days past due
MDA G	Investigation Report	9/8/05 Submitted	1/21/06	
SWMU 54-006 (MDA L)	Investigation Report	9/13/05 Submitted	12/27/05 7/31/07	
Middle Mortandad/Ten Site Canyon Aggregate Area	Investigation Report	9/30/05 Submitted	2/27/06	8/14/06 168 days past due
Middle Los Alamos Canyon Aggregate Area <sup>2</sup>	Investigation Work Plan	12/31/05 Submitted	5/30/06	5/30/06
		CY06		
SWMU 16-003(o)	Investigation Report	1/31/06 Submitted	5/1/06	10/25/06 177 days past due
SWMUs 21-017(a-c), 21-022(f) (MDA U)	Investigation Report	2/6/06 Submitted	6/6/06	9/28/06 114 days past due
SWMU 33-013	Remedy Completion Report	3/3/06 Submitted	6/1/06	8/30/06 90 days past due
SWMU 21-015 (MDA B)	Investigation/Remediation Work Plan	3/26/06 Submitted	7/23/06 1/31/07 <sup>4</sup>	1/31/07
Upper Los Alamos Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	4/30/06 Submitted	8/28/06	11/6/06 70 days past due
MDA G	CME Work Plan	6/5/06 Submitted	<del>10/31/06</del> 12/31/07	
SWMUs 16-021(c), 16-003(k)	Investigation Report for Intermediate and Regional Groundwater	8/31/06 Submitted	11/29/06	

SITE	DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
SWMU 73-002	Investigation Report	9/12/06 Not submitted	12/11/06	
SWMU 54-004 (MDA H)	Remedy Completion Report	Pending	Pending	
SWMUs 21-001, 21-010(a-h), 21-011(a, c-j), 21-016(a-c), 21-028(a); AOCs C-21-009, C-21-012 (MDA T)	Investigation Report	9/18/06 Submitted	1/16/07	
Cañon de Valle Aggregate Area	Investigation Work Plan <sup>2</sup>	9/30/06 Submitted	2/12/07	
Water Canyon/Cañon de Valle	Investigation Work Plan (includes Ancho/Chaquehui/Indio/Fence/ Potrillo Canyons)	9/30/06 Submitted	3/29/07	
Mortandad Canyon	Investigation Report	10/28/06 Submitted	2/25/07	
SWMUs 21-013(b, g), 21-018(a, b) (MDA V)	Investigation Report	7/21/06 10/31/06 Submitted	<del>11/18/06</del> 2/28/07	
SWMU 21-014 (MDA A)	Investigation Report	11/9/06 Submitted	3/9/07	
Chromium Contamination in Regional Well R-28 Groundwater	Interim Measures Report	11/30/06	12/30/06	
SWMU 50-009 (MDA C)	Investigation Report	12/6/06	4/5/07	
		CY07		
Chromium Contamination in Regional Well R-28 Groundwater	Phase II Work Plan	1/30/07	3/1/07	
SWMUs 73-001(a-d), 73-004(d) (Airport Landfill – Mesa Top)	Remedy Completion Report	4/5/07	8/3/07	
SWMUs 16-021(c), 16-003(k)	CMI Plan for Surface System/Alluvial Groundwater	5/13/07	9/30/07	
Middle Mortandad/Ten Site Canyon Aggregate Area	Revised Investigation Report	5/18/07	1/31/08	

SITE	DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
SWMUs 16-021(c), 16-003(k)	CME Report for Intermediate and Regional Groundwater	5/31/07	9/28/07	
SWMU 16-008(a)	Investigation Report	6/21/07	9/19/07	
SWMU 54-006 (MDA L)	CME Report	<del>8/9/07</del> Pending	<del>12/7/07</del> Pending	
MDA G	CME Report	<del>8/5/07</del> Pending	<del>12/18/07</del> Pending	
Guaje/Barrancas/Rendija Canyons Aggregate Area	Investigation Report	8/31/07	12/29/07	
S-Site Aggregate Area	Investigation Work Plan <sup>2</sup>	9/30/07	1/28/08	
North Ancho Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	9/30/07	1/13/08	
SWMUs 49-001(a-g), 49-003, AOC C-49-008(d) (MDA AB, Areas 1, 3, 4, 11, and 12)	Investigation Work Plan	10/31/07	2/28/08	
SWMUs 49-005(a), 49-006, AOCs C-49-002, C-49-005(b), C-49-008(a, b) (Areas 5, 6, and 10)	Investigation Work Plan	10/31/07	2/28/08	
Middle Cañada del Buey Aggregate Area	Investigation Work Plan <sup>2</sup>	10/31/07	1/29/08	
Lower Los Alamos Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	10/31/07	1/29/08	
DP Site Aggregate Area	Investigation Report	11/7/07	9/7/08	
Upper Mortandad Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	11/30/07	3/29/08	
SWMUs 16-021(c), 16-003(k)	CMI Plan for Intermediate and Regional Groundwater	11/30/07	2/28/08	
		CY08		
Middle Los Alamos Canyon Aggregate Area	Investigation Report	1/19/08	7/19/08	
Pajarito Canyon	Investigation Report	2/29/08	6/28/08	
Bayo Canyon Aggregate Area (including SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007)	Investigation Report	3/1/08	5/30/08	
Pueblo Canyon Aggregate Area	Investigation Report	3/28/08	8/25/08	

SITE	DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
Upper Sandia Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	3/31/08	8/13/08	
Upper Cañada del Buey Aggregate Area	Investigation Work Plan <sup>2</sup>	6/30/08	10/28/08	
Threemile Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	7/31/08	11/28/08	
		CY09		
Lower Sandia Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	4/30/09	8/13/09	
Lower Mortandad/Cañada del Buey Aggregate Area	Investigation Work Plan <sup>2</sup>	4/30/09	7/29/09	
Potrillo/Fence Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	4/30/09	8/13/09	
Upper Los Alamos Canyon Aggregate Area	Investigation Report	5/31/09	4/30/10	
North Canyons (Guaje/Barrancas/Rendija/Bayo)	Investigation Report	6/30/09	9/28/09	
Sandia Canyon	Investigation Report	8/31/09	12/29/09	
Cañada del Buey	Investigation Report	8/31/09	11/29/09	
Lower Mortandad/Cedro Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	10/31/09	1/29/10	
Chaquehui Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	11/30/09	2/28/10	
		CY10		
Twomile Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	1/31/10	6/15/10	
SWMUs 49-001(a-g), 49-003, AOC C-49-008(d) (MDA AB, Areas 1, 3, 4, 11, and 12)	Investigation Report	5/31/10	9/28/10	
SWMUs 49-005(a), 49-006, AOCs C-49-002, C-49-005(b), C-49-008(a, b) (Areas 5, 6, and 10)	Investigation Report	5/31/10	9/28/10	
Lower Pajarito Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	7/31/10	12/13/10	
Upper Water Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	8/31/10	12/29/10	
SWMU 50-009 (MDA C)	Remedy Completion Report	9/5/10	1/3/11	
Starmer/Upper Pajarito Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	9/30/10	2/12/11	

SITE	DELIVERABLE	DUE DATE	NOTICE DATE <sup>1</sup>	ACTUAL NOTICE DATE
Frijoles Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	10/31/10	1/29/11	
SWMUs 21-001, 21-010(a-h), 21-011(a, c-j), 21-016(a-c), and 21-028(a), and AOCs C-21-009 and C-21-012 (MDA T)	Remedy Completion Report	12/19/10	4/18/11	
Water Canyon/Cañon de Valle	Investigation Report	12/31/10	4/30/11	
SWMU 21-015 (MDA B)	Remedy Completion Report	12/31/10	6/30/11	
		CY11		
Ancho/Chaquehui/Indio Canyons	Investigation Report	2/28/11	5/29/11	
SWMU 21-014 (MDA A)	Remedy Completion Report	3/11/11	7/9/11	
SWMUs 21-013(b, g), 21-018(a, b) (MDA V)	Remedy Completion Report	6/2/11	9/30/11	
SWMU 54-006 (MDA L)	Remedy Completion Report	7/9/11	11/6/11	
Potrillo/Fence Canyons	Investigation Report	8/31/11	11/29/11	
TA-57 Aggregate Area (Fenton Hill)	Investigation Work Plan <sup>2</sup>	10/31/11	1/29/12	
SWMUs 21-017(a-c), 21-022(f) (MDA U)	Remedy Completion Report <sup>3</sup>	11/6/11	3/6/12	
		CY12		
Lower Water/Indio Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	9/30/12	12/29/12	
		CY13		
South Ancho Canyon Aggregate Area	Investigation Work Plan <sup>2</sup>	3/31/13	6/29/13	
		CY15		
SWMUs 49-001(a-g), 49-003, AOC C-49-008(d) (MDA AB, Areas 1, 3, 4, 11, and 12)	Remedy Completion Report	1/31/15	5/31/15	
MDA G	Remedy Completion Report	12/6/15	4/4/16	

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