

**NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD
Recommendation to the Department of Energy
No. 2011-04**

**“Achieving 2005 Consent Order Milestones in the Next Four Years”
Drafted by the Environmental Monitoring, Surveillance and Remediation (EMSR) Committee
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Background:

In March 2005, Los Alamos National Laboratory (LANL), the Department of Energy (DOE) and the New Mexico Environment (NMED) signed The Order on Consent. In this document, LANL agreed to a schedule for completion of cleanup at various locations on the LANL site. Since this time, the Environmental Management (EM) department at LANL has worked to meet intermediate milestones and to complete work by the 2015 date.

For the last several years, DOE/ EM has not provided the baseline budget that was requested for this work. The American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law on February 17th, 2009. ARRA funding during 2009, 2010 and 2011 has helped move some tasks forward at an accelerated pace, but not made up for the budget deficits. The Northern New Mexico Citizens Advisory Board (NNMCAB) has repeatedly recommended that baseline budgets, and expanded budgets, be provided for EM work at LANL.

The cleanup has been a learning process for all involved. A vastly expanded set of monitoring wells was needed (and later required) for modeling, for a better understanding of groundwater movement and possible pathways for spread of contaminants, and for future monitoring of LANL sites. Separately, Chromium VI was found in a few monitoring wells, with some values over acceptable limits. This necessitated studies and actions that were not anticipated at the signing of the Consent Order.

Comments and Observations:

In the six years since the Consent Order was signed, the significant efforts by LANL to characterize and model the potential contamination transport pathways, including surface and groundwater studies, have provided new information and lessons learned on the best solutions for remediation. While LANL has made best efforts to meet the original milestones in the Consent Order, the persistence of insufficient budgets has been a challenge.

At this time, it seems reasonable that DOE, LANL and EM should use all current knowledge from remediation work to date in an effort to optimize, prioritize and create efficiencies in the work necessary to meet the remaining Consent Order requirements. In order to make best progress, a review of all remaining tasks should be undertaken so that related events, dependencies and critical path items can be identified. This should be done using risk based decisions.

The goal of such a review and possible rescheduling of tasks/milestone is to use time and funding as efficiently as possible in order to complete all tasks which are scheduled for completion at the end of 2015 in the Consent Order.

LANL and EM should strive to define new intermediate milestones and work plans which are acceptable to NMED. In this way, NMED will best be able to protect the people and environment of

New Mexico, by working to optimize all available resources to reach all cleanup goals as specified in the Order on Consent. LANL continues to review tasks relative to final milestones of the 2005 Order on Consent. Reviews incorporate all current knowledge of groundwater and other contaminant pathways to optimize, prioritize and create efficiencies wherever possible.

Recommendation:

No. 1 LANL and DOE strive to define new intermediate milestones and work plans (using risk based planning) which are acceptable to NMED.

No. 2 LANL and DOE work together with NMED to arrive at tasks and milestones which will best facilitate reaching all cleanup goals of the Consent Order by the end of 2015.

Intent:

This recommendation is intended to ensure that the required cleanup at LANL is done as efficiently as possible in a prioritized way that incorporates all lessons learned and current analyses and modeling results and to meet final cleanup specifications of the 2005 Order on Consent.

References:

1. *NNMCAB Recommendation No. 2011-01, "FY 2012 Budget Request for LANL EM Work"*
2. *NNMCAB Recommendation No. 2010-03, "Regarding sufficient Funding for Los Alamos National Laboratory Environment Management Projects and the Consent Order."*
3. *NNMCAB Recommendation No. 2010-06, "Recommendation of Budget Priorities for FY 12 and Baseline Change Proposal with Future Budgets at LANL."*
4. *NNMCAB Recommendation No. 2008-09, "Regarding DOE/LANL Funding Priorities"*
5. *NNMCAB Recommendation No. 2008-07, "Implement DOE 455.1 Use of Risk-Based End States."*