



DEPARTMENT OF ENERGY
Environmental Management Los Alamos Field Office (EM-LA)
Los Alamos, New Mexico 87544

EMLA-26-156-2-1

Date: March 18, 2026

Mr. JohnDavid Nance
Designated Agency Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Subject: Initiation of Consent Order Technical Dispute Resolution

Dear Mr. Nance,

Pursuant to Section 25.B of the Consent Order, as modified in September 2024 (Consent Order), the U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) is initiating the technical dispute resolution process¹ for the following matters: (1) applicability of the Consent Order to the New Mexico Environment Department (NMED) and its bureaus; and (2) NMED's direction of November 18, 2025, to cease all injection operations associated with DP-1835.

For each of these two issues, EM-LA has provided a description of the disputed issue, the basis for and significance of the dispute, a proposed resolution, and additional details in support of EM-LA's position.

1. Applicability of the Consent Order to NMED and its Bureaus

- a. **Description of Disputed Issue:** EM-LA disputes NMED's position that the Consent Order is not applicable to *all directives* in NMED's November 18, 2025, letter, which was signed by Justin Ball, Ground Water Quality Bureau Chief.²
- b. **Basis for and Significance of the Dispute:** The Consent Order applies to NMED, including its bureaus. As such, associated directives from NMED's bureaus are subject to the Consent Order. The applicability of the Consent Order is significant because NMED (which includes multiple bureaus) plays a critical role in the investigation and remediation of legacy waste at Los Alamos National Laboratory.

¹ Under Section 25.C of the Consent Order, "the Parties must agree that the dispute constitutes a technical dispute. Technical disputes generally will concern only scientific or engineering matters."

² NMED Letter of November 18, 2025, Withdrawal of the Temporary Authorization for Partial Operation of Discharge Permit 1835 (DP-1835), available at: <https://www.energy.gov/sites/default/files/2025-11/2025-11-18%20WPD%20GWQB%20NMED%20Withdrawal%20of%20Temporary%20Authorization%20for%20DP-1835%20%28Final%29.pdf>.

- c. **Proposed Resolution:** EM-LA proposes that because the Consent Order applies to disputes with NMED (including its bureaus) that arise within the scope of the Consent Order, such disputes are to be handled pursuant to the terms of the Consent Order.

EM-LA offers additional details in support of its position in this matter. For these additional details, see **Attachment 1**.

2. NMED’s Direction of November 18, 2025, to Cease All Injection Operations Associated with DP-1835

- a. **Description of Disputed Issue:** EM-LA disputes NMED’s direction to cease injection operations of the interim measures (IM).
- b. **Basis for and Significance of the Dispute:** NMED’s direction will result in increased chromium concentrations at performance monitoring and injection well locations near the LANL/Pueblo de San Ildefonso boundary and prevent effective execution of the Hexavalent Chromium Campaign under Appendix C of the Consent Order.
- c. **Proposed Resolution:** EM-LA proposes the following:
- (1) Restart the IM—including operation of CrIN-4 and CrIn-5 for injection—as soon as possible.
 - (2) Collaboratively explore and evaluate IM operations after restart with the aim of informed and adaptive operations, consistent with the Purpose and Scope of the Consent Order.
 - (3) Install SIMR-3 and collect groundwater data while operating the IM to further enhance our understanding of the regional groundwater aquifer.
 - (4) Establish a framework (building upon our shared commitment to adaptive site management) to define procedural steps to ensure technical exchange and mutual agreement prior to subsequent modification or cessation of IM operations.

EM-LA offers additional details in support of its position in this matter. For these additional details, see **Attachment 2**.

If you have any questions, please contact the undersigned at (505) 692-4261 or Brian.Harcek@em.doe.gov.

Sincerely,



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Brian G. Harcek
Designated Agency Manager
Department of Energy
Environmental Management
Los Alamos Field Office

Attachments:

1. Additional Details Supporting EM-LA's Position Concerning NMED and its Bureaus
2. Additional Details Supporting EM-LA's Position Concerning NMED Direction to Cease Injection

cc:

EM-LA

Brown, Rose

Evans, John

Harcek, Brian

Hetrick, Kara

Ingalls, Tyler

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