



DEPARTMENT OF ENERGY
National Nuclear Security Administration
Los Alamos Site Office
Los Alamos, New Mexico 87544



AUG 24 2009

Mr. J.D. Campbell
Chairman
Northern New Mexico Citizens Advisory Board
1660 Old Pecos Trail, Suite B
Santa Fe, New Mexico 87505

Dear Mr. Campbell:

The Department of Energy's Los Alamos Site Office has reviewed the Northern New Mexico Citizens Advisory Board recommendation 2008-03 – Actions Regarding the Environmental Protection Agency Storm Water Discharge Permit. The Los Alamos Site Office response to this recommendation is provided in the attachment.

If you have any questions or concerns, you may contact David Gregory at (505) 667-5808, or myself at (505) 606-0397.

Sincerely,

George J. Rael
Assistant Manager
Environmental Operations

Attachment

cc w/attachment:

D. Gregory, EP, LASO
L. Bishop, EP, LASO
J. Casalina, EP, LASO
G. Turner, EP, LASO
M. Graham, LANS
Records Center, LASO
Official Contract File, LASO

ATTACHMENT

Recommendation No. 2008-03

by Environmental Monitoring, Remediation and Surveillance Committee –

Recommendation for Actions Regarding the EPA Stormwater Discharge Permit

Recommendation

1. LANL will follow the precepts of the EPA Permit. The NNM CAB feels that the following points should be implemented, even if not included in the EPA permit.
2. Best Management Practices states, "you must select, design, install and implement the best available control measures economically achievable." This could imply that the best or even a good solution might not be implemented because of cost. The NNM CAB recommends that in every case, DOE/LANL should apply a remedy that will meet or exceed the permit specifications.
3. The NNM CAB recommends that cost estimates be prepared and provided for the implementation of the new permit requirements including all new BMPs, etc. A schedule for implementation of these measures will require coordination with future budgets. The NNM CAB would like to understand and comment on priorities for implementation of this program.
4. Reports on measurements are required twice a year. If it is not already required in the permit, the NNM CAB recommends that DOE/LANL should immediately notify the EPA whenever the measurements specified below in a) and b) are measured and not wait for the designated 6-month reporting time.
 - a. Measurements greater than the applicable Maximum Target Level (MTL) or;
 - b. the average of all applicable sampling results is greater than applicable Average Target Action Level (ATAL).

Background

First, DOE would like to offer corrections to inconsistencies or errors in the language of the recommendation by the CAB. The draft permit was issued in draft in February, 2009 and was appealed by a consortium of interested citizens. The content of the final permit is currently the subject of settlement discussions.

The permit is called the Individual Permit and is associated with certain Solid Waste Management Units and Areas of Concern subject to regulation under the clean water act, not all. The permits covers 406 SWMUs and AOCs (rather than 283) which are located at 228 site monitoring areas (rather than 179).

The permit requires the minimization of the migration of pollutants which are transported by stormwater, not the elimination of pollutants. Action is required should the Site exceed applicable target action levels. Please Note that Target Action Levels are synonymous with water quality criteria.

Response

1. NNSA/LANS will comply with all requirements set forth in the final issuance of the Individual Permit.
2. Best Management Practices (BMPs or stormwater control elements) will be implemented at all sites to assure compliance with action target levels. A thorough review of each site will be conducted and a plan will be developed to achieve compliance on a site-by-site basis. Some sites require basic BMPs and others may require engineered solutions to reach this goal.
3. Periodic presentations will be conducted to provide information on the status of compliance activities at Individual Permit sites. In these presentations NNSA/LANS will inform the CAB as to how priorities are established and what types of major activities are coming up.
4. Part II of the Permit provides reporting requirements. In Section B, NNSA/LANS are required to notify EPA/NMED within 24-hours of a Maximum Target Level exceedance.