

ERID-209249



IRM-RMMSO Official Correspondence Form

Name:	U1200001			
Title:	Denial of Time Extension to Submit Application DP-1132 Radioactive Liquid Waste Treatment Facility RFWTF			
Date Received:	1/3/2012			
Addressee Name:	A. Grieggs, ENVRCRA			
Originator:	J. Davis, NMED			
Action Item Description:				
Action Due Date:				
Responsible for Action:	Search <input type="text"/>			
Responsible Office:				
Distribution:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> Anthony R. Grieggs Charles F. McMillan Richard A. Marquez C. A. Beard David J. McInroy Phoebe K. Suina William Z. Alexander Tina M. Sandoval </td> <td style="width: 50%; vertical-align: top;"> Michael J. Graham Elizabeth D. Sellers Scotty Jones Deborah K. Woitte Michael T. Brandt Anthony R. Grieggs Paul Henry </td> </tr> </table>		Anthony R. Grieggs Charles F. McMillan Richard A. Marquez C. A. Beard David J. McInroy Phoebe K. Suina William Z. Alexander Tina M. Sandoval	Michael J. Graham Elizabeth D. Sellers Scotty Jones Deborah K. Woitte Michael T. Brandt Anthony R. Grieggs Paul Henry
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NEW MEXICO
ENVIRONMENT DEPARTMENT



Resource Protection Division

Harold Runnels Building
1190 Saint Francis Drive (87505)
PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us
James H. Davis, Ph.D.

SUSANNA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

DAVE MARTIN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary
JAMES H. DAVIS, Ph.D.
Division Director

CERTIFIED MAIL – RETURN RECEIPT REQUESTED EP2012-5001

December 30, 2011

Anthony R. Grieggs, Group Leader
Environmental Protection Division
Water Quality & RCRA (ENV-RCRA)
P.O. Box 1663, Mail Stop K490
Los Alamos, NM 87545

RE: Denial of Time Extension to Submit Application, DP-1132, Radioactive Liquid Waste Treatment Facility (RLWTF)

Dear Mr. Grieggs:

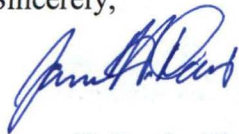
On November 18, 2011, the New Mexico Environment Department (NMED) notified Los Alamos National Laboratory (LANL), by certified mail (copy enclosed), that a complete and current Discharge Permit application for the RLWTF was required to be submitted within 90 days (by February 16, 2011). On December 9, 2011, NMED received your request for a time extension to complete the required Discharge Permit application (copy enclosed). NMED is determined to advance the permitting process in a timely manner. With that in mind, an extension of the deadline for the submission of an application would only prolong and perhaps inhibit the facility's ability to implement and discharge to the proposed Zero Liquid Discharge Evaporative Tanks (ZLD). **NMED therefore denies the time extension for submission of the Discharge Permit application.**

In order to effectively and efficiently process the Discharge Permit application, NMED provided a list of elements which should be included in the submittal. Mr. Robert Beers, with Los Alamos National Laboratory, has requested a meeting with NMED to discuss the specific elements in NMED's November 18, 2011 letter to ensure the application is submitted in its entirety and to prevent further delays in the permitting process. NMED remains committed to working with LANL to clarify the specific elements that must be addressed in the application and is planning to meet with LANL staff within the first two weeks of January. It is anticipated that the outcome of the technical discussion will provide constructive information which will advance the application process.

If you have any questions regarding this matter, please contact Clint Marshall, Acting Program Manager of the Ground Water Pollution Prevention Section, at 505-827-0027 or Jennifer Fullam at 505-827-2909.

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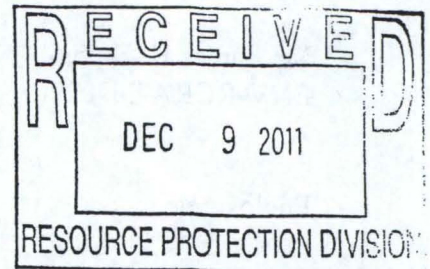
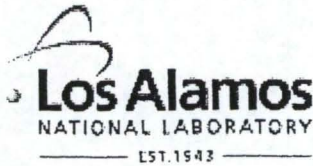
Sincerely,



James H. Davis, Ph.D.
Director, Resource Protection Division

JD:JF

- enc: Letter from NMED to LANL requiring Discharge Permit application, dated November 18, 2011
Letter from LANL to NMED requesting extension, dated December 9, 2011, NMED
- cc: James Bearzi, NMED SWQB (w/o enclosures)
Richard Powell, NMED SWQB (w/o enclosures)
John Kieling, NMED HWB (w/o enclosures)
Steven Yanicak, NMED-DOE-Oversight Bureau (w/o enclosures)
Hai Shen, LASO-EO, Los Alamos National Laboratory, A316, Los Alamos, NM 87545 (w/o enclosures)
Gene Turner, LASO-EO, Los Alamos National Laboratory, A316, Los Alamos, NM 87545 (w/o enclosures)
Michael T. Brandt, ADESH, Los Alamos National Laboratory, K491, Los Alamos, NM 87545 (w/o enclosures)
Carl A. Beard, PADOPS, Los Alamos National Laboratory, A102, Los Alamos, NM 87545 (w/o enclosures)
J. Chris Cantwell, ADESHQ, Los Alamos National Laboratory, K491, Los Alamos, NM 87545 (w/o enclosures)
Randy Johnson, ENV-ES, Los Alamos National Laboratory, E500, Los Alamos, NM 87545 (w/o enclosures)
Michael Saladen ENV-RCRA, Los Alamos National Laboratory, K490, Los Alamos, NM 87545 (w/o enclosures)
Robert Mason, TA-55-DO, Los Alamos National Laboratory, E583, Los Alamos, NM 87545 (w/o enclosures)
Hugh McGovern, TA-55-RLW, Los Alamos National Laboratory, E518, Los Alamos, NM 87545 (w/o enclosures)
Pete Worland, TA-55-RLW, Los Alamos National Laboratory, E518, Los Alamos, NM 87545 (w/o enclosures)
Susan L. McMichael, LC-LESH, Los Alamos National Laboratory, A187, Los Alamos, NM 87545 (w/o enclosures)
Bob Beers, ENV-RCRA, Los Alamos National Laboratory, K490, Los Alamos NM, 87545 (w/ enclosures)



*Environmental Protection Division
Water Quality & RCRA Group (ENV-RCRA)*
P.O. Box 1663, Mail Stop M704
Los Alamos, New Mexico 87545
(505) 667-0666/FAX: (505) 667-5224

Date: December 7, 2011
Refer To: ENV-RCRA-11-0270
LAUR: 11-12157

Mr. James H. Davis, Director
Resource Protection Division
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, NM 87502-5469

Dear Mr. Davis:

**SUBJECT: REQUEST FOR AN EXTENSION TO SUBMIT AN UPDATED
DISCHARGE PERMIT APPLICATION FOR THE RADIOACTIVE LIQUID
WASTE TREATMENT FACILITY (DP-1132)**

The US Department of Energy and Los Alamos National Security, LLC (DOE/LANS) are in receipt of your November 18, 2011, letter (Enclosure 1) requiring a comprehensive and up-to-date Discharge Permit application for the Radioactive Liquid Waste Treatment Facility (RLWTF) within 90 days of the letter's date (by February 16, 2012). For reasons explained below, DOE/LANS request an additional 90 days to prepare a Discharge Permit application for the RLWTF.

DOE/LANS have appreciated working with you and your staff on this matter. The goal is to submit a new Discharge Permit application for the RLWTF that is complete and satisfactory at the time of submittal. Addressing each of the 19 bullets listed in the above-referenced letter will require a significant level of effort by DOE/LANS technical staff. Further, the administrative record identified in the letter will need to be carefully reviewed, and supplemented as appropriate. Meetings between our respective representatives will be needed to ensure the information provided is responsive and focused correctly. For these reasons and because the Laboratory is closed during the holiday season, DOE/LANS respectfully request an extension of the application deadline to May 16, 2012.

Please contact Bob Beers at (505) 667-7969 if you have questions regarding this request.

Sincerely,

Anthony R. Grieggs
Group Leader
Water Quality & RCRA Group

Enclosures: a/s

Cy: ✓Hai Shen, LASO-EO, A316
✓Gene Turner, LASO-EO, A316
✓Steve Yanicak, LASO-GOV, M894
✓Carl A. Beard, PADOPS, A102
✓Michael T. Brandt, ADESH, K491
✓Randy Johnson, ENV-ES, E500
✓Mike Saladen, ENV-RCRA, K490, (E-File)
✓Robert Beers, ENV-RCRA, K490, (E-File)
✓Robert C. Mason, TA55-DO, E583
✓Hugh McGovern, TA-55 RLW, E518
✓Pete Worland, TA-55-RLW, E518
✓Susan L. McMichael, LC-LESH, A187
ENV-RCRA File, M704
IRM-RMMSO, A150



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Resource Protection Division



SUSANNA MARTINEZ
Governor
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Harold Runnels Building
1190 Saint Francis Drive (87505)
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Cabinet Secretary
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JAMES H. DAVIS, Ph.D.
Division Director

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 18, 2011

Anthony R. Grieggs, Group Leader
Environmental Protection Division
Water Quality & RCRA (ENV-RCRA)
P.O. Box 1663, Mail Stop K490
Los Alamos, NM 87545

RE: Response to Notice of Intent to Discharge and Discharge Permit Required for Zero Liquid Discharge Tanks, AI 856: PRD20070004 and Updated Application Submittal Required for the Radioactive Liquid Waste Treatment Facility (RLWTF), DP-1132

Dear Mr. Grieggs:

The Ground Water Quality Bureau of the New Mexico Environment Department (NMED) received a Notice of Intent from Los Alamos National Laboratory (LANL) on November 8, 2007 for the facility referenced above. NMED responded in writing with a request for additional information which required LANL to submit 60% plans and specifications for the proposed structure, information pertaining to ground water which may be impacted should a release occur, operation and maintenance procedures for the tanks, information on the potential concentration of the wastestream due to evaporation, and seismic studies for the area in which the tanks are to be constructed. NMED received a response to the requested information from LANL on September 15, 2008 which provided most of the requested information and stated that plans and specifications would be submitted once available. NMED received the plans and specifications for the evaporative tanks on August 19, 2011 along with an addendum dated October 19, 2011. The notice describes LANL's intent to discharge up to 3.6 million gallons annually of treated effluent from the RLWTF to two evaporative concrete tanks equipped with synthetic liners and leak detection systems. The total operating volume of the tanks is approximately 754,036 gallons (100,800 cubic feet). The notice, along with the subsequent information submitted upon NMED's request, satisfies the requirements of Subsection A of 20.6.2.1201 New Mexico Administrative Code (NMAC) of the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC. The proposed discharge is located within the boundaries of Los Alamos National Laboratory at

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IRM RMMSO Record Copy

Anthony Grieggs, AI856: PRD20070004
November 18, 2011
Page 2 of 5

35°51'37"N, 106°16'57"W, approximately 2.5 miles southeast of Los Alamos in Section 23, Township 19N, Range 06E, Los Alamos County.

NMED has reviewed the information provided in accordance with Subsection D of 20.6.2.1201 NMAC and because the proposed evaporative tanks contain an effluent or leachate which may move directly or indirectly into ground water, NMED has determined that a **Discharge Permit is required for the proposed discharge**. NMED considers the proposed evaporative tanks to be a component of the RLWTF, therefore they must be included in the Discharge Permit for this facility.

Any appeal of this determination that a Discharge Permit is required must be made to the New Mexico WQCC within 30 days of receipt of this letter, in accordance with Subsection B of 20.6.2.3112 NMAC. A copy of the WQCC Regulations, 20.6.2 NMAC, is available at <http://www.nmcpr.state.nm.us/nmac/title20/T20C006.htm>.

Upon further review of the file for the RLWTF, NMED has noted the following:

- An application for a Discharge Permit was submitted to NMED on April 16, 1996 for the discharge of 41,770 gallons per day of treated low level radioactive wastewater from the RLWTF to a tributary of Mortandad Canyon (referred to as Effluent Canyon).
- The application identified potential upgrades to the system which were to enhance the treatment process and provide alternate discharge capabilities for the facility.
- The treated effluent from the RLWTF is currently authorized to be discharged to an outfall (Outfall 051) under a United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit (NM0028355) last issued on August 1, 2007, and subsequently modified on July 17, 2007, May 13, 2011, and October 11, 2011.
- Numerous Notices of Planned Changes have been submitted to EPA for treatment system upgrades and facility changes under the NPDES Permit for Outfall 051. Copies of these notices were submitted to NMED on the following dates: April 21, 1998, March 18, 1999, April 3, 2000, June 13, 2000, May 7, 2002, March 14, 2003, April 18, 2003, January 12, 2004, May 14, 2007, May 6, 2008, August 19, 2010, September 16, 2010, and February 23, 2011.
- In addition to the Notices of Planned Changes, numerous notices concerning minor modifications to the facility have been submitted to NMED as addendums to the original Discharge Permit application. NMED received copies of these submissions which were dated March 23, 1999, December 8, 2000, November 8, 2007, August 25, 2010, September 27, 2010, December 15, 2010, and March 22, 2011.
- NMED has engaged in numerous meetings, inspections and written correspondence regarding the RLWTF in order to compile accurate information on the facility in preparation for drafting a Discharge Permit that will accurately reflect the activities conducted at the RLWTF.
- In September 2003, a draft of Discharge Permit DP-1132 was sent to LANL which was subsequently Public Noticed on April 18, 2005, beginning a 30-day comment period.
- On April 27, 2005, in response to multiple requests from interested parties, a second public comment period was granted on the proposed Discharge Permit (extending the comment period for approximately 90 days, until August 4, 2005).

Anthony Grieggs, AJ856: PRD20070004
November 18, 2011
Page 3 of 5

- NMED received comments and requests for a public hearing regarding the draft Discharge Permit from both interested parties and LANL.
- Through continued discussions with LANL, correspondence, site inspections and the above referenced Notice of Intent, it has become apparent that the facility has significantly modified treatment processes, discharge volumes and locations of the discharge when compared to the original application submitted to NMED on August 16, 1996.
- As it pertains to any future Discharge Permits to be issued by the NMED Ground Water Quality Bureau (GWQB), this *facility* has been determined to include the central influent collection lines leading to the RLWTF, all components which are part of the wastewater treatment process and all locations where the treated wastewater is disposed, including all surface discharges as well as non-surface discharges such as evaporative tanks (as described in the above referenced Notice of Intent). This determination by the NMED-GWQB is based on information provided in the original application for a Discharge Permit along with subsequent information provided to NMED by LANL.

Given the extensive and fractured exchange of information concerning this facility, along with changes at the RLWTF that have occurred during the lengthy permitting process and planned future changes, NMED views LANL's August 16, 1996 Discharge Permit application to be inconsistent with the current and planned discharge activities associated with the RLWTF. **Therefore, NMED requires that LANL submit a comprehensive and up-to-date Discharge Permit application for the RLWTF within 90 days of the date of this letter (by February 16, 2011).**

When submitted, the application (copy enclosed) should be completed in its entirety and specifically address the following:

- The estimated volumes, sources (technical area and building) and wastestream characteristics of all influent wastewater that LANL receives, or intends to receive, at the RLWTF.
- A description of the conveyance methods used to transport wastewater to the RLWTF for each source.
- A description of waste characterization and metering systems used to determine influent wastestream characteristics and volumes entering the RLWTF.
- A description of the review and amendment process for LANL's internal Waste Acceptance Criteria (WAC) for all incoming wastewater received at the RLWTF. This should include LANL's process for ensuring the WAC relates to the current treatment technologies and processes.
- A description of operational procedures for receiving wastes from each generator.
- A schematic of the treatment process in its entirety for each wastestream (from collection to final disposal).
- Descriptions, locations, construction materials and sizing for each component of the treatment processes for each type of wastestream being treated at the RLWTF.
- Descriptions, locations and designs for all secondary storage and auxiliary emergency units intended to receive, treat or store wastewater received at the facility.
- Proposed processes for the operation, inspection and maintenance for the facility as it pertains to the collection lines, treatment units and effluent storage disposal units.
- Procedures and corrective actions for addressing acute failures at the facility.
- Procedures and corrective actions for addressing long-term maintenance issues at the facility.

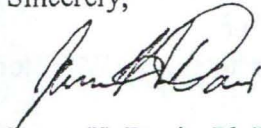
Anthony Grieggs, AI856: PRD20070004
November 18, 2011
Page 4 of 5

- Record drawings for all components of the facility, if available.
- Construction plans and specifications for all components of the facility which are under construction or are proposed for construction.
- A proposed effluent monitoring plan, identifying analytes and sample locations/frequency. The proposal should consider discharge frequencies, incoming waste characteristics and the constituents listed under 20.6.2.3103 NMAC and Subsection WW of 20.6.2.7 NMAC.
- Proposed flow and metering systems used to determine effluent discharge volumes for each of the discharge locations.
- Proposed ground water monitoring locations for ground water sources most likely to be impacted by intentional and unintentional discharges from the RLWTF. The proposal should identify geohydrology of the potentially impacted areas, existing monitoring well locations and construction.
- Actions which LANL would implement should partial or full closure of the facility occur.
- A scaled facility plan showing the facility's components including influent collection lines, storage units, major treatment units and disposal units.
- All other information sought in NMED's application for Discharge Permit Sections A through C. Please note that for the purposes of public notification, the "discharge site" as it relates to this facility encompasses the central collection system lines, the treatment and storage facilities and all discharge locations for the treated effluent.

When submitting the comprehensive and up-to-date Discharge Permit application, you must complete and submit three copies along with the \$100 filing fee.

If you have any questions, please contact either Jennifer Fullam at (505) 827-2909 or Clint Marshall, Acting Program Manager of the Ground Water Pollution Prevention Section, at (505) 827-0027.

Sincerely,



James H. Davis, Ph.D.
Director, Resource Protection Division

JD:JF

Enc: Applying for a Discharge Permit: General Information
Discharge Permit Application

cc: Robert Italiano, District Manager, NMED District II (w/o enclosures)
NMED Santa Fe Field Office (w/o enclosures)
DP Required File (w/o enclosures)
James Bearzi, NMED SWQB (w/o enclosures)
Richard Powell, NMED SWQB (w/o enclosures)
John Kieling, NMED HWB (w/o enclosures)
Steven Yanicak, NMED-DOE-Oversight Bureau (w/o enclosures)

Anthony Grieggs, AI856: PRD20070004

November 18, 2011

Page 5 of 5

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Gene Turner, LASO-EO, Los Alamos National Laboratory, A316, Los Alamos, NM 87545 (w/o enclosures)

Eric Trujillo, LASO-NSM, Los Alamos National Laboratory, A316, Los Alamos, NM 87545 (w/o enclosures)

Carl A. Beard, PADOPS, Los Alamos National Laboratory, A102, Los Alamos, NM 87545 (w/o enclosures)

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Michael Saladen ENV-RCRA, Los Alamos National Laboratory, K490, Los Alamos, NM 87545 (w/o enclosures)

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Pete Worland, TA-55-RLW, Los Alamos National Laboratory, E518, Los Alamos, NM 87545 (w/o enclosures)

Keith Orr, PMF-FUNCT, Los Alamos National Laboratory, M984, Los Alamos, NM 87545 (w/o enclosures)

Roy Maestas, CM-STRS, Los Alamos National Laboratory, P299, Los Alamos, NM 87545 (w/o enclosures)

Joe Brophy, PMF-FUNCT Los Alamos National Laboratory, P137, Los Alamos, NM 87545 (w/o enclosures)

Ed Artiglia, ES-PE, Los Alamos National Laboratory, P137, Los Alamos, NM 87545 (w/o enclosures)

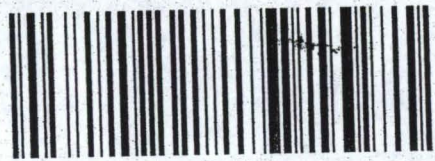
Bob Beers, ENV-RCRA, Los Alamos National Laboratory, K490, Los Alamos NM, 87545 (w/ enclosures)

NAME _____
Z# _____
DATE _____

NAME Joellen Mantje
Z# 086345
DATE 1-3-12

CERTIFIED MAIL™

NMED / GROUND WATER BUREAU
HAROLD RUNNELS BLDG.
1190 ST. FRANCIS DRIVE
PO BOX 5469
SANTA FE, NEW MEXICO 87502-5469



7008 1830 0003 4177 1479



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Mailed From 87505
US POSTAGE

Mr. Anthony Grieggs, Group Leader
Environmental Protection Division
Water Quality & RCRA (ENV-RCRA)
P.O. Box 1663 - Mail Stop ~~K490~~
Los Alamos, NM 87545 A150

