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Date: **JAN 30, 2013**
Refer To: EP2013-0024

Ms. Hannah Branning
U.S. Environmental Protection Agency, Region 6
Compliance and Assurance Division
Water Enforcement Branch (6EN)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Ms. Diana McDonald
U.S. Environmental Protection Agency, Region 6
Compliance and Assurance Division
Water Enforcement Branch (6EN)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Subject: NPDES Permit No. NM0030759 – Request for Force Majeure, Solid Waste Management Unit 54-017

Dear Meses. Branning and McDonald:

The U.S. Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) (the Permittees) are submitting this request for an extension because of force majeure under Part I.E.4(c) of National Pollutant Discharge Elimination System (NPDES) Permit No. NM0030759 (the Individual Permit or IP) for U.S. Environmental Protection Agency (EPA) review. As discussed during the October 29–30, 2012, meeting among EPA, DOE, and LANS, the Permittees seek EPA approval to extend the IP deadline for corrective action for Solid Waste Management Unit (SWMU) 54-017, a high-priority site located at Technical Area 54, Area G. Storm water samples collected in 2011 at the Site pursuant to the IP slightly exceeded the IP target action levels for copper and aluminum.

The Permittees have evaluated the corrective action options listed in Part I.E.2 of the IP and have determined that the “total elimination of exposure of pollutants to storm water at the Site” is the best corrective action option for this Site because it is consistent with a remedy proposed under the March 2005 Compliance Order on Consent (the RCRA Consent Order) and is also consistent with site closure requirements under DOE Order 435.1. Total retention is not a viable corrective action option because it could adversely impact the migration of radionuclides from buried low-level waste. The certificate of completion corrective action pathway is also not applicable to this Site because the New Mexico Environment Department (NMED) will not issue a certificate until the RCRA Consent Order remedy has been implemented, and this will occur after the IP corrective action deadline.

In September 2011 DOE and LANS submitted a corrective measures evaluation (CME) for Material Disposal Area (MDA) G (which includes SWMU 54-017) to NMED that recommended the construction and implementation of a robust permanent cover as part of the remedy under the RCRA Consent Order. This cover, when constructed, will completely eliminate exposure of any

industrial materials in all of the SWMUs comprising MDA G to storm water, thereby completing corrective action under Part I.E.2(c).

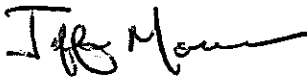
The RCRA Consent Order currently contains a December 2015 deadline to implement the remedy at MDA G. The ultimate selection and implementation of the RCRA Consent Order remedy for MDA G is subject to an administrative process that includes a public comment period and an opportunity for a public hearing. All these actions are dependent upon actions by governmental authorities (i.e., NMED and DOE) that are independent of the IP.

If EPA grants this force majeure, the delayed milestone will not adversely impact the environment for the following reasons:

- The Permittees will continue to inspect and maintain baseline control measures;
- The industrial materials at this Site are not exposed to storm water; and
- Current waste management activities in and around this Site are highly regulated.


If you have any questions, please contact Steve Veenis at (505) 667-0013 (veenis@lanl.gov) or David Rhodes at (505) 665-5325 (david.rhodes@nnsa.doe.gov).

Sincerely,



Jeff Mousseau, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,



Peter Maggiore, Assistant Manager
Environmental Projects Office
Los Alamos Site Office

SV:sm

Attachment: Individual NPDES Permit Request for Force Majeure, Solid Waste Management
Unit 54-017 (LA-UR-13-20260)

Cy: Isaac Chen, USEPA/Region 6, Dallas, TX (date-stamp emailed)
Renee Ryland, USEPA/Region 6, Dallas, TX (date-stamp emailed)
James Hogan, NMED/SWQB, Santa Fe, NM (date-stamp emailed)
lasomailbox@nnsa.doe.gov (date-stamped letter emailed)
David Rhodes, DOE-LASO (date-stamp emailed)
Kathryn Lynnes, EP-REG (date-stamp emailed)
Tori George, EP-REG (date-stamp emailed)
Steve Veenis, EP-CAP (date-stamp emailed)
Dave McInroy, EP-CAP (date-stamp emailed)
Jeff Mousseau, ADEP (date-stamp emailed)
Wendy Staples, EP-BPS (date-stamp emailed)
RPF (electronic copy)