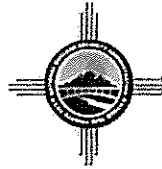




Environmental Programs

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National Nuclear Security Administration
 Los Alamos Field Office, MS A316
 Environmental Projects Office
 Los Alamos, New Mexico 87544
 (505) 667-4255/FAX (505) 606-2132

10-11-13 A 11:43 RCVD

Date: **OCT 11 2013**

Refer To: EP2013-0237

Ms. Jan Walker
 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: Notification of Force Majeure and Anticipated Noncompliance – Lapse of Appropriations for Activities under the Los Alamos National Laboratory Individual Storm Water NPDES Permit No. NM0030759

Dear Mses. Walker and McDonald:

The U.S. Department of Energy and Los Alamos National Security, LLC (DOE/LANS) submit this letter pursuant to Part I.E.4 (c) and Part III.D.2 of the National Pollutant Discharge Elimination System (NPDES) Permit No. NM0030759 (Individual Permit or IP). This letter provides written notice to Region 6 of the U.S. Environmental Protection Agency (EPA) of a force majeure event (Part I) and anticipated noncompliance for activities required by the IP (Part III) as the result of the lapse of appropriations for fiscal year (FY) 2014. While DOE/LANS are currently in compliance with the IP, DOE/LANS are voluntarily notifying EPA of the potential for noncompliance as a result of the recent lapse of appropriations.

Congress has not passed an appropriations bill nor a Continuing Resolution to fund DOE for FY2014, and the Los Alamos National Laboratory (LANL) has not been allocated funding for FY2014. Although LANL has some carryover funds from FY2013, they are minimal and will be expended quickly. As a result, LANL will have to suspend the majority of activities currently being implemented under the IP, and therefore, DOE/LANS cannot perform all the work required by the IP. DOE/LANS have identified certain compliance obligations that, as a result of the lapse of appropriations, may result in potential for noncompliance, including timely maintenance and repair of control measures; sampling obligations; the completion of annual and post-storm inspections; and reporting requirements (see Part III.D.2).

DOE/LANS have also identified the following sites that are impacted and for which LANL may not be able to “certify completion of corrective action” under Part I.E.4 on or before November 1, 2013.

These sites and associated documents include the following:

- Request for Permit Modification Site Monitoring Requirements: Site 72-001(S-SMA-6)
- Certification of Completion of Corrective Action Permitted Feature: J027 PJ-SMA-20 Sites (SWMU 54-017)
- Certification of Completion of Corrective Action Permitted Feature: T-SMA-1 (SWMU 50-009)

It is uncertain how long Congress will take to fund FY2014 planned activities. Therefore, DOE/LANS cannot accurately describe the “expected duration of the delay,” the “actions taken or to be taken. . .to minimize the delay,” or “the timetable by which those actions are expected to be implemented [see Part I.E.4 (c)]. However, DOE/LANS will notify Region 6 of the EPA as soon as funding has been restored for FY2014 activities, allowing a resumption of work under the IP, and will provide a list of IP obligations that have been impacted and the actions taken, or to be taken, to minimize further delays.

If you have any questions, please contact Kathryn Roberts at (505) 665-0006 (kroberts@lanl.gov) or David Rhodes at (505) 665-5325 (david.rhodes@ nnsa.doe.gov). If the lapse in appropriations is prolonged and Ms. Roberts and Mr. Rhodes are unavailable, you may contact either Mr. Peter Maggiore at (505) 665-5025 or Mr. Jeff Mousseau at (505) 606-2337.

Sincerely,



Jeff Mousseau, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,



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

JM/PM/TG/KR:sm

Cy: Isaac Chen, EPA Region 6, Dallas, TX (date-stamped letter emailed)
Renee Ryland, EPA Region 6, Dallas, TX (date-stamped letter emailed)
John Kieling, NMED-HWB, Santa Fe, NM (date-stamped letter emailed)
James Hogan, NMED-SWQB, Santa Fe, NM (date-stamped letter emailed)
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Annette Russell, DOE-NA-00-LA (date-stamped letter emailed)
David Rhodes, DOE-NA-00-LA (date-stamped letter emailed)
Susan McMichael, LC-LESH, (date-stamped letter emailed)
Kate Lynnes, EP-REG (date-stamped letter emailed)
Tori George, EP-REG (date-stamped letter emailed)
Steve Veenis, EP-CAP (date-stamped letter emailed)
Dave McInroy, EP-CAP (date-stamped letter emailed)
Jeff Mousseau, ADEP (date-stamped letter emailed)
Wendy Staples, EP-REG (date-stamped letter emailed)
RPF (electronic copy)