ERID-521185

NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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Director
Resource Protection Division

EP2012-5217

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 30, 2012

Pete Maggiore,
Environmental Operations Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael Graham,
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS 991
Los Alamos, NM 87545

RE: SECOND DISAPPROVAL
2012 MONITORING PLAN FOR LOS ALAMOS AND PUEBLO CANYONS SEDIMENT TRANSPORT MITIGATION PROJECT, REVISION 1
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-12-016

Dear Messrs. Maggiore and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Response to the Notice of Disapproval for the 2012 Monitoring Plan for Los Alamos and Pueblo Canyons Sediment Transport Mitigation Project, Revision 1* (Response), dated July 23, 2012 and referenced by EP2012-0161. NMED has reviewed the Response and hereby issues this Disapproval. The Permittees must address the following comments.

1) **Response to Comment 1**

In the response, the Permittees state, "LANL's program for stormwater monitoring at canyon gages, specifically in the LA/P watershed, is to retrieve samples, inspect, and repair damaged or malfunctioning equipment as quickly as possible following a discharge event (typically within 24 h, exclusive of weekends and holidays). Gage station inspections not triggered by discharge are conducted on the following schedule: E050.1, E060.1, and E109.9 weekly throughout the year; the remaining stations weekly during the monitoring period (June 1 to October 31) and monthly for the remainder of the year."

The Permittees go on to state, "[m]inor damages or malfunctioning equipment can be repaired quickly (almost always in less than 5 business days). More significant damage to a flume, stilling well, or support structure and other damages that require heavy equipment will likely require more time to repair."

NMED agrees with the Permittees' proposed approach provided in the Response. For completeness, submit a revised monitoring plan that includes the objectives and time frames as specified in the Response. The requirements for implementation shall include the following:

- retrieval of samples within one business day of sample collection. The Permittees shall retrieve samples in the following priority order, if necessary:
  - Buckman early notification stations
  - down gradient LANL boundary stations
  - upgradient LANL boundary stations
  - balance of stations in LA/P canyons
  - internal LANL stations.
- repair of damaged or malfunctioning equipment within five business days, and
- inspection of gage stations and samplers a minimum of once every week during dry periods.

In the event that the Permittees are unable to meet the requirements for sample collection or inspection and repair of any monitoring station, provide a statement in the annual monitoring report documenting the inability to meet the requirements for sample retrieval and/or maintenance and the associated dates and cause of the deviation(s).

2) **Response to Comment 2**

NMED concurs with the movement of intakes at both E109.9 and E038. The rationale for collecting both upstream and downstream samples at the Los Alamos low head weir from the same storm events as a basis for not moving the intake at E042.1 is acceptable.

The rationale for not moving the intake at E026 is somewhat tenuous. While in most years four storms that generate in excess of 10 cubic feet per second (cfs) do not occur, most storms that do exceed 10 cfs also exceed 15 cfs. The two samples collected at E026 over the past two years were both obtained during storms that generated flows over 30 cfs. If

silting continues to be a problem for collecting samples at E026 during the 2012 storm water sampling season, re-evaluate moving the intake for the 2013 sampling season.

The Permittees must address the comments herein and submit a revised 2012 Monitoring Plan for Los Alamos and Pueblo Canyons Sediment Transport Mitigation Project by **September 28, 2012**. All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order. In addition, submit a redline-strikeout version that includes all changes and edits to the Report (electronic copy) with the response to this NOD.

Please contact Ben Wear at (505) 476-6041 should you have any questions.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
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File: LANL 2012, Los Alamos/Pueblo Watershed

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