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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 24, 2016

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Michael T. Brandt
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Environment, Safety, Health
Los Alamos National Laboratory
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Los Alamos, NM 87545

**RE: RESPONSE TO SOLID WASTE MANAGEMENT UNIT ASSESSMENT
REPORT REQUIREMENTS FOR SEPTIC TANK/LEACHFIELD
SYSTEMS AT TECHNICAL AREA 33
EPA ID #NM0890010515
HWB-LANL-15-066**

Dear Messrs. Hintze and Brandt:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, the Permittees) *Response to Solid Waste Management Unit Assessment Report Requirements for Septic Tank/Leachfield Systems at Technical Area 33* (Report) dated and received June 18, 2015, and referenced by ENV-DO-15-0150/LA-UR-15-24050. The Report indicates that hazardous constituents were detected in liquid samples from three active septic tank/leachfield systems; Technical Area (TA) 33-031, TA-33-0161, and TA-33-0375.

TA-33-031:

NMED acknowledges that TA-33-031 is part of SWMU 33-004(a), and doesn't require a SWMU assessment report.

TA-33-0161:

The Permittees state that SWMU 33-004(e), septic tank TA-33-0161, was never used for the management of RCRA solid or hazardous waste, and that it was removed in 1989. SWMU 33-

004(e) received no further action status in 1998 from NMED. The Permittees clarified in a meeting with NMED staff on February 25, 2016 that the sand filters associated with the current septic tank TA-39-0104 and the former septic tank (SWMU 33-004(e)) were inadvertently given the same designation of TA-33-0161. The analytical results from the samples collected from the septic tank TA-39-0104 indicate the presence of organic chemicals and metals exceeding the Numeric Limits of 20.6.2.3103 NMAC. The results indicate that there is a potential for release of hazardous constituents to the environment. The Permittees must demonstrate that there has not been a release of hazardous constituents to the environment from the septic tank (TA-39-0104) and associated sand filters (TA-33-0161). First, the Permittees must provide evidence that the integrity of septic tank has not been compromised. Second, the Permittees must collect samples from the appropriate depths in the sand filters to demonstrate that there has been no release of hazardous constituents to the environment and the site does not pose an unacceptable risk to human health or the environment. Based on the results of the initial assessments, NMED will make a determination as to whether this site requires further corrective action.

TA-33-0375:

NMED has reviewed the documents provided for TA-33-0375. The Permittees provided justification for why a SWMU Assessment Report is not required for Septic Tank TA-33-0375. NMED's response follows the Permittees' statements:

- 1. The Permittees state “[i]t is an active unit that is being managed under the regulations implementing the New Mexico Water Quality Act”.**

The NMED Ground Water Quality Bureau's (GWQB) July 1, 2010, *RE: Temporary Permission to Discharge, New Sanitary Septic Tank/Leachfield System at Technical Area 33 (TA-33) DP-1589* letter only granted temporary permission to discharge domestic waste and specifically stated “[T]his approval does not relieve you of the responsibility to comply with any other applicable federal, state, and or local laws and regulations, such as zoning requirements and nuisance ordinances. Also, this approval does not relieve you of liability should your operation result in actual pollution of surface or ground waters”. It is clear from the GWQB letter that the temporary discharge permit does not relieve the Permittees from their responsibilities under the New Mexico Hazardous Waste Act in the event of a release of hazardous constituents.

- 2. The Permittees state “[t]here is no conclusive evidence that the Septic Tank/Leachfield system receives hazardous waste”.**

The presence of hazardous constituents in the septic tank indicates that the septic system has received hazardous waste and/or constituents. The release of hazardous constituents is subject to investigation and, if necessary, remediation. Please provide documentation (such as sampling results) to support this statement. Additionally, the Permittees must demonstrate that hazardous constituents have not been released from the septic tank to the environment.

- 3. The Permittees state “the three (3) organic constituents detected within the septic tank contents that were below tap [water] standards are commonly found in samples as a result of cross contamination during sample analysis. However, on June 3, 2015 DOE/LANS re-sampled the wastewater in the tank and are awaiting confirmation sampling results”.**

NMED received confirmatory results from resampling of TA-33-0375 in the document entitled *Corrective Action Resulting from the Resampling of Septic Tank-Disposal System TA-33-0375 in June 2015, DP-1589* and referenced by EPC-DO-16-094, LA-UR-16-22341 on April 18, 2016. The resampling confirmed the presence of the three previously detected organic chemicals in wastewater. The contaminants were not the result of laboratory cross contamination as previously thought. The resampling also detected an exceedance of phenol above the groundwater standard of 5 µg/L in both the sample (19 µg/L) and the duplicate (67 µg/L). The Permittees identified waste from a 3-D printer located in building TA-33-0114 as a potential source of organic chemicals. The Permittees stated that in calendar year (CY) 2015 the practice of disposing liquid waste from the 3-D printer to the septic tank was discontinued and instead the waste was collected for off-site disposal. The Permittees state that in CY 2016 they intend to resample contents of the septic tank.

The Permittees must collect samples from the tank in CY 2016 as proposed. The Permittees must provide evidence that the integrity of septic tank has not been compromised. The Permittees must also collect samples from the appropriate depths in the associated leachfield to demonstrate that there has not been a release to the environment and the site does not pose an unacceptable risk to the human health or the environment. Based on the results of the initial assessments, NMED will make a determination as to whether this site requires further corrective action.

The Permittees must submit a response to NMED’s comments no later than **September 30, 2016**. 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 Consent Order.

Should you have any questions or comments, please contact Siona Briley at (505)-476-6049.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED HWB
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Messrs. Hintze and Brandt

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File: 2016 Reading and LANL SWMU 33, SAR