

File LANL - Gen Corp.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
INTERFIRST TWO BUILDING, 1201 ELM STREET
DALLAS, TEXAS 75270

JUL 14 1986

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 479 502 140)

Mr. Harold Valencia
Area Manager
Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

RECEIVED

JUL 16 1986

SURFACE WATER QUALITY BUREAU

Re: NPDES Permit No. NM0028355
Draft Federal Facility Compliance Agreement dated September 11, 1985.

Dear Mr. Valencia:

During a meeting on June 19, 1986, between your staff and Bruce Hale of my staff, several modifications to the draft Federal Facility Compliance Agreement (FFCA) were discussed. In accordance with these discussions, we have made the following changes to the FFCA:

- A. Deleted most references to Los Alamos National Laboratory (LANL), since the Department of Energy (DOE) is the permittee and will be responsible for compliance;
- B. Included one additional sanitary discharge and three industrial outfalls as part of the FFCA;
- C. Modified paragraph V FUNDING as requested by DOE;
- D. Modified paragraph VI REPORTING REQUIREMENTS, A., as requested by DOE;
- E. Corrected several minor typographical and clarification changes; and,
- F. Revised the Attachment to update necessary interim limits and schedule changes.

Please sign both of the enclosed agreements. Keep one and return the other to Region 6 as soon as possible. The agreement will not become effective until we receive an original signed copy of the agreement for our records.



1638

12

If you have any questions concerning this matter, please contact C. Bruce Hale at FTS 729-9839.

Sincerely yours,

~~for~~ /S/ Kenton Kirkpatrick

Myron O. Knudson, P.E.
Director, Water Management Division, 6W

Enclosures

cc: New Mexico Environmental
Improvement Division

RECEIVED

JUL 16 1986

SURFACE WATER QUALITY BUREAU

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION VI

U.S. DEPARTMENT OF ENERGY	§	
LOS ALAMOS AREA OFFICE	§	
LOS ALAMOS, NEW MEXICO	§	
	§	
and	§	FEDERAL FACILITY
	§	COMPLIANCE AGREEMENT
	§	
U.S. ENVIRONMENTAL PROTECTION	§	
AGENCY, REGION VI	§	

The Environmental Protection Agency, Region VI (hereinafter Region VI), and the Department of Energy, Los Alamos Area Office, Los Alamos, New Mexico (hereinafter DOE) are the parties to this agreement which is entered into pursuant to Executive Order 12088, October 13, 1978 [43 FR 47707]. The Office of Management and Budget and the Department of Justice will take cognizance of this agreement pursuant to their respective duties to assure compliance with the environmental laws under Executive Order 12088 and the particular statutes herein addressed.

I. SCOPE

- A. DOE owns the facility known as Los Alamos National Laboratory. The laboratory is operated by the University of California under contract with DOE.
- B. This agreement is entered into by the parties to assure compliance by DOE with the Clean Water Act (CWA) [33 U.S.C. 1251, et seq.] and implementing regulations, including the National Pollutant Discharge Elimination System (NPDES) Permit No. NM0028355 issued to DOE.
- C. This agreement is not and shall not be construed as a permit under the CWA nor shall it relieve DOE of any legal obligations under the CWA which are in addition to or different from matters covered in this agreement.

II. AUTHORITIES

The duties of DOE to operate the wastewater treatment facilities in compliance with the CWA are prescribed in Section 313 of the Clean Water Act [33 U.S.C. 1323]. Executive Order 12088 was promulgated to insure Federal compliance with applicable pollution control standards. This agreement contains a "plan," as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable water pollution control standards for the DOE facilities.

III. STATEMENT OF FACTS

The following facilities are owned by DOE, operated by the University of California, under the direct control of DOE:

Sanitary and Industrial Wastewater Treatment Plants, NPDES Permit No. NMO028355, currently produce effluents that cannot continually meet the current NPDES permit requirements. The schedules set forth in Attachment 1 contemplate achievement of compliance with this permit upon completion of construction projects with targeted construction start dates as shown in schedules. The projects consist of new construction and rehabilitation of existing facilities.

IV. COMPLIANCE SCHEDULE

The compliance schedules set forth in Attachment 1 are intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The attachment is incorporated into and made a part of this agreement. The schedules were determined after consultation between DOE, the Laboratory, and Region VI. The schedules contain interim requirements reflecting design drawing submittal dates, bidding, contract

award, construction completion, and start-up dates. DOE will make a good-faith effort to comply with the schedules and, wherever reasonably possible, will expedite the schedules.

V. FUNDING

DOE shall request all funds and/or authorizations through the appropriate channel necessary to achieve the compliance schedule. Steps to be taken in seeking funding shall be consistent with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). The schedules are subject to obtaining the requisite funds and/or authorizations for the particular programs and Laboratory divisions involved.

VI. REPORTING REQUIREMENTS

- A. The DOE shall submit quarterly progress reports by the last day of each calendar quarter and upon the final compliance date as set forth in the schedule. The progress reports will be submitted to Region VI and the New Mexico Environmental Improvement Division. The progress reports shall indicate compliance or noncompliance with the schedule. In the event of noncompliance, the report shall include the cause of noncompliance and any remedial actions taken. If delay is anticipated in meeting any schedule date, DOE shall immediately notify Region VI, in writing, of the anticipated delay, describing in detail the anticipated length of delay, the precise cause of the delay, the measures taken by DOE to prevent or minimize the delay and the timetable by which the measures shall be implemented. The DOE will take reasonable action to minimize any delay.

However, if DOE believes delay is unavoidable, the EPA Region VI Water Management Division Director and the Area Manager shall undertake to negotiate, in good faith, a revised compliance schedule. If they fail to agree upon a revised Schedule, the EPA Water Management Division Director shall determine what schedule shall apply. If the DOE disagrees with this determination, the conflict resolution procedure described herein shall control.

- B. In the event there is an amendment of the CWA, or changes to the regulations promulgated under those statutes, the discharge limits and compliance schedules may be renegotiated to reflect these changes. Such renegotiation shall be governed by Executive Order 12088. During the pendency of any renegotiation, the attached compliance schedule, to the extent they do not conflict with statutory or regulatory changes, shall remain in effect unless specifically waived by Region VI.
- C. On the date for final compliance, as shown in the schedules, compliance with applicable permit requirements must be demonstrated by testing and positive reporting of the achievement of compliance, rather than by the mere completion of construction of pollution abatement facilities.
- D. Upon the demonstration of compliance by DOE, there will be a continuing obligation to comply with applicable permit requirements under the CWA. These requirements are embodied in the facility's National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act.

VII. CONFLICT RESOLUTION

In the event of any conflict involving violations of this agreement, Region VI and DOE will attempt to resolve the differences. If the differences cannot be resolved by the two parties, the procedures in Sections 1-602, 1-603, and 1-604 of Executive order 12088 shall apply.

VIII. SANCTIONS

- A. In the event of violations of the terms of this agreement by DOE, enforcement procedures established by the Clean Water Act are available as enforcement mechanisms.

- B. Provided the attached Compliance Schedules and Interim Limits are met, this agreement is considered to be in lieu of any other EPA enforcement action with regard to the facilities named in the attached schedule and the deficiencies indicated in Section III.

This agreement in no way modifies Section 504 of the Clean Water Act.

Date: _____

Signed: _____
Harold E. Valencia
Area Manager
Los Alamos Area Office
Department of Energy

Date: July 14, 1986

Signed: Myron O. Knudson
Myron O. Knudson
Director, Water Management Division
Environmental Protection Agency, Region 6

DISCHARGE LIMITS and COMPLIANCE SCHEDULE
for
SANITARY AND INDUSTRIAL WASTEWATER TREATMENT PLANTS

A. Current NPDES Permit Limits -

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		
	<u>Daily Avg.</u> <u>(lb/day)</u>	<u>Daily Avg.</u> <u>(mg/l)</u>	<u>7-day Avg.</u> <u>(mg/l)</u>
<u>Outfall 01A</u>			
Flow (MGD)*	N/A	N/A	N/A
Total Suspended Solids (TSS)	N/A	30	100
Free Available Chlorine	N/A	0.2	0.5
<u>Outfall 03A</u>			
Flow (MGD)*	N/A	N/A	N/A
Total Suspended Solids (TSS)	N/A	30	100
Free Available Chlorine	N/A	0.2	0.5
Total Phosphorous	N/A	5	5
<u>Outfall 05A</u>			
Flow (MGD)*	N/A	N/A	N/A
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids(TSS)	N/A	30	45
<u>Outfall 01S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	225.2	30	45
Total Suspended Solids (TSS)	225.2	30	45
Fecal Coliform	N/A	1000/100 ml	2000/100 ml
<u>Outfall 04S</u>			
Flow (MGD)	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	0.5	30	45
Total Suspended Solids (TSS)	0.5	30	90
<u>Outfall 05S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	4.3	30	45
Total Suspended Solids (TSS)	4.3	30	45

Effluent CharacteristicDischarge Limitation

	Daily Avg. (lb/day)	Daily Avg. (mg/l)	7-day Avg. (mg/l)
--	------------------------	----------------------	----------------------

Outfall 06S

Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	2.3	30	45
Total Suspended Solids (TSS)	2.3	30	45
Fecal Coliform Bacteria	N/A	1000/100 ml	2000/100 ml

Outfall 10S

Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	3.0	30	45
Total Suspended Solids (TSS)	3.0	30	90

Outfall 11S

Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD)	2.3	30	45
Total Suspended Solids (TSS)	2.3	30	90

The pH shall not be less than 6.0 s.u. nor greater than 9.0 s.u.

*Flow must be monitored and reported.

B. Interim Compliance Limits -

The following limits shall be in effect until the final compliance date in the compliance schedule:

Effluent CharacteristicDischarge Limitation

	Daily Avg. (lb/day)	Daily Avg. (mg/l)	7-day Avg. (mg/l)
--	------------------------	----------------------	----------------------

Outfall 01A

Flow (MGD)*	N/A	N/A	N/A
Total Suspended Solids (TSS)	N/A	30	100
Free Available Chlorine	N/A	1.0	5.0

Outfall 03A

Flow (MGD)*	N/A	N/A	N/A
Total Suspended Solids (TSS)	N/A	30	100
Free Available Chlorine	N/A	1.0	5.0
Total Phosphorous	N/A	5	5

Effluent CharacteristicDischarge Limitation

	Daily Avg. (lb/day)	Daily Avg. (mg/l)	7-day Avg. (mg/l)
<u>Outfall 05A</u>			
Flow (MGD)*	N/A	N/A	N/A
Chemical Oxygen Demand (load)	N/A	1000	2000
Total Suspended Solids (TSS)	N/A	60	90
<u>Outfall 01S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	225.2	70	105
Total Suspended Solids (TSS)	225.2	55	105
Fecal Coliform	N/A	10,000	200,000
<u>Outfall 04S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD)	10	60	95
Total Suspended Solids (TSS)	10	70	125
<u>Outfall 05S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	6.8	60	95
Total Suspended Solids (TSS)	7.3	60	100
<u>Outfall 06S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	11.4	55	60
Total Suspended Solids (TSS)	6.2	30	45
Fecal Coliform Bacteria	N/A	20,000	100,000
<u>Outfall 10S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	23.2	115	185
Total Suspended Solids (TSS)	26.1	130	170
<u>Outfall 11S</u>			
Flow (MGD)*	N/A	N/A	N/A
Biochemical Oxygen Demand (BOD ₅)	N/A	60	95
Total Suspended Solids (TSS)	N/A	70	125

The pH shall not be less than 6.0 s.u. nor greater than 9.0 s.u.

*Flow must be monitored and reported.

DOE will continue to report all values on the monthly discharge monitoring reports, as well as, noncompliance notification if these limits are exceeded. The existing treatment facilities will be operated at maximum efficiency to achieve interim limits to the maximum extent possible during the period prior to the compliance date identified.

C. Compliance Schedule -

The following milestone dates (the last day of the months identified) are the agreed dates by which the specified activities will be completed:

Outfall 01A

Final design complete	August 1986
Advertisement of construction contract	September 1986
Award of construction contract	October 1986
Construction completion	December 1986
In compliance with final limits	January 1987

Outfall 03A

Final design complete	August 1986
Advertisement of construction contract	September 1986
Award of construction contract	October 1986
Construction completion	December 1986
In compliance with final limits	January 1987

Outfall 05A

Final design complete	September 1986
Advertisement of construction contract	October 1986
Award of construction contract	November 1986
Construction completion	May 1987
In compliance with final limits	June 1987

Outfall 01S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contract	July 1986
Construction completion	May 1987
In compliance with final limits	August 1987

Outfall 04S

Final design complete	January 1987
Advertisement of construction contract	February 1987
Award of construction contract	March 1987
Construction complete	December 1987
In compliance with final limits	January 1988

Outfall 05S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contract	July 1986
Construction completion	January 1988
In compliance with final limits	May 1988

Outfall 06S

Final design complete	Completed
Advertisement of construction contract	July 1986
Award of construction contract	August 1986
Construction completion	August 1987
In compliance with final limits	September 1987

Outfall 10S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contract	Completed
Construction completion	Completed
In compliance with final limits	September 1986

Outfall 11S

Final design complete	Completed
Advertisement of construction contract	Completed
Award of construction contract	July 1986
Construction complete	November 1986
In compliance with final limits	January 1987

D. Quarterly Reports

In addition, DOE shall submit quarterly progress reports starting October 1, 1986, and ending when the facility is in full compliance. The reports will be submitted by the last day of the quarter.

The reports shall include, but not be limited to, all construction activities that have been completed, and an update of those activities to be completed.