

Teri D.



State of New Mexico  
ENVIRONMENT DEPARTMENT  
Hazardous & Radioactive Materials Bureau  
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GOVERNOR

MARK E. WEIDLER  
SECRETARY

EDGAR T. THORNTON, III  
DEPUTY SECRETARY

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

May 1, 1997

Mr. Theodore J. Taylor, Program Manager  
Department of Energy  
Los Alamos Area Office  
528 35th Street, Mail Stop A316  
Los Alamos, New Mexico 87544

Mr. Jorg Jansen, Program Manager  
Environmental Restoration  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop 992  
Los Alamos, New Mexico 87545

**RE: Notifications of Release/Discharge  
Los Alamos National Laboratory  
NM0980010515**

Dear Mr. Taylor and Mr. Jansen:

Los Alamos National Laboratory (LANL) has expressed a concern to the New Mexico Environment Department (NMED) regarding release/discharge (spill) reporting requirements under the various regulations governing LANL. This letter attempts to dispel any confusion related to notification requirements as requested by LANL. This letter is divided into two sections: definition of a release/discharge and notification requirements.



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### **Definition of a Release/Discharge**

A "release" triggers the reporting requirements of the Hazardous Waste Act (HWA). The Environmental Protection Agency (EPA) promulgated rules define the term release to mean "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment" [40 Code of Federal Regulations (CFR) §264.501]. In the 1990 proposal, EPA clarified that the definition of a release also includes the abandoned or discarded barrels, containers, and other closed receptacles containing hazardous waste or constituents and that it could include releases that are permitted under other authorities, such as the Clean Water Act. The term "release" applies to past, as well as, potential releases, not just present or on-going releases.

A "discharge" triggers the reporting requirements of the Water Quality Control Commission (WQCC) 1203. A "discharge means spilling, leaking, pumping, pouring, emitting, emptying, or dumping into water or in a location and manner where there is a reasonable probability that the discharged substance will reach surface water or subsurface water" [WQCC 1203.C.1].

The notification requirements of RCRA and WQCC are required if a concentration of contaminant in a medium: 1) exceeds a WQCC standard, a Safe Drinking Water Act (SDWA) Maximum Contaminant Level (MCL), and/or an Environmental Restoration (ER) Screening Action Level (SAL); 2) shows a statistically significant increase over the background data for the media of concern; or 3) may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property [WQCC 1203.A and 20 NMAC 4.1.900 (incorporating 40 CFR §270.32)]. Additionally, all reporting requirements for releases from SWMUs contained within LANL's RCRA Hazardous Waste Permit must be adhered to.

At newly-identified releases from or at Potential Release Sites (PRSs), notification requirements of RCRA and WQCC must be applied if: 1) there is an immediate threat to human health or the environment, 2) the site is located "in or near a watercourse," or 3) a concentration of contaminant in soil at a PRS equals or exceeds three times the Environmental Restoration (ER) Screening Action Level (SAL) for that contaminant.

### Notification Requirements

For simplicity, NMED proposes the streamlining of the HWA and WQCC reporting requirements such that duplicative reporting is minimized: one reporting process will be required for both newly-identified releases at PRSs and contemporary spills/discharges (see Attachment A, modified 7-Day Release/Discharge Notification form). However, each of the four Bureaus (Ground Water, Hazardous and Radioactive Materials, Surface Water, and DOE Oversight) within the NMED must be notified and/or copied at the various steps within the notification process. Notifying each of the Bureaus at each step eliminates the possibility of missed notification under a particular regulation or agreement, such as the Agreement In Principle.

The State's WQCC regulations impose reporting requirements of 24-hour, 7 day (calendar), and 15 day (calendar) increments. LANL's Operating Permit under RCRA imposes reporting requirements of 24-hour, 5-day (working), and 15-day (calendar) increments. The following summarizes the reporting requirements as set forth in the WQCC regulations and the RCRA Operating Permit:

The **24-hour** reporting requirement is a verbal notification for all releases/discharges identified during the investigation of PRSs through the Corrective Action (CA) process and contemporary spills which are both regulated under WQCC [20 NMAC 6.2, Section 1203.A.1] and RCRA [20 NMAC 4.1, Subpart IX §900].

The **5 working day and 7 calendar day** notifications are required by the RCRA Operating Permit and WQCC 1203, respectively. Under RCRA, NMED can require the facility to submit a written report within 7 calendar days in lieu of 5 working day notification [20 NMAC 4.1.900, incorporating 40 CFR 270.32].

WQCC and RCRA regulations also require a **15-day** report. This reporting should take the form of a CA Report. The facility should not make the decision as to whether further action is necessary. The facility may request a 15-day extension to this reporting requirement. WQCC regulations require that NMED provide the facility with an approval or denial of the CA Report within **30 calendar days** of its receipt by the Department. At this time, NMED will ascertain if the reporting of historical release correction activities should occur prior to or during the implementation of the RFI and reported within a RFI Report.

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April 3, 1997  
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The following table is provided as a summary of the above information:

<b><i>Reporting Period</i></b>	<b><i>Period Units</i></b>	<b><i>Type of Reporting</i></b>	<b><i>Methodology</i></b>
24	hours	Verbal	Contact all 4 Bureaus (specific personnel and telephone numbers are provided in Attachment B)
7	calendar days	Written Release/Discharge Notification form	Fax 7-Day Release/Discharge Notification form (Attachment A) and location map to all 4 Bureaus
15	calendar days	CA plan/report	Send full sets of <u>original</u> documents to both the SWQB and HRMB contact persons and provide a copy ("cc") of the cover letter for the document to other NMED entities as indicated on the 7-Day Release/Discharge Notification form

In order to effectuate the reporting requirements outlined above, LANL will need to request a modification to its operating permit to reflect the new written reporting requirement of 7 calendar days. After NMED approval of the modification, adherence to the reporting requirements as outlined in this letter will ensure LANL's compliance with the both the WQCC and RCRA regulations, eliminate the possibility of lapsed or misdirected notifications, and provide NMED with valuable PRS-specific information necessary for prioritization and scheduling of activities.

In conclusion, NMED has reviewed LANL's past reporting practices and the reporting requirements of the applicable regulations and has identified a gap in the information available regarding LANL's notification of releases/discharges. Therefore, NMED intends to request, under separate cover, the submittal of specific information necessary to fill those data gaps and assist HRMB in setting scheduling priorities at LANL.

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Should you or your staff have any questions concerning this letter, please contact either myself or any of the following Bureau Chiefs: Mr. Benito J. Garcia, Hazardous and Radioactive Materials; Ms. Marcy Leavitt, Ground Water Quality; or Mr. John Parker, DOE Oversight.

Sincerely,



Ed Kelley, Ph. D., Director/Acting Surface Water Quality Bureau Chief  
Water and Waste Management Division

EK:kth

#### Attachments

cc: T. Davis, NMED HRMB  
B. Garcia, NMED HRMB  
T. Glatzmaier, LANL DDEES/ER, MS M992  
K. Hill, NMED HRMB  
M. Johansen, DOE LAAO, MS A316  
J. Kieling, NMED HRMB  
M. Leavitt, NMED GWQB  
D. McInroy, LANL EM/ER, MS M992  
D. Neleigh, EPA, 6PD-N  
J. Parker, NMED DOE OB  
S. Pierce, NMED SWQB  
S. Rae, LANL ESH-18, MS K490  
J. Rogers, NMED GWQB  
G. Saums, NMED SWQB  
R. Ford-Schmid, NMED DOE OB  
J. White, LANL ESH-19, MS K498  
S. Yanicak, NMED DOE OB, MS J993  
File: LANL HSWA G/M/S '97  
Track: LANL, 5/1/97, NA, From: WWMD, To: DOE/LANL, RE: Notifications of  
Release/Discharge  
Reading File

# 7-DAY RELEASE/DISCHARGE NOTIFICATION

## LOS ALAMOS NATIONAL LABORATORY

(PRINT OR TYPE - USE REVERSE SIDE IF MORE SPACE IS NEEDED)

Responsible Facility/User Group: \_\_\_\_\_ Form Completed By: \_\_\_\_\_

DOE/LANL Contact Person: \_\_\_\_\_ Phone Number(s): \_\_\_\_\_

Release/Discharge Location (Outfall/FU/OU/TA/PRS/SWMU): \_\_\_\_\_ (see attached location map)

Release/Discharge Occurred: _____	Release/Discharge Discovered: _____	Release/Discharge Stopped: _____
date      time	date      time	date      time

Cleanup Started: _____	Cleanup Finished: _____
date      time	date      time

Material(s) Released/Discharged: \_\_\_\_\_

Release/Discharge Mitigation Method: \_\_\_\_\_

Weather Conditions: \_\_\_\_\_

Duration of Release/Discharge: _____	Est. Volume Released/Discharged: _____	Est. Volume Recovered: _____
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Corrective Actions Taken (i.e., type of BMPs, etc.): \_\_\_\_\_

Nearest Watercourse/Canyon: \_\_\_\_\_

If the release/discharge reached a watercourse, describe the estimated surface area affected, presence of flow in the watercourse, and the media the release/discharge was detected in:

Depth to First Water: \_\_\_\_\_ Distance to Nearest Well: \_\_\_\_\_ Well Designation: \_\_\_\_\_

Water Supply       Other

If the release/discharge is associated with a NPDES outfall, Potential Release Site (PRS) or Solid Waste Management Unit (SWMU), indicate the outfall/PRS/SWMU number and its relationship to the release/discharge:

24-HOUR RELEASE/DISCHARGE NOTIFICATIONS	POC	FAX	DATE	TIME
EPA				
NMED SWQB	B. Hoditschek	827-0160 or voicemail 827-0572		
NMED GWQB	1203 Contact	827-2965		
NMED HRMB	J. Kieling	827-1544		
NMED DOE OB	S. Yanicak	672-0466		
ESH-18				
DOE				

15-DAY CORRECTIVE ACTION REPORT DUE TO ADMINISTRATIVE AUTHORITY ON: \_\_\_\_\_

G. Thomas Todd, Area Manager  
Los Alamos Area Office  
Department of Energy  
Los Alamos, New Mexico 87544  
(505) 667-5105

Dennis J. Erickson, Division Director  
University of California  
Los Alamos National Laboratory  
P.O. Box 1663, MS K491  
Los Alamos, New Mexico 87544  
(505) 667-4218

# ATTACHMENT B

## NMED POINTS OF CONTACT FOR RELEASE NOTIFICATIONS

<b><i>NMED Bureau</i></b>	<b><i>Point of Contact</i></b>	<b><i>POC Telephone and Fax Numbers</i></b>
DOE Oversight - Los Alamos Office	Mr. Steve Yanicak LANL Point of Contact DOE Oversight Bureau P.O. Box 1663, MS J993 Los Alamos, NM 87545	672-0448 (672-0466 fax)
Ground Water Quality	1203 Point of Contact (verbal) and Ms. Marcy Leavitt (written only) Ground Water Quality Bureau Chief P.O. Box 26110 Santa Fe, NM 87502	827-2886 (827-2965 fax)
Hazardous & Radioactive Materials	Mr. John Kieling LANL Facility Manager 2044-A Galisteo Santa Fe, NM 87505	827-1558 (827-1544 fax)
Surface Water Quality	1203 Point of Contact Ms. Barbara Hoditschek (verbal & written) Environmental Specialist P.O. Box 26110 Santa Fe, NM 87502	827-0596 (827-0160 fax)
	Off-hours Voicemail: Nina Wells	827-0572