



State of New Mexico
ENVIRONMENT DEPARTMENT
 Surface Water Quality Bureau



Harold Runnels Building
 1190 St. Francis Drive, P.O. Box 26110
 Santa Fe, New Mexico 87502
 Telephone (505) 827-0187
 Fax (505) 827-0160

GARY E. JOHNSON
 GOVERNOR

PETER MAGGIORE
 SECRETARY

PAUL R. RITZMA
 DEPUTY SECRETARY

August 13, 2001

Mr. Steven Rae
 Los Alamos National Laboratory
 MS K497
 P.O. Box 1663
 Los Alamos, NM 87545-1663



**RE: 401 Water Quality Certification with Conditions - NMED File No. 2001-048
 Sediment Removal in Los Alamos Reservoir - Los Alamos National Laboratory**

Dear Mr. Rae:

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department has reviewed your application to perform work in Los Alamos Reservoir and on the adjacent access road in Los Alamos County (35° 88' 34.97"N; 106° 35' 44.09", T19N, R5E W, Section 19). The proposed project involves the removal of approximately 25,000 cubic yards of accumulated sediment in the Los Alamos Reservoir. Sediment has accumulated from sediment-laden runoff as a result of the Cerro Grande fire and a significant rainfall event may cause the dam to overtop with uncontrolled flows into Los Alamos Canyon. The excavated material will be stockpiled, sampled, and disposed in accordance with local, state and federal regulations, and may be used to raise the grade and repair the existing access road to the Reservoir. Additional work may include road widening along the existing road to the Reservoir and access improvements on both sides of the Reservoir. In addition the Reservoir will be drained by de-watering with siphon pumps. The outlet structure of the dam is currently inoperable and will need to be repaired following removal of sediment. The dredging of Los Alamos Reservoir and concomitant discharge of removed sediment is expected to be necessary several times over the course of the next two years.

This project will be regulated by a U.S. Army Corps of Engineers (COE) Section 404 Nationwide Permit (NWP) #3 for Maintenance Activities that discharge into waters of the U.S. (COE File # 2001-00461). A State 401 Water Quality certification is required pursuant to General Condition #9 in the COE permit. The purpose of a certification is to ensure that during and after construction a project will comply with applicable State water quality standards and the Antidegradation Policy. The SWQB has assigned file #2001-048 to your project certification.

State water quality standards for Los Alamos Canyon are designed to protect the following designated uses: livestock watering and wildlife habitat. **Refer to the enclosure for a complete list of the standards that apply to the drainages in your project area** (*Standards for*

HSWJA LANL GJM/2001 CGF
 Key Word Cerro Grande Fire

2



13561

Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4.8, 20.6.4.10, 20.6.4.12, 20.6.4.900 NMAC (10/12/00)). Please be aware that all water quality standards must be met in order to remain in compliance with applicable State regulations.

401 Water Quality Certification with Conditions:

Pursuant to Section 401 of the Clean Water Act and 40 Code of Federal Regulations Part 121, the SWQB hereby grants 401 Certification approval with Conditions for COE NWP#3 – File #2001-00461. The SWQB can be reasonably assured that the proposed project will comply with State water quality standards and be protective of applicable uses and existing water quality as described in the Antidegradation Policy during the construction and subsequent operation of the project.

As part of the project evaluation, the following conditions were developed to ensure that no significant degradation will occur as a result of the project. Therefore, this Certification is not valid unless the conditions listed below are implemented:

1. The project must be completed during low flow conditions.
2. Prior to beginning construction, erosion control measures (e.g., silt fence, straw bales) must be installed within the project area to prevent the movement of disturbed soil or other contaminants into surface water. The erosion control measures must be inspected and maintained on a regular basis to ensure they are working properly.
3. During any in-channel work, flowing water must be temporarily diverted by placing diversion barriers (e.g., coffer dam, sand bags, concrete bases, water bladders, diversion boards) around the work area to minimize sedimentation and turbidity in Los Alamos Canyon Creek. After construction, the flow shall be returned to the original channel.
4. Temporary mats must be placed on creek banks, riparian areas, and wetlands where heavy equipment will be positioned to minimize impacts to soil and vegetation. Temporary access roads must be restored to pre-project conditions.
5. All areas that are disturbed/impacted as a result of the project must be replanted/seeded with native vegetation until the area is no longer subject to erosion into surface water. Native riparian and/or wetland species must be used in areas that support such vegetation. Silt fences or other erosion control measures must remain on-site and maintained until the disturbed areas are permanently vegetated.
6. Sediment that is removed from Los Alamos Reservoir must be disposed of outside of any stream channel in a location where it will not be re-deposited during storm events. If sediment accumulated in Los Alamos Reservoir is subject to potential contamination from LANL activities or any toxic substances then applicable testing must be completed (consult with the NMED Hazardous Waste Bureau for required tests and reporting procedures). **Sediments found to be contaminated must be properly disposed of pursuant to the Resource Conservation and Recovery Act regulations as appropriate.**

7. All heavy equipment used in the project area must be steam cleaned before the start of the project and inspected daily for leaks. Leaking equipment must not be used in or near any watercourse. Park equipment outside of channel or reservoir when not in use.
8. Spill clean-up materials (e.g., booms, absorbent pads) must be available on-site at all times during construction. Report all spills immediately to the SWQB as required by the New Mexico Water Quality Control Commission regulations (20.6.2.1203 NMAC).
9. Fuel, oil, hydraulic fluid, or substances of this nature must not be stored within the normal floodplain and must have a secondary containment system to prevent spills if the primary storage container leaks. Refuel equipment at least 100 feet from surface water.
10. If sediments and excavated materials are stockpiled, appropriate Best Management Practices (e.g., berms) must be employed to prevent discharges to wetlands and watercourses.
11. Access road work including channel crossings must be conducted in a manner that causes minimal alteration of the existing sinuous pattern of the watercourse and channel width. Access improvements on both sides of the Reservoir must result in minimal disturbance to existing wetland and riparian vegetation.
12. In addition, no riparian vegetation should be removed to accommodate dredging activities because favorable willow species occupy the floodplain downstream of the culverts.
13. The US Army Corps of Engineers in their July 17, 2001 letter to you on this subject indicated that their "verification will be valid for 2 years" Accordingly, this 401 certification will be valid for two years unless the project activities described in the joint 404/401 application and supplemental information for the aforementioned project changes.
14. A copy of this 401 certification must be kept at the project site during all phases of construction. All contractors involved in your project must be provided a copy of this certification prior to starting construction.
15. The SWQB must be notified at least 5 days before you start construction. This notice will allow time to schedule monitoring or inspections if necessary.

Violations of State water quality standards could lead to penalties under the New Mexico Water Quality Act. Section 74-6-10.1 B of the Act states, "Any person who violates any provision of the New Mexico Water Quality Act other than Section 74-6-5 NMSA 1978 or any person who violates any regulation, water quality standard, or compliance order adopted pursuant to that act shall be assessed civil penalties up to the amount of ten thousand dollars (\$10,000) per day for each violation."

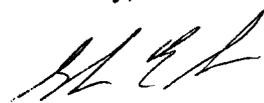
Please note that the U.S. Environmental Protection Agency requires National Pollutant Discharge Elimination System permit coverage for storm water discharges from construction projects that will result in the disturbance of five or more acres (one or more acres after March 10, 2003), including expansions, of total land area. Among other things, this permit requires the preparation of a Storm Water Pollution Prevention Plan for the site and that appropriate Best

Mr. Steven Rae
August 13, 2001
Page 4 of 4

Management Practices be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (e.g., revegetation, paving.), and permanent storm water management measures (e.g., storm water detention/retention structures, velocity dissipation devices) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters.

The SWQB specifically reserves the right to amend or revoke this 401 Certification at any time to ensure compliance with water quality standards. If you have any questions regarding this 401 Water Quality Certification with Conditions for your project in Los Alamos Reservoir, please feel free to contact Maryann McGraw at (505) 827-0581.

Sincerely,


James H. Davis, Ph.D.
Bureau Chief

JHD:mmm

xc:

Courte Voorhees, NMED District II Manager, Santa Fe
Jean Manger, U.S. Army Corps of Engineers, Attn: Regulatory Branch
John Parker, NMED DOE Oversight Bureau, Santa Fe
Steve Yanicak, NMED DOE Oversight Bureau, White Rock
✓ John Kieling, NMED Hazardous Waste Bureau, Santa Fe
Jim Herrington, Wetlands, Region 6, USEPA
Tod Stevenson, NM Department of Game and Fish
Joy Nicholopoulos, U.S. Fish and Wildlife Service
Maryann McGraw, Surface Water Quality Bureau
401 Certification File #2001-048