

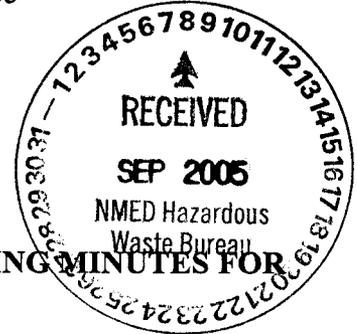
General



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## memorandum

Environmental Stewardship Division (ENV-DO)  
Water Quality & Hydrology Group (ENV-WQH)



**SUBJECT: FINAL SURFACE WATER ASSESSMENT TEAM MEETING MINUTES FOR  
JUNE 29, 2005**

### 1.0 PURPOSE

The Surface Water Site Assessment Team (SWAT) consisting of staff members from LANL, DOE, DOE-OB and NMED is tasked with providing a review the Laboratory's Storm Water Management Program for the Federal Facilities Compliance Agreement (FFCA) Docket No. CWA-06-2005-1701 and Administrative Order Docket No. CWA-05-2005-1734. The SWAT role is to provide a review of storm water issues and to build consensus on recommendations associated with Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs). Items of discussion will include but are not limited to; monitoring locations, potential pollutants, action levels, corrective actions, BMP effectiveness studies and permitting concerns.

### 2.0 DISCUSSION

*General discussion:* Cathy Smith (CS) informed the attendees that Steve Veenis (SV) would not be present at the SWAT meeting. Introductions were made of new SWAT members. Rhett Zyla, of NMED was introduced. The draft agenda was handed out for review and comment (**Handout 1**) and an attendance sheet was circulated for signature (**Handout 2**). Rich Powell (RP) and Sandy Spon (SS) added Inspection Procedures to the agenda. Ralph Ford-Schmid (RFS) added Suspended Sediment Concentrations (SSC) at LANL, Quarterly Status Report, and wSALs to the agenda.

#### 2.1 *Review of May 19, 2005 Draft Meeting Minutes*

RP wanted to make changes to the discussion regarding final stabilization under Section 2.3 of the meeting minutes. He said it was fine to use the definition for "final stabilization" that is given under the Construction General Permit but recommended re-wording the notes. The notes indicated that the requirement for 70% native cover is the only requirement in the Construction General Permit for final stabilization. There are other factors involved and RP would like for the notes to reflect this fact. (**Action: SV**)



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RP also discussed the notes regarding Figure 2-1 under Section 2.3. The discussion involved the following: Under which permit program is construction activities authorized at FFCA sites (MSGP, or CGP)? He would like the notes to reflect that there is not a consensus between EPA and NMED regarding this issue at this time. RP indicated that he thought construction activities at a MSGP site should be covered by the MSGP. It is EPA's opinion that construction activities at MSGP sites should be covered under the CGP. Upon completion of the construction activities, the site falls back to MSGP coverage. Currently, LANL addresses construction activities at FFCA sites under the CGP, per EPA guidance. This topic needs to be discussed further between NMED and EPA. RP indicated that Taylor Sharpe would be here the week of July 11, 2005. He will discuss the hierarchy of the programs with Mr. Sharpe at this time and try to get an answer on this issue. **(Action: RP)**.

## 2.2 Definitions

CS handed out a copy of proposed definitions for Representative Sample, Final Stabilization, and No Exposure to Storm Water. **(Handout 3)**. SWAT members reviewed the handout and made the following comments:

The definition for representative sample is the original SWAT definition with the following sentence added:

*“Runoff from regulated Sites combines with surface water flow generated in the main canyon drainages of watersheds, which may be sampled for determination of compliance with applicable water quality standards.”*

RFS said the first sentence that SWAT uses contains two main points. First to minimize dilution, and secondly to collect the sample in a location that best represents the runoff from the majority of the exposed industrial activity and to minimize the storm water up slope of the industrial activity. RFS said that the second part of the proposed definition captures what LANL is doing at the watershed stations. He recommends coming up with two definitions for representative sample, a definition for representative sample for site-specific monitoring and a definition for representative sample for watershed sampling. In addition, the site specific monitoring definition should contain a clause that watershed sampling using the stream gages should only be used for site specific SWMU's when a sampling point cannot be found close to the site and gaging stations should be used as a last resort. RP said that the gage stations indicate how the various individual sites (site-specific sites) are affecting the entire watershed. RP asked why these definitions were being proposed. Mike Saladen (MS) explained that we would like to better define/clarify storm water sampling activities at LANL. LANL would like the SWAT to come to consensus on how sampling should be conducted and these definitions will be incorporated into the SWMU/SWPPP and/or the SWMP. Consensus should be decided before the monsoons begin. RP said he feels uncomfortable re-defining terms that are already defined in the MSGP. RFS asked if “representative sample” was defined in the MSGP. RP said that it talks about how to document representative sampling. MS asked members to send SV their suggestions for defining representative sampling for site-specific and watershed sampling. **(Action: SWAT members)**

The next definition that was discussed was "final stabilization." CS explained that the definition listed comes from the Construction General Permit (CGP). RP said that he was satisfied with using the definition for final stabilization in the CGP. He has provided additional comments and recommendations in the May 19, 2005 meeting minutes. MS explained that the definition for final stabilization is a concern because it will be used to determine when a site can be considered stabilized and/or when the sampling may be reduced. MS indicated that LANL is evaluating the use of Revised Universal Soil Loss Equation (RUSLE) modeling to evaluate potential BMP effectiveness at FFCA sites. MS indicated that LANL is organizing a RUSLE training session in August. Robin Reynolds (LANL) is trying to put the training together. There was a discussion on the training event. SS, RFS and Gene Turner (GT) said that they would all be interested in attending.

GT said he knows Karen Agagino from Sandia Laboratory would also be interested as well as others from Albuquerque. MS said that he would have Robin Reynolds contact them when the plans are finalized. **(Action: MS/Reynolds)**

The last definition discussed was "No Exposure." The definition listed on handout 3 for no exposure was taken from EPA's Guidance Manual for Conditional Exclusion from Storm Water Permitting based on "No Exposure" of Industrial Activities to Storm water. RP pointed out that this is not the only definition for No Exposure. Debbie Apodaca (DA) agreed and said that the guidance manual goes into great detail on the complete definition of no exposure.

### *2.3 Proposed No Exposure Certification Process*

DA handed out EPA's No Exposure Certification for exclusion from NPDES Storm Water Permitting (Form 3510-11 (10-99)) (**Handout 4**) and a "No Exposure Discussion" sheet (**Handout 5**). DA explained that LANL is interested in identifying storm water sites at the Laboratory that are not exposed to storm water and would meet EPA's no exposure guidelines. If they qualify, these sites would not require permit coverage for their storm water discharges due to the existence of a condition of no exposure. The SWAT reviewed and discussed the EPA's no exposure certification form. The EPA certification form contains definitions for no exposure and a checklist that the applicant uses to qualify a site for No Exposure. In order for a site to qualify for no exposure the applicant must answer "no" to all of the questions on the checklist. It must also be signed under penalty of law that the claim of "no exposure" exists and is eligible for an exclusion from NPDES permitting. DA pointed out that EPA's Guidance manual goes into a lot more detail regarding the specifics of the program.

Handout 5 titled "No Exposure Discussion" was then discussed. The first section contained general details EPA's no exposure requirements. It included EPA's definition for No Exposure, Industrial Materials, and Material Handling. DA explained that the certification must be completed, signed, and submitted to the permitting authority once every 5 years, and can only be done so if the condition of no exposure continues to exist at the facility. EPA's guidance manual states, the no exposure exclusion is conditional and not a blanket exemption. Therefore, if onsite changes occur which may cause an exposure of industrial activities or materials to storm water, you must then immediately comply with all the requirements of the NPDES Storm Water Program, including obtaining a storm water discharge permit.

DA then explained that the next part of the handout outlined LANL's proposed methodology for seeking no exposure. She pointed out that LANL would like to get feedback from SWAT members regarding this proposed methodology. The first step is to obtain a copy of Remedial Service's (RS) Aggregate site list. RFS asked if this list contained all units and not just the consolidated units. CS explained that the aggregate list contained the consolidated units as well as each "child unit" within the consolidated unit. She explained that WQH is still basing sampling and erosion potential efforts on each 'child unit' and not the consolidated units. There was further discussion on the differences between a consolidated, child, and aggregate units.

The next step would be to divide the list into categories that have been reviewed by the SWAT team. Once the total aggregate list was divided into these categories, WQH would query the Surface Water Tracking System (SWTS) to identify sites that have a high probability of qualifying for no exposure. WQH would start by conducting a query of the sites that have zero run off and/or zero run-on site assessment scores. For these sites, the following would be obtained for each site: 1) map of the location (longitude and latitude), 2) a site description from one or more of the following sources: PRS database, work plans, and waste characterization reports, 3) photographs of the sites would be collected or taken and, 4) Site visits would be performed if required in order to confirm no exposure.

The next topic of discussion was the process LANL proposes to select the various categories. DA explained that the complete RS aggregate list is divided by site but also by generic category descriptions (i.e., buildings, sumps, outfalls, etc). The first step would be to identify categories that have a high probability of meeting EPA's no exposure criteria and having an answer of "no" to the questions on the exposure checklist. The next step of the category process would be to present the potential categories to SWAT and receive their approval on the categories.

The following potential categories for no exposure were discussed: Sites under buildings or asphalt, buildings, container storage areas, sumps, drum storage, shafts, magazines, underground tanks and concrete enclosures. RP said that as long as the site is not exposed to any storm water it should qualify for no exposure. There should be a lot of sites that fall into this category. There was a brief discussion regarding Material Disposal Areas (MDAs). RP thought this might be difficult to seek no exposure even if MDAs are capped. It was concluded that the sites/categories in question would have to be examined on an individual basis.

DA discussed that there were some categories that would not qualify for a No Exposure due to their nature, such as outfalls, air emissions and leaks/spills. RP explained that this process could be used for other reasons than just seeking "no exposure." It may be beneficial to not completely disregard categories that do not meet "all" of the no exposure requirements. Some Sites may only have a portion of the activity that qualifies for no exposure. RP indicated that no exposures practices can be used as a BMP (moving the activity into a building, covering/capping the site, etc.). He also suggested not including "leaks/spills" into the exception category. Spills/leaks may happen inside a building and therefore may qualify for no exposure. Sites must be examined on an individual basis.

The final step in the process would be to complete the certification form. In doing so, each category/site must justify a "no" answer to items on EPA's No Exposure Checklist. In addition, the final submittal will need to be co-signed (UC and DOE) under penalty of law that the person signing understands the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES storm water permitting. GT expressed that he will be very careful what he will be recommending for final signature for he no exposure certification.

There was a consensus that going through the process of seeking no exposure for certain sites would be beneficial to LANL and the NMED. It was decided that LANL would begin the process of no exposure. **(Action: DA)**

#### *2.4 FFCA Work Plan Combination*

CS discussed revising the SWMP and SWMU/SWPPP for the FY06 submittal. The major change is taking the Site specific sampling plan out of the SWMU/SWPPP. CS is looking into combining similar parts of the documents and then attaching both sampling plans into one document. This was discussed in the May 19, 2005 SWAT meeting. RFS and RP thought this was still a good idea. CS said LANL would continue working on this and have a draft table of contents for the next SWAT meeting. **(Action: CS)**

#### *2.5 Other Items*

RP discussed his concerns regarding No Further Actions (NFA) under RCRA. He pointed out that this doesn't mean the NPDES permit requirements can be ignored after a site qualifies for NFA. The question becomes whether or not the NMED/SWQB is comfortable with the fact that surface water quality is addressed even if NFA status was achieved. MS indicated that if a site receives NFA status, then it is no longer an "industrial activity" and therefore no longer a permitted activity. RP agreed.

RFS asked when the wSALs could be updated. He wanted to know if there was a particular time during the year that this is done. MS said that according to the FFCA, LANL would make the changes in annual submittal (March 31<sup>st</sup>). RFS recommended that acute standards to be incorporated into the wSALs. MS indicated that the stream standards recently approved by the WQCC had some mistakes. The WQCC and NMED/SWQB had proposed to correct the problem at the last June WQCC meeting. MS asked Ralph to send SV a list of the wSALs he would like changed and SWAT will review at a future meeting. **(Action: RFS)**

CS said that the security review and the LAUR number for the erosion score tables had come in and she would be sending the tables to NMED next week. **(Action: CS)**

#### *2.6 Inspection Procedures*

RP and SS indicated that they would like to do more inspections at LANL. They wanted to know if notification was required in order to be on site at the Laboratory. They stated that usually EPA requires them to do unannounced visits at other sites. However, RP indicated that this may not be the case at LANL based on security restrictions since 9/11/01. GT let them know that for non-secure sites they could just show up at the sites. MS indicated they should call WQH to be escorted to the site. It usually takes a little longer at secured sites. MS said that this should generally not be a problem. For construction inspections, they could contact himself, Robin Reynolds, Terrill Lemke, or Tim Zimmerly. For MSGP, SV and Terrill Lemke are the POCs for these sites. RP said that they

understand LANL is somewhat different than other places that they hold inspections. RP and SS will discuss this and they welcomed input from LANL now and in the future regarding this issue.

### 2.7 *Additional Agenda Items*

Due to the time, the meeting adjourned. It was decided that SSC at LANL would be discussed at the next meeting. The next SWAT meeting was not discussed but will be tentatively scheduled for July 20, 2005.

### 2.8 *Action Items for July 20, 2005 SWAT Meeting*

- Make RP's meeting minute changes regarding final stabilization and hierarchy of storm water programs. (SV)
- RP will discuss hierarchy of storm water programs with Taylor Sharpe during the week of July 11, 2005. (RP)
- SWAT members to send SV their recommendations regarding definition for representative sample. (SWAT Members)
- LANL will contact SS, RFS, and GT when final plans are made for RUSLE Workshop in August. (MS, Reynolds)
- LANL will begin No Exposure process. (DA)
- LANL will come up with draft table of contents for work plan combination. (CS)
- Changes on current wSAL list will be sent to SV. (RFS)
- Erosion score tables will be sent to NMED. (CS)

### **Participants:**

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