



General ENTERED
**NEW MEXICO
 ENVIRONMENT DEPARTMENT**



Surface Water Quality Bureau

BILL RICHARDSON
 Governor
 DIANE DENISH
 Lieutenant
 Governor

1190 South St. Francis Drive, Room N2050
 P.O. Box 26110, Santa Fe, NM 87502-6110
 Phone (505) 827-0187 Fax (505) 827-0160
 www.nmenv.state.nm.us

RON CURRY
 Secretary
 JON GOLDSTEIN
 Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 5, 2008

Mr. Gene Turner, DOE/AIP/POC
 U.S. Department of Energy
 Los Alamos Site Office, MS A316
 528 35th Street
 Los Alamos, NM 87545

Ms. Tori George, LANL-EP-RS
 Los Alamos National Security, LLC
 P.O. Box 1663 MS M992
 Los Alamos, New Mexico 87545-0001

Re: Draft LANL Un-permitted Discharge Reporting Guidance (Decision Tree)

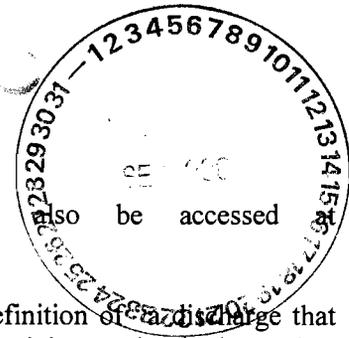
Dear Mr. Turner and Ms. George:

The attached “Draft LANL Un-permitted Discharge Reporting Decision Tree” is a guidance document that has been prepared by the New Mexico Environment Department (NMED) to provide Los Alamos National Laboratory (LANL) with direction regarding the reporting of incidental liquid discharges that generally do not, with reasonable probability, pose a threat to the environment or human health. These discharges consist primarily of potable water that meets New Mexico Safe Drinking Water Act (SDWA) standards and New Mexico Water Quality Standards for Interstate and Intrastate Surface Waters. The draft decision tree provides a mechanism for logging these types of discharge incidents and routinely reporting them to NMED in quarterly reports. “Traditional” spills such as significant releases of oil and grease, concrete washout, sewage, and other water contaminants that may, with reasonable probability, pose a threat to the environment or human health should continue to be reported following the procedures outlined in Section 1203 of the Water Quality Control Commission Regulations (20.6.2 NMAC).

LANL has requested clarification of these reporting requirements, particularly with regard to how and to whom verbal notifications should be made. Additionally, LANL has requested clarification regarding how NMED’s/Surface Water Quality Bureau (SWQB) and Ground Water Quality Bureau (GWQB) define “a discharge that impacts a Solid Waste Management Unit (SWMU) or Potential Release Site (PRS) in such quantity as 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 uses of the property” for purposes of reporting under 20.6.2.1201 NMAC and 20.6.2.1203 NMAC.

To address the first issue, verbal notifications should be made only once such that the single notification is pursuant to the NMED verbal spill notification process described in the attached document titled





“Notification of Spills and Unauthorized Discharges” and can also be accessed
<http://www.nmenv.state.nm.us/gwb/low.htm>.

To address the second issue, the draft decision tree document proposes a definition of ~~unpermitted discharge~~ that impacts a SWMU or PRS in such quantity as 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 uses of the property”. Under the proposed definition, reporting under 20.6.2.1201 NMAC or 20.6.2.1203 NMAC is limited to releases that actually exhibit or will exhibit at least some degree of leaching or erosion of contaminated material off of the known or suspected boundary of the SWMU or PRS.

Furthermore, LANL should be aware that there may be additional reporting requirements to maintain compliance with other regulatory programs. For example, it is our understanding that NMED/Hazardous Waste Bureau (HWB) requires that any discharge to a RCRA permitted or interim status hazardous waste management unit be reported to the HWB Permits Management Program Manager within three business days.

NMED is requesting that LANL review and comment on this draft decision tree so that consensus on a finalized version can be reached and its use can be formally instituted following a subsequent approval by NMED. Please return your comments to Rich Powell of the SWQB and Robert George of the GWQB within as short of a timeframe as possible.

If you have any questions concerning this matter, please contact Rich Powell at (505) 827-2798 or Robert George at (505) 476-3648.

Sincerely,

Glenn Saums, Chief (acting)
Surface Water Quality Bureau

William C. Olson, Chief
Ground Water Quality Bureau

GS & WO:RP, RG

Enc: Draft Los Alamos National Laboratory Un-permitted Discharge Reporting Decision Tree
Notification of Spills and Unauthorized Discharges

cc: Marcy Leavitt, Director, NMED Water and Waste Management Division
Richard Powell, NMED/SWQB
Robert George, NMED/GWQB
Dave Cobrain, NMED/HWB
Ralph Ford-Schmid, NMED/DOE OB
Michael Saladen, LANL, LLC, P.O. Box 1663, MS K490, Los Alamos, New Mexico 87545-0001
Mark Haagenstad, LANL, LLC, P.O. Box 1663, MS K490, Los Alamos, New Mexico 87545-0001
Robert Beers, LANL ENV-RCRA, P.O. Box 1663, MS K497, Los Alamos,
New Mexico 87545-0001