



GARY E. JOHNSON  
GOVERNOR

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Post-It® Fax Note 7671		Date 9/1/98	# of pages 3
To John Tymkovich	From Nick Passaglia		
Co./Dept.	Co. Dept SWQB		
Phone #	Phone # letter		
Fax # 827-1833	Fax #		

PETER MAGGIORE  
SECRETARY

Certified Mail-Return Receipt Requested  
P 181 646 072

August 25, 1998

Mr. Joseph King  
County Administrator  
Los Alamos County  
P.O. Box 30  
Los Alamos, New Mexico 87544

RE: Review of Los Alamos County letters of June 25, and July 10, 1998, responding to NMED-SWQB May 22, 1998, letter requesting Corrective Action Information

Dear Mr. King:

The New Mexico Environment Department-Surface Water Quality Bureau (NMED-SWQB) has reviewed your June 25, 1998, and July 10, 1998, letters. These letters respond to NMED-SWQB's letter of May 22, 1998, concerning commitments made by the County at the May 11, 1998, meeting regarding a Notice of Violation (NOV) issued by the Department. The June 25, 1998, letter addresses the Rubble Pile issues and the July 10, 1998, letter addresses the breached landfill and stockpiled site issues of the NOV. Your timely response is appreciated.

Although a final solution was not always established in some of the responses, NMED-SWQB has determined that the responses do satisfactorily address the information requested in the May 22, 1998, letter. NMED-SWQB recognizes that final solutions can not be presented until input from the other stakeholders (DOE/LANL, NMED-Bureaus/Sections, COE) have been addressed. NMED-SWQB does however, have comments concerning these letters.

These following comments primarily refer to protection of the surface waters associated with the County's proposed solutions.

1. The County addressed through engineered design, stabilization of the four areas (except for the south side) associated with the rubble pile that had been identified as potentially



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Generator

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contaminating the watercourse. NMED-SWQB has deferred comments on these engineered proposals to the expertise of the NMED-Solid Waste Bureau(NMED-SWB).

NMED-SWQB's concern focuses on the monitoring and verification methods/inspection reports used to verify protection of the watercourse/wetland has been accomplished with the engineered stabilization and/or interim erosion stabilization BMPs. The example Inspection and Maintenance Report (Attachment 2, in the June 25, 1998, letter) provided by the County is inadequate. It does not sufficiently address NMED-SWQB concerns regarding verification of stabilization or the requirements of Stormwater Regulations and/or BMP Inspection Guidance.

DOE/LANL ESH-18 has experience in providing this type of documentation and has developed the associated guidelines and inspection sheets. It is recommended that the County meet with representatives of NMED and DOE/LANL ESH-18 to discuss this information to facilitate revision of their proposed inspection sheets.

In addition, an inspection of the interim erosion controls by NMED-SWQB staff on August 18, 1998, revealed that installation of the silt fences on the south side of the rubble pile is marginal (e.g., silt fences were not buried and could easily be undercut). These deficiencies should be addressed. Ms. Barbara Hoditschek of my staff should be consulted regarding how to address the deficiencies.

2. Comments regarding the engineered designs for the stabilization associated with the breached and stockpiled sites are also being deferred to the expertise of the NMED-SWB. SWQB's comments regarding the verification of interim and permanent stabilization controls expressed for the rubble pile also apply for the breached and stockpiled sites.
3. The timeline provided for the completion of the various engineered proposals adequately addresses NMED-SWQB's concerns regarding commitment from the County/DOE/LANL in addressing the surface water issues cited in the NOV. NMED-SWQB anticipates that they will be made aware of any modifications of this timeline that may occur as a result of decisions/input made by the other stakeholders previously mentioned.
4. The position of the NMED-SWQB with respect to NMED-HRMB's Compliance Order claiming hazardous waste has been disposed of at the rubble pile and that of the Corp of Engineers that the asphalt material disposed of is no longer considered "clean fill" under Section 404, is that the disposal of hazardous waste and asphalt would constitute a violation of the Water Quality Control Commission's (WQCC) Regulations (20NMA

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6.2) Section 2201 which states,

*"no person shall dispose of any refuse in a natural watercourse or in a location and manner where there is a reasonable probability that the refuse will be moved into a natural watercourse by leaching or otherwise".*

The NMED-SWQB may however, consider engineered stabilization of the rubble pile to contain the "refuse" rather than cleanup of the site. The key factor in making this determination would center on whether the site can be stabilized effectively through "an approved engineered stabilization", and subsequent verification that the stabilization effectively protects the surface waters of concern. The method(s) by which verification can be established will be discussed with DOE/LANL and the County when/if this decision is made.

The NMED-SWQB appreciates the County and DOE/LANL's effort to resolve these issues, and looks forward to providing assistance when required. If you have any questions, or need clarification of the contents of this letter, feel free to call Ms. Barbara Hoditschek or Mr. Glenn Saums of my staff at 827-2933.

Sincerely,

James H. Davis, Ph.D.  
Bureau Chief  
Surface Water Quality Bureau

cc: E. Kelley, Dir., NMED-WWMD  
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