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GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

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PETER MAGGIORE  
Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

MSWA LANL 5/1147/50

September 17, 1998

Mr. David Gurule, Area Manager  
Department of Energy  
528 35<sup>th</sup> Street  
Los Alamos, New Mexico 87544

**RE: Letter of Non-Compliance, Los Alamos National Laboratory, Radioactive Liquid Waste Treatment Facility (RLWTF), DP-1132**

Dear Mr. Gurule:

The New Mexico Environment Department (NMED), Ground Water Quality Bureau (GWQB) has determined that the Los Alamos National Laboratory (LANL) Radioactive Liquid Waste Treatment Facility (RLWTF) is not operating in compliance with the Water Quality Control Commission (WQCC) Regulations. Based on the WQCC discharge plan application that was submitted by LANL, August 16, 1996 and subsequent correspondence between LANL and the GWQB, NMED has determined that the RLWTF is in violation of WQCC Regulations 3104, 3106.A, and 3106.C. The violations and corrective actions required by LANL are described below.

1. In accordance with WQCC Regulation 3106.A, NMED notified LANL, April 3, 1996, that a ground water discharge plan was required for discharges from the RLWTF and allowed LANL to discharge without an approved discharge plan for 240 days. A discharge plan was submitted on August 16, 1996 and NMED has allowed LANL to continue discharging without an approved plan based on requests for extensions to conduct pilot studies and implement proposed upgrades. LANL's letter dated September 3, 1998 indicates that they cannot meet previous extension deadlines and has requested that further engineering studies be conducted before a completion date is proposed. WQCC Regulations 3104 and 3106.A have been violated by LANL's discharge from the RLWTF beyond the allowed time frames without an approved WQCC discharge plan.

In order to comply with WQCC regulations 3104 and 3106.A, LANL must submit within 60

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days of receipt of this letter, an operational plan for the discharges from RLWTF which demonstrates that WQCC Regulation 3103 standards will be met. A final extension for LANL to discharge without an approved discharge plan will be granted for 180 days from your receipt of this letter. The only extension to this deadline will be made if a public hearing on DP-1132 is granted by the secretary.

2. WQCC Regulation 3106.C, requires that discharge plans set forth in detail the methods and or techniques the discharge proposes to use or processes expected to naturally occur which will ensure compliance with these regulations. WQCC Regulation 3106.C has been violated by LANL's withdrawal, in its September 3, 1998 letter, of its selection of a biodenitrification unit as the method to ensure compliance with WQCC Regulation 3103. Because LANL has not set forth in detail an operational plan for discharges from the RLWTF, NMED does not have a complete discharge plan application to consider for approval.

In order to comply with WQCC regulation 3106.C, LANL must submit within 60 days an operational plan that sets forth in detail the methods or techniques which will ensure that the the discharges from RLWTF will meet WQCC Regulation 3103 standards.

Failure to comply with this letter and any other WQCC Regulation may result in the issuance of a formal notice of violation, fines, a compliance order, or the filing of an action in district court.

This letter is NMED's attempt to gain your voluntary compliance. If you have any questions regarding this letter, please call me at (505) 827-2945 or Phyllis Bustamante at 827-0166.

Sincerely,



Dale M. Doremus, Program Manager  
Ground Water Pollution Prevention Section

DMD:PAB/pab

cc: James Bearzi, District Manager, NMED District II  
Glen Saums, SWQB  
John Kieling, HRMB  
DOE, Oversight Bureau