



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

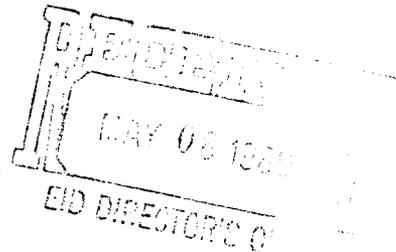
REGION VI  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202

permit

Boyd

Kathy

APR 28 1989



REPLY TO: 6W-ET

Mr. Harold E. Valencia  
Area Manager  
Department of Energy  
Los Alamos Area Office  
Los Alamos, New Mexico 87544

Re: NPDES Permit No. NM0028355  
Federal Facility Compliance Agreement (FFCA)

Dear Mr. Valencia:

Enclosed are three (3) replacement signed copies of the FFCA with EPA for your review and signature. These replacement copies of the original agreement, dated February 7, 1989, reflect the changes in wording that you have requested and wording changes that EPA has made to the new NPDES permit. These replacement copies do not change the interim limits or schedule of the original agreement, so you may continue with the remedial action as originally scheduled.

Please sign and date each of the copies in the place provided for DOE and the University of California and return one to EPA.

If you have any questions concerning the agreement, you may contact Mr. Bob Hiller at (214) 655-6475.

Sincerely yours,

/s/ Myron O. Knudson

Myron O. Knudson, P.E.  
Director  
Water Management Division (6W)

Enclosures

cc: Mr. Richard Mitzelfelt, Director ✓  
Environmental Improvement Division of the  
New Mexico Health and Environment Department  
1190 St. Francis Drive  
Santa Fe, New Mexico 87503

Mr. Allen J. Tiedman  
University of California  
Associate Director of Support  
P.O. Box 1663, Mailstop A-120  
Los Alamos, New Mexico 87545



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## II. AUTHORITIES

The duties of DOE are to assure that the wastewater treatment facilities are in compliance with the CWA are prescribed in Section 313 of the Clean Water Act [33 U.S.C. § 1323]. Executive Order 12088 was promulgated to ensure Federal compliance with applicable pollution control standards. This agreement contains a "plan," as described in Section 1-601 of Executive Order 12088, to achieve and maintain compliance with applicable water pollution control standards for the DOE facilities.

## III. STATEMENT OF FACTS

The following facilities are owned by DOE, and operated by the UC, under contract with DOE:

Sanitary and Industrial Wastewater Treatment Plants, NPDES Permit No. NM0028355, currently produce effluents that cannot continually meet the current NPDES permit requirements. The schedule set forth in Attachment 1 contemplate achievement of compliance with this permit upon completion of construction projects with targeted construction start dates as shown in the schedule. The projects consist of new construction and rehabilitation of existing facilities.

## IV. COMPLIANCE SCHEDULE

The compliance schedule set forth in Attachment 1 is intended to achieve compliance as expeditiously as practicable, pursuant to Section 1-601 of Executive Order 12088. The attachment is incorporated into and made a part of this agreement. The schedule was determined after consultation between the UC, DOE, and Region 6. The schedule contains interim requirements reflecting

design drawing submittal dates, bidding, contract award, construction completion, and start-up dates. UC and DOE will make a good-faith effort to comply with the schedule and, wherever reasonably possible, will expedite the schedule.

#### V. FUNDING

DOE shall request all funds and/or authorizations through the appropriate channels necessary to achieve the compliance schedule. Steps to be taken in seeking funding shall be consistent with Sections 1-4 and 1-5 of Executive Order 12088 as implemented by the Office of Management and Budget Circular A-106 (as amended). The schedule is subject to obtaining the requisite funds and/or authorizations for the particular programs and Laboratory divisions involved.

#### VI. REPORTING REQUIREMENTS

A. UC and DOE shall submit a quarterly progress report by the last day of each calendar quarter beginning on March 31, 1989, and until the final compliance date as set forth in the schedule. The progress reports will be submitted to Region 6 and the New Mexico Environmental Improvement Division. The progress reports shall indicate compliance or noncompliance with the schedule. In the event of noncompliance, the report shall include the cause of noncompliance and any remedial actions taken. If delay is anticipated in meeting any schedule date, UC and DOE shall immediately notify Region 6, in writing, of the anticipated delay, describing in detail the anticipated length of delay, the precise cause of the delay, the measures taken by UC and DOE to prevent or minimize the delay and the time table by which the measures shall be implemented. The UC and DOE will take reasonable action to minimize any delay.

However, if DOE believes delay is unavoidable, the EPA Region 6 Water Management Division Director and the UC Associate Director of Support and the DOE Area Manager shall undertake to negotiate, in good faith, a revised compliance schedule. If they fail to agree upon a revised schedule, the EPA Water Management Division Director shall determine what schedule shall apply. If the UC or DOE disagree with this determination, the conflict resolution procedure described herein shall control.

- B. In the event there is an amendment of the CWA, or changes to the regulations promulgated under those statutes, the discharge limits and compliance schedule may be renegotiated to reflect these changes. Such renegotiation shall be governed by Executive Order 12088. During the pendency of any renegotiation, the attached compliance schedule, to the extent it does not conflict with statutory or regulatory changes, shall remain in effect unless specifically waived by Region 6.
- C. On the date for final compliance, as shown in the schedule, compliance with applicable permit requirements must be demonstrated by testing and positive reporting of the achievement of compliance, rather than by the mere completion of construction of pollution abatement facilities.
- D. Upon the demonstration of compliance by UC and DOE, there will be a continuing obligation to comply with applicable permit requirements under the CWA. These requirements are embodied in the UC and DOE NPDES permit under the CWA.

VII. CONFLICT RESOLUTION

In the event of any conflict involving violations of this agreement, Region 6 UC and DOE will attempt to resolve the differences. If the differences cannot be resolved by the parties, the procedures in Sections 1-602, 1-603, and 1-604 of Executive Order 12088 shall apply.

VIII. SANCTIONS

- A. In the event of violations of the terms of this agreement by UC or DOE, enforcement procedures established by the CWA are available as enforcement mechanisms.
- B. Provided the attached Compliance Schedule and Interim Limits are met, this agreement is considered to be in lieu of any other EPA enforcement action with regard to the facilities and deficiencies named in Attachment 1.

This agreement in no way modifies Section 504 of the CWA. The effective date of this agreement is the date it is signed by UC and DOE.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Allen J. Tiedman  
Associate Director of Support  
University of California

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Harold E. Valencia  
Area Manager  
Los Alamos Area Office  
Department of Energy  
**/s/ Myron O. Knudson**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Myron O. Knudson, P.E.  
Director  
Water Management Division  
Environmental Protection Agency  
Region 6

Attachment 1

DISCHARGE LIMITS AND COMPLIANCE SCHEDULE  
FOR  
SANITARY AND INDUSTRIAL WASTEWATER TREATMENT PLANTS

A. Current NPDES Permit Limits

<u>Effluent Characteristic</u>	<u>Discharge Limitation</u>		
	<u>Daily Avg.</u> (lbs/day)	<u>Daily Avg.</u> (mg/l)	<u>Daily Max.</u> (mg/l)
<u>Outfall 05A</u>			
Flow (MGD)	N/A	Report	Report
Chemical Oxygen Demand (COD)	N/A	150	250
Total Suspended Solids (TSS)	N/A	30	45
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 09S</u>			
Flow (MGD)	N/A	Report	Report
Biochemical Oxygen Demand (BOD <sub>5</sub> )	2.3	30	45, 7-day avg.
TSS	2.3	30	45, 7-day avg.
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 04S</u>			
Flow (MGD)	N/A	Report	Report
BOD <sub>5</sub>	0.5	30	45, 7-day avg.
TSS	0.5	30	90, 7-day avg.
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 02A</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	30	100
Total Copper	N/A	1.00	1.00
Total Iron	N/A	10	40
Total Phosphorus	N/A	20	40
Sulfite (as SO <sub>3</sub> )	N/A	35	70
Total Chromium	N/A	Report	Report
pH	N/A	6.0 min.	9.0 max.

B. Interim Effluent Limits

The following limits shall be in effect until the final compliance date in the compliance schedule:

Effluent CharacteristicsDischarge Limitation

	Daily Avg. (lbs/day)	Daily Avg. (mg/l)	Daily Max. (mg/l)
<u>Outfall 05A</u>			
Flow (MGD)	N/A	Report	Report
COD	N/A	650	1000
TSS	N/A	60	90
pH	N/A	6.0 min.	9.0 max.
<u>Outfall 09S</u>			
Flow (MGD)	N/A	Report	Report
BOD <sub>5</sub>	42	70	160, 7-day avg.
TSS	54	90	150, 7-day avg.
pH		5.5 min.	11.0 max.
<u>Outfall 04S</u>			
Flow (MGD)	N/A	Report	Report
BOD <sub>5</sub>	2.5	60	90, 7-day avg.
TSS	2.5	60	150, 7-day avg.
pH	N/A	5.5 min.	11.0 max.
<u>Outfall 02A</u>			
Flow (MGD)	N/A	Report	Report
TSS	N/A	180	250
Total Iron	N/A	20	60
Total Copper	N/A	2	2
Total Phosphorus	N/A	30	60
Sulfite (As SO <sub>3</sub> )	N/A	45	80
Total Chromium	N/A	Report	Report
pH		6.0 min.	9.0 max.

UC and DOE will continue to report all values on the monthly discharge monitoring reports, as well as, noncompliance notification if these limits are exceeded. The existing treatment facilities will be operated at maximum efficiency to achieve interim limits to the maximum extent possible during the period prior to the compliance date identified.

### C. Compliance Schedule

The following milestone dates (the last date of the months identified) are the agreed dates by which the specified activities will be completed:

Outfall 02A

Final design complete .....	December 1988
Advertisement of construction contract .....	February 1989
Award of construction contract .....	April 1989
Construction completion .....	September 1989
In compliance with final limits .....	October 1989

Outfall 04S

Final design complete .....	October 1989
Advertisement of construction contract .....	December 1989
Award of construction contract .....	February 1990
Construction completion .....	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits .....	July 1992

Outfall 05A

Final design complete .....	December 1988
Advertisement of construction contract .....	February 1989
Award of construction contract .....	April 1989
Construction completion .....	August 1989
In compliance with final limits .....	October 1989

Outfall 09S

Final design complete .....	October 1989
Advertisement of construction contract .....	December 1989
Award of construction contract .....	February 1990
Construction completion .....	January 1992
Special facilities completion and facility start-up ...	June 1992
In compliance with final limits .....	July 1992