



To Beato
Stu

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-0187



MARK E. WEIDLER
SECRETARY

GARY E. JOHNSON
GOVERNOR

EDGAR T. THORNTON, III
DEPUTY SECRETARY

September 26, 1997

Mr. Steven Rae, Group Leader (MS-K497)
Water Quality & Hydrology Group (ESH-18)
Los Alamos National Laboratory
Los Alamos, New Mexico 87545



Re: **LANL, Notice of Intent to Discharge [ESH-18/WQ&H:97-0312]**

Dear Mr. Rae:

This letter is in response to your September 10, 1997, letter transmitting a Notice of Intent to Discharge (NOI) and constitutes the New Mexico Environment Department (NMED) Surface Water Quality Bureau's response. The NMED Ground Water Quality Bureau may respond under separate cover. The SWQB has the following concerns:

1) The NOI form is not signed by the party making the discharge. Item one of the NOI indicates the name of the person making the discharge is Garry Allen. The form is signed by Steven Rae.

2) The NOI states: "Potassium Bromide will be used as a tracer in order to determine if the alluvial well LAUZ-1 and/or LAUZ-2 are hydraulically connected to and/or with DP Canyon springs. The NOI does not indicate if the US Environmental Protection Agency has been consulted, if an National Pollutant Discharge Elimination System (NPDES) permit has been considered, or if an NPDES permit application has been submitted. NPDES permits are required for "point source" discharges of pollutants to waters of the US. The **Code of Federal Regulations** (40 CFR 122.2) defines "point source" as:

... any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, ... from which pollutants are or may be discharged (emphasis added).

Since there may be a discharge to a water of the United States through a hydrologic connection, what is proposed by LANL may be considered a point source discharge requiring NPDES coverage.

If you have any questions, please contact me at (505) 827-2827.

Sincerely,

Glenn E. Saums
Health Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Ed Kelley, Ph.D., Acting Bureau Chief NMED-SWQB
Marcy Leavitt, Bureau Chief, NMED-GWQB
Jody Plum, DOE/LAAO, (MS A316)

cc: (w/copy of Mr. Rae's 9/10/97 letter to NMED)
Jane Watson, Ph.D. USEPA (6WQ-PM)

+DLWA LAUZ 6/11/50/97

W



15641