

M E M O R A N D U M

LANL HSWA 6/19/98

to: File
from: JW Julie Wanslow
subject: Requiring Storm Water Data in HSWA Permit
date: January 27, 1998

This memorandum is to document some questions I have regarding whether storm-water monitoring can be required by the HSWA permit. I will discuss these questions with DOE OB and HRMB.

1. Is there any way to require that LANL provide storm water analytical data to HRMB as a HSWA permit condition?

If yes, could HRMB require it be submitted electronically in a specific format?

2. Could the permit require that they submit total analyses of suspended sediment in the storm water, as well as dissolved and total analyses of the liquid fraction per SWQB regulations before BMPs are installed and after BMPs are installed?

3. Could the HSWA permit require storm water analytical data for radionuclides?

Ralph pointed out to me that there is precedence for the State requiring monitoring for radioactive contaminants in cases where the State does not regulate radioactive contamination. He said that when LANL wanted to fire up the incinerator near TA-50, NMED required that LANL monitor for radioactive contamination in the exhaust stacks, even though NMED did not have regulatory authority over radioactive contaminants. NMED's position was that monitoring was not the same as regulation and that the requirement for monitoring was within NMED's legal rights. This position was up held in court.

This data could be used by HRMB to identify sites that:

- a) need BMPs,
- b) need additional BMPs because existing BMPs are not working,
- c) need additional clean-up in cases where BMPs are not effective or practical, and
- d) do not comply with other State regulations before issuing approval for an NFA, IM, VCM, etc.

The State has had trouble obtaining storm-water data from LANL:

- 1) LANL has not been forthcoming in providing sufficient storm water data to the SWQB or to DOE OB. Without timely submittal of sufficient data, it takes years to determine if



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a site is causing a problem or not.

2) LANL does not seem to think they need to prevent the migration of radioactive contamination from PRSs, unless the levels are extremely high.

We recently provided LANL with data showing contamination in suspended sediment in the storm water leaving Hillside 140 & 137. (Michael Dale and I met with Roy Michelotti, Bev Martin, Ron Conrad, Terry Rust, Carl Newton, etc., on 1-23-98. DOE OB will be releasing these results to DOE next week.) DOE OB results showed elevated levels of Pu and U in suspended sediment in storm water leaving Hillside 137 and 140. LANL did not think this was surprising nor did they think it was a problem, unless they were violating some regulation. They said that they were not required to prevent the migration of radioactive contamination from the site because DOE did not require it and the State did not regulate it. LANL has recommended an NFA for both these sites and have submitted the final reports to HRMB for review.

We recommended that BMPs be installed or some type of corrective measure be implemented to prevent further migration. They were not real keen on the idea, but they agreed to walk the site on Tuesday (1-27-98) with us.

(Their 1996 RFI Report for Hillside 140 indicates that they did some storm water sampling however, it could not be determined if the concentrations exceeded surface water regulations because they did not analyze for all the regulated metals and they analyzed for total metals instead of dissolved metals.)

cc: Tim Michael