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James Bearzi
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July 30, 2002

SUBJECT: DOE Oversight Bureau Comments on the Draft Corrective Action Order issued to Los Alamos National Laboratory on May 2, 2002

Dear Mr. Bearzi:

Attached are the DOE Oversight Bureau comments on the Draft Corrective Action Order issued to Los Alamos National Laboratory on May 2, 2002. Comments are listed by section and suggested language is indicated as **bold text**. While staff was given an opportunity to provide input prior to issuance of the draft order, additional comments were developed after further consideration. If you have any questions about these comments please contact Ralph Ford-Schmid at (505) 428-2559 or Barbara Hoditschek at (505) 672-0459.

Sincerely,

John Parker, Chief
DOE Oversight Bureau

JP:rf-s/bh

attachment

cc: Steve Yanicak, MS: J993, NMED DOE OB
Tim Michael, NMED DOE OB



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IV.A.6 Reporting

The Respondents shall submit to the Department periodic monitoring reports reporting the results of the groundwater, surface water and springs monitoring and sampling over the previous reporting period. The reports shall be prepared in accordance with Section XI.D of this Order. The reports shall be submitted within 120 days after completion of the monitoring event and in accordance with the schedule set forth in the approved work plan.

Comment: This section should include language requiring all results that exceed surface water standards (20.6.4 NMAC) or ground and surface water quality protection regulations (20 NMAC 6.2) be identified and “flagged” in the monitoring reports.

IV.B.2. Mortandad Canyon Watershed

This section should include a General Investigation Requirement section similar to IB.B.1b (Los Alamos/Pueblo Canyon Watershed), and should also include a surface water monitoring and sampling program requirement as found in Section IV.B.1.d.iv.

IV.B.3 Water Canyon/Cañon de Valle Watershed

This section should include a General Investigation Requirement section similar to IB.B.1b (Los Alamos/Pueblo Canyon Watershed), and should also include a surface water monitoring and sampling program requirement as found in Section IV.B.1.d.iv.

IV.B.4 Pajarito Canyon Investigation

This section should include a General Investigation Requirement section similar to IB.B.1b (Los Alamos/Pueblo Canyon Watershed), and should also include a surface water monitoring and sampling program requirement as found in Section IV.B.1.d.iv.

IV.B.5.b Sandia Canyon Investigation

This section should include a General Investigation Requirement section similar to IB.B.1b (Los Alamos/Pueblo Canyon Watershed), and should also include a surface water monitoring and sampling program requirement as found in Section IV.B.1.d.iv.

VII.A Erosion control and monitoring

This section needs more detail.

The Respondents are responsible for controlling erosion at each Facility SWMU, AOC, unit, Aggregate Area, and watershed by implementing an Erosion Control and Monitoring Program. The purpose of the Erosion Control and Monitoring Program shall be to control and limit siltation, sediment transport, contaminant transport and surface erosion within the Facility and within individual site boundaries. The Respondents shall submit a Site-Wide Stabilization Plan to the Department within one year of the effective date of this Order. The plan shall outline the general approach to erosion control and the Facility-wide erosion control and monitoring program to be implemented at each site. **The plan shall address the erosion control measures/interim measure inspection and maintenance schedule and the criteria used to determine the need for erosion control measure maintenance and/or upgrades. The plan shall include a storm water monitoring program to be implemented at each SWMU, AOC, unit, and Aggregate Area including the frequency of storm water monitoring. Of the approximately 250 high to medium erosion potential sites identified by SOP 2.01, those sites scoring high (erosion matrix score greater than 60) shall be monitored yearly until stabilization has been verified. Medium range scoring sites (erosion matrix score 40-60) shall be monitored on a rotating basis so that all are monitored over a 2-year period. All site-specific monitoring shall be conducted at appropriate locations that meet the definition of representative sampling as defined by the Surface Water Assessment DQO Team (2002).**

All monitoring stations shall be located upstream of confluence with other surface water(s) of the state (20.6.4 NMAC, 20.6.4.7, RR). Constituents to be monitored at each site shall at a minimum be representative of those identified by previous investigations to be present above background levels. All monitoring results shall be submitted as outlined in Table XII-2. A contingency plan shall be included as part of the stabilization plan to address releases that may be identified during monitoring. The work plan shall address geomorphic as well as operational unit erosion control and monitoring.

Erosion controls shall be implemented in accordance with the priorities listed in this section (V.G). **Comment: Please refer respondents to proper section.**

All sites shall be evaluated in accordance with the Facility's Environment Safety, and Health (ESH) Standard Operating Procedure (SOP) 2.01. Erosion control measures shall be implemented, where necessary, at the high priority sites included in this order and at all Facility sites, beginning with sites assessed with an erosion matrix score greater than 40, as designated by the LANL ESH SOP 2.01 Erosion Assessment. Erosion controls shall include slope stabilization, surface water run-on and runoff control, and sediment transport controls. The Respondents shall implement engineering controls and best management practices to control surface water and sediment transport within the Facility boundaries. The purpose of the monitoring program shall be to monitor erosion potential, sedimentation rates and surface water quality.

Erosion control and surface water monitoring shall be performed in accordance with the Clean Water Act [U.S. Code Title 33, Chapter 26] requirements, the State of New Mexico Standards for Interstate and Intrastate Surface Waters [20.6.4 NMAC], WQCC Regulations [20.6.2 NMAC], the Department's Surface Water Quality Bureau, and EPA guidance. **Comment: The analytical methods used shall be any EPA accepted method (e.g., 40CFR136 methods, SW-846 methods, Method 1668A [PCB congeners]). See Section 3107 of Ground and Surface Water Quality Protection Regulations (20 NMAC 6.2 Nov. 15, 1996) for appropriate language template.** Erosion control shall be implemented, as necessary, before, during, and after implementation of corrective measures.