



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT ENTERED  
*Hazardous Waste Bureau*

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



DAVE MARTIN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary  
JAMES H. DAVIS, Ph.D.  
Director  
Resource Protection Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 14, 2012

Pete Maggiore,  
Environmental Operations Manager  
Los Alamos Site Office  
Department of Energy  
3747 West Jemez Road, MS A316  
Los Alamos, NM 87544

Michael Graham,  
Associate Director Environmental Programs  
Los Alamos National Security, L.L.C.  
P.O. Box 1663, MS 991  
Los Alamos, NM 87545

**RE: DISAPPROVAL  
2012 MONITORING PLAN FOR LOS ALAMOS AND PUEBLO CANYONS  
SEDIMENT TRANSPORT MITIGATION PROJECT, REVISION 1  
LOS ALAMOS NATIONAL LABORATORY (LANL)  
EPA ID #NM0890010515  
HWB-LANL-12-016**

Dear Messrs. Maggiore and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *2012 Monitoring Plan for Los Alamos and Pueblo Canyons Sediment Transport Mitigation Project, Revision 1* (Work Plan), dated May 2012 and referenced by LA-UR-12-21486/EP2012-0121. NMED has reviewed the Work Plan and hereby issues this Disapproval. The Permittees must address the following comments.



- 1) The Permittees' response to NMED Comment 1 is not accurate. Specifically, the Permittees state that, "[r]etrieval of samples within 1 business day would not have allowed retrieval of more samples." In addition, Table 1 of the Response indicates that there would be no change at Gage Station E038 had samples been retrieved within one business day of an event.

NMED's evaluation, based on Table 2.2-1 and deviation descriptions within the *Stormwater Performance Monitoring in the Los Alamos/Pueblo Watershed during 2011* (2011 Report), shows that had the sample collected on 7/28/11 at E038 been retrieved on 7/29/11 and the sampler reset, then a sample would have been collected on 8/1/11, had that sample been retrieved on 8/2/11 and the sampler reset, a sample would have been collected on 8/3/11, and had that sample been retrieved on 8/4/11 and the sampler reset, yet another sample would have been collected on 8/5/11. Therefore, during one eight day period at one location alone, four samples that met sample triggering criteria would have been collected instead of only one. Also, the Permittees would have increased sample collection efficiency for this gage station to 80%, compared to their actual achievement of only 50%. In addition, the Permittees would have collected a more representative sample set overall. The Permittees collected only one sample at E038 with a maximum discharge rate between 20 and 180 cfs. Had the Permittees collected the samples within one business day as shown above, the sample set would have included four samples within the 20 to 100 cfs range.

While NMED agrees that only one sample may have been collected at station E040 that was missed if weekly inspections had been completed, that sample would have been the only sample collected at E040 in 2011. One sample out of three triggering events would be better than no samples at all. That said, NMED is amenable to decreasing the frequency for inspection of gage stations and samplers during dry periods to once every two weeks.

Since the stormwater sampling season is a compressed time period with storm events occurring in rapid succession, it is imperative that repairs to damaged or malfunctioning equipment be conducted immediately. Because missed samples could not be directly attributed to repairs made beyond two business days in 2011, NMED is amenable to extending this requirement to five business days.

NMED understands that there may be issues outside of the monitoring group's control which would prohibit adherence to this protocol; however, the standard operating procedures must be:

- retrieve samples within one business day
- repair damaged or malfunctioning equipment within five business days, and
- inspect gage stations and samplers a minimum once every two weeks during dry periods.

Deviations from the standard operating procedures must be documented and justified in the performance report.

- 2) The Permittees' response to Comment 2 is confusing. Specifically, Tables 2 and 3 do not correlate to Table 2.2-1 of the 2011 Report. It appears that the Permittees utilized yearly totals versus using totals from only the stormwater monitoring seasons. The evaluation must be based on events that occurred during the specific stormwater season, not annual totals.

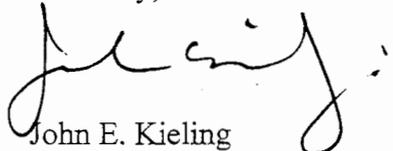
In addition, following discussion of silting issues at E109.9, the Permittees state, "[n]o silting issues occur at other Los Alamos/Pueblo stations." This statement is not accurate. The 2011 Report states that the intake for E042.1 was blocked by silt on 8/19/11, 8/22/11, 9/7/11, 9/15/11, and 10/4/11. This indicates a silting issue at E042.1. The sampler intake at E026 was also blocked by silt on two occasions.

Reevaluate gage stations E109.9 and E038 based on the stormwater sampling season events only and provide an evaluation of silting issues for both E042.1 and E026.

The Permittees must address the comments herein and submit a revised 2012 Monitoring Plan for Los Alamos and Pueblo Canyons Sediment Transport Mitigation Project by **June 22, 2012**. All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order. In addition, the Permittees must submit a redline-strikeout version that includes all changes and edits to the Report (electronic copy) with the response to this NOD.

Please contact Ben Wear at (505) 476-6041 should you have any questions.

Sincerely,



John E. Kieling  
Chief

Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
N. Dhawan, NMED HWB  
B. Wear, NMED HWB  
S. Yanicak, NMED DOE OB, MS J993  
T. Skibitski, NMED DOE OB  
L. King, EPA 6PD-N  
S. Veenis, EP-CAP, MS M997  
P. Mark, EP-CAP, MS M992  
C. Rodriguez, DOE-LASO, MS A316

File: LANL 2012, Los Alamos/Pueblo Watershed