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ENTERED

Los Alamos - Pueblo Canyons  
Surface Water -  
Sediment Transport and  
Contaminant Migration  
Monitoring Plan 2012

LAWL-12-016

**Cobrain, Dave, NMENV**

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**From:** Kieling, John, NMENV  
**Sent:** Tuesday, August 28, 2012 8:34 AM  
**To:** Cobrain, Dave, NMENV  
**Cc:** Davis, Jim, NMENV  
**Subject:** FW: Proposed language for LA/P sampling issue  
**Attachments:** 24 hr Response to Comment 1.docx; LANL Comments on Draft 2nd Disapproval.pdf

Dave,

Please review and then let's discuss.

Thanks, John

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**From:** Rhodes, David [<mailto:David.Rhodes@nnsa.doe.gov>]  
**Sent:** Tuesday, August 28, 2012 7:39 AM  
**To:** Kieling, John, NMENV  
**Subject:** FW: Proposed language for LA/P sampling issue

Mr. Kieling,

Thank you for the opportunity to review the draft letter on the *Second Disapproval 2012 Monitoring Plan for Los Alamos and Pueblo Canyons Sediment Transport Mitigation Project, Revision 1*. As the discussion centers around a possible 24 hour sample retrieval, we wanted to get our position cleanly written up for you. You will see my hen scratching on the scanned letter and a red-line markup for the response to comment 1. Since the laboratory cannot live with a 24 hour sample retrieval requirement as NMED proposed because of our inability to fund that sort of collection requirement, we have offered an alternative that addresses NMED's concerns and should be acceptable. Thank you.

David S. Rhodes  
FPD for PBSs-0030 and -0040D  
Supervisor, ERP/D&D Team  
Environmental Projects Office  
Los Alamos Site Office  
505-665-5325 (w)  
505-975-5898 (BB)  
[David.Rhodes@nnsa.doe.gov](mailto:David.Rhodes@nnsa.doe.gov)

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**From:** George, Victoria A [<mailto:torig@lanl.gov>]  
**Sent:** Wednesday, August 22, 2012 5:47 PM  
**To:** Rhodes, David  
**Cc:** McInroy, Dave; Douglass, Craig R  
**Subject:** Proposed language for LA/P sampling issue

David

Per your request, attached is a red-lined / strike out draft of the proposed NMED direction for LA/P sampling / repair timeframes.

As you, Dave, Craig and I discussed today – we would all prefer NMED to call these timeframes "objectives" or "goals" rather than "requirements". This issue has been discussed this with NMED a few times, and we included that approach in our July 23 written response. NMED has stated their desire to stay with a "requirement".

I incorporated all of your written comments – including the removal of the word "requirement" at the end of the 3rd paragraph. However, I did change the first part of that sentence to state "The details of implementation shall . . ." But essentially, the attached mark-up follows that same "objective" approach again.



As we discussed - Pete will need to understand the background on this issue – before he talks with Jim. I know you are going to discuss these likely NMED sensitivities with him. Many thanks – we all know it is important that Pete knows these sensitivities before he talks with Jim.

Again - as we discussed today - if we have to live with the "requirement" - we can live with it *IF* we have agreement on a broad approach to deviations.

Many thanks!

Tori



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT  
*Hazardous Waste Bureau*

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
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DAVE MARTIN  
Cabinet Secretary

BUTCH TONGATE  
Deputy Secretary

JAMES H. DAVIS, Ph.D.  
Director  
Resource Protection Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 17, 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: SECOND 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) *Response to the Notice of Disapproval for the 2012 Monitoring Plan for Los Alamos and Pueblo Canyons Sediment Transport Mitigation Project, Revision 1* (Response), dated July 23, 2012 and referenced by EP2012-0161. NMED has reviewed the Response and hereby issues this Disapproval. The Permittees must address the following comments.

1) **Response to Comment 1**

In the response, the Permittees state, "LANL's program for stormwater monitoring at canyon gages, specifically in the LA/P watershed, is to retrieve samples, inspect, and repair damaged or malfunctioning equipment as quickly as possible following a discharge event (typically within 24 h, exclusive of weekends and holidays). Gage station inspections not triggered by discharge are conducted on the following schedule: E050.1, E060.1, and E109.9 weekly throughout the year; the remaining stations weekly during the monitoring period (June 1 to October 31) and monthly for the remainder of the year."

The Permittees go on to state, "[m]inor damages or malfunctioning equipment can be repaired quickly (almost always in less than 5 business days). More significant damage to a flume, stilling well, or support structure and other damages that require heavy equipment will likely require more time to repair."

NMED agrees with the Permittees' proposed approach provided in the Response. For completeness, submit a revised monitoring plan that includes the objectives and time frames as specified in the Response. These requirements include the following:

- retrieval of samples <sup>as promptly as possible following</sup> within one business day of sample collection (with an objective to retrieve within one business day),
- repair of damaged or malfunctioning equipment within five business days, and
- inspection of gage stations and samplers a minimum of once every week during dry periods. <sup>as conditions allow.</sup>

In addition to the objectives, provide a statement in the revised monitoring plan that any deviations resulting in the inability to meet the requirements for sample retrieval and maintenance and the associated cause of such deviation will be documented in the performance report.

2) **Response to Comment 2**

NMED concurs with the movement of intakes at both E109.9 and E038. The rationale for collecting both upstream and downstream samples at the Los Alamos low head weir from the same storm events as a basis for not moving the intake at E042.1 is acceptable.

The rationale for not moving the intake at E026 is somewhat tenuous. While in most years four storms that generate in excess of 10 cubic feet per second (cfs) do not occur, most storms that do exceed 10 cfs also exceed 15 cfs. The two samples collected at E026 over the past two years were both obtained during storms that generated flows over 30 cfs. If silting continues to be a problem for collecting samples at E026 during the 2012 storm water sampling season, re-evaluate moving the intake for the 2013 sampling season.

*If we continue goal, then do in priority order.*

*objectives*  
*as soon as practicable with an objective for minor repairs within*  
*objective to retrieve within one business day*

Messrs. Maggiore and Graham  
August 17, 2012  
Page 3

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 **August 31, 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, 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

## 1) Response to Comment 1

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NMED agrees with the Permittees’ proposed approach provided in the Response. For completeness, submit a revised monitoring plan that includes the objectives and the time frames as specified in the Response. The details of implementation shall ~~These~~ requirements include the following:

- retrieval of samples, as promptly as possible following ~~within one business day of~~ sample collection, with the objective to retrieve within one business day. If this objective cannot be met, then the Permittees shall retrieve samples in the following priority order:
  - Buckman early notification stations
  - down gradient LANL boundary stations
  - balance of stations in LA/P canyons
  - upgradient LANL boundary stations
  - internal LANL stations.
- repair of damaged or malfunctioning equipment as soon as practicable: with the objective for minor repairs within five business days, and
- inspection of gage stations and samplers a minimum of once every week during dry periods, as conditions allow.

In addition to the objective, provide a statement in the revised monitoring plan that any deviations resulting in the inability to meet the requirements for sample retrieval and maintenance and the associated cause of such deviation will be documented in the performance report.

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