



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
Telephone (505) 827-0187
Fax (505) 827-0160



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

June 6, 2000

Marc Bailey
Los Alamos National Laboratory
MS K497
P.O. Box 1663
Los Alamos, New Mexico 87545

2000
MAY 11 11 11 AM

RE: 401 Water Quality Certification with Conditions - File #2000-036
Soil Removal in Drainages and Wetlands for Biocontaminants Study
Sandia Canyon, Canon de Valle, and Upper DP Canyon

Dear Mr. Bailey:

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department (NMED) has reviewed your application to perform work in Sandia Canyon, Canon de Valle, and Upper DP Canyon located on Department of Energy (DOE) property in Los Alamos County, New Mexico (Sections 16, 30/29 & 14, T19N, R6E). This project will be regulated by a U.S. Army Corps of Engineers (COE) 404 Nationwide Permit #5 for sites within Waters of the U.S. (COE File #2000-00319). The State 401 Water Quality Certification is a condition of the COE permit. The purpose of the certification is to determine if a project will meet State water quality standards. The 401 Certification file number for your project is #2000-036.

The proposed project involves the removal of approximately 1.38 cubic yards of soil associated with the placement of pitfall traps to collect mammals, amphibians, and arthropods for biocontaminant analysis. The sampling will be conducted from June through August 2000. The excavated soils would be returned to the trap sites upon completion of the study.

Regarding the plan to return excavated soils, e-mail correspondence (attachment dated 6/2/00) from LANL to the SWQB indicated possible chemical contamination may be present in the sampling locations (i.e. PCBs in Sandia Canyon and radionuclides in DP Canyon). To ensure that water quality and associated aquatic organisms are not further exposed to these chemicals that are potentially within the study areas, the excavated soils that are contaminated must be properly disposed of rather than returned to the trap sites (please refer to 401 condition #1 below).



-SWA LANL 4/10/99/100

TR

Some of the State water quality standards for Livestock Watering and Wildlife Habitat Uses that are most related to your project include the following:

1. Total PCBs shall not exceed 0.014 ug/l.
2. Total gross alpha (including radium-226, but excluding radon and uranium) shall not exceed 15 pCi/L.
3. Stream Bottom Deposits: Surface waters shall be free of water contaminants from other than natural causes that will settle and damage or impair the normal growth, function, or reproduction of aquatic life or significantly alter the physical or chemical properties of the stream bottom.
4. Turbidity: Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the normal growth, function, or reproduction of aquatic life is impaired or that will cause substantial visible contrast with the natural appearance of the water.

In addition to the standards noted above, refer to the enclosed attachment for a complete list of the standards that apply to the drainages in your project area (20 NMAC 6.1 Section 1103.A (Livestock Watering and Wildlife Habitat Uses); Section 1105 (General Standards); Section 3100.K (Livestock Watering); and Section 3100.L (Wildlife Habitat), State of New Mexico Standards for Interstate & Intrastate Surface Waters, effective 2/23/2000). Please be aware that all water quality standards must be met in order to remain in compliance with State regulations.

401 Water Quality Certification with Conditions:

Pursuant to Section 401 of the Federal Clean Water Act and 40 Code of Federal Regulations Part 121, the SWQB hereby grants 401 Certification approval with Conditions for COE NWP 5 – File # 2000-00319. The SWQB can be reasonably assured that project activities will comply with State water quality standards if the following conditions are completed:

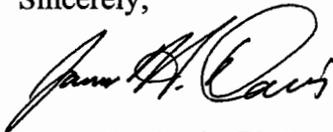
1. In response to the reasonable potential of legacy soil contamination in the study areas, soils excavated for the traps can not be returned to the pits until they have been tested for contaminants (consult with the NMED Hazardous and Radioactive Material Bureau for required tests and reporting procedures). The re-introduction of contaminated soils into the pits would be in violation of State water quality standards (20 NMAC 6.2 Section 2201; 20 NMAC 6.1 Section 1105.F). Any soils that are found to be contaminated must be properly disposed of pursuant to the Resource Conservation and Recovery Act regulations. Soils that are not contaminated can be returned to their original pits. Upon completion of the study, LANL must submit a report to the SWQB describing the analytical results and final disposition of the excavated soils.
2. Impacts to wetlands must be minimized while excavating soils and during sampling by using mats or other appropriate material to access the pitfall trap sites.
3. All areas that are disturbed during the study must be replanted/seeded with native vegetation until permanent vegetation is established and bare soil runoff is no longer possible.

4. A copy of this 401 certification must be kept at the project site during all phases of the study.
5. The SWQB must be notified at least 5 days before you begin the study. You have already met this requirement by notifying Sandy Spon via a phone call on 6/1/00 that the sampling is scheduled to begin on 6/5/00 or 6/6/00 pending receipt of the 401 Certification.
6. The SWQB must be notified within 5 days if any changes occur to the study as described in the 404/401 Joint Application (dated May 4, 2000).

Violations of State water quality standards could lead to penalties under the New Mexico Water Quality Act. Section 74-6-10.1 B of the Act states, "Any person who violates any provision of the New Mexico Water Quality Act other than Section 74-6-5 NMSA 1978 or any person who violates any regulation, water quality standard, or compliance order adopted pursuant to that act shall be assessed civil penalties up to the amount of ten thousand dollars (\$10,000) per day for each violation."

The SWQB specifically reserves the right to amend or revoke this 401 Certification at any time to ensure compliance of water quality standards. If you have any questions regarding this 401 Water Quality Certification with Conditions for your organic biocontaminant study in the drainages and wetlands on DOE property in Los Alamos County, please feel free to contact Sandy Spon at (505) 827-2803. Thank you.

Sincerely,



James H. Davis, Ph.D., Chief
Surface Water Quality Bureau

JHD:ss

xc: District II Manager, Los Alamos Office, NMED
Edward Paulsgrove, U.S. Army Corps of Engineers, Attn: Regulatory Branch
Richard Prather, Wetlands, Region 6, USEPA
Tod Stevenson, NM Department of Game and Fish
Jennifer Fowler-Propst, U.S. Fish and Wildlife Service
John Kieling, Hazardous and Radioactive Material Bureau
Gil Gonzales, LANL
401 Certification File #2000-036