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GOVERNOR

TA03

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
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8 November 1995

Los Alamos National Laboratory  
ER Project  
Los Alamos, NM 87545  
MS E525

ATTN: Mr. Alex Puglisi

Dear Mr. Puglisi:

The Surface Water Quality Bureau (Bureau) of the New Mexico Environment Department has reviewed your application for water quality approval to work in a tributary to Sandia Canyon, Los Alamos County, New Mexico (Section 17, Township 19 North, Range 6 East, NMPM) under Nationwide Section 404 permit number 26. We have assigned file number 95-188 to your application. The proposed work involves the excavation of approximately ten cubic yards of soil as part of a RCRA remediation project.

The work will be conducted in an ephemeral channel; therefore, written Section 401 water quality certification is not needed for this project. However, please be aware that you are subject to Section 1102 of the State of New Mexico *Standards for Interstate and Intrastate Streams* when water is flowing. Section 74-6-10.1 B of the New Mexico Water Quality Act states, "Any person who violates any provision of the 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."

To ensure that you do not violate water quality standards during periods when water is flowing, we recommend that you, at a minimum, implement the following Best Management Practices:

1. Install necessary erosion control devices such as hay bale check dams or silt curtains around excavated material. These measures will help prevent erosion of excavated material which could cause a violation of water quality standards.
2. Steam clean all heavy equipment periodically and inspect daily for leaks. Leaking equipment should not be used in or near any water course. Report all spills immediately to this office as required by the New Mexico Water Quality Control Commission regulations. Park equipment outside the channel when not in use.
3. Fuel, oil, hydraulic fluid, and other substances of this nature should not be stored within the normal floodplain and must have a secondary containment system to prevent spills if the primary storage container leaks.



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Thank you for your application. If you have any questions, please contact Cecilia Brown of my staff at 827-0106.

Sincerely,



Jim Piatt, Chief  
Surface Water Quality Bureau

xc: District II Manager, Environment Department  
District Engineer, U.S. Army Corps of Engineers, ATTN: Regulatory Branch  
Dennis Falk, Wetlands, Region 6, USEPA  
John Pittenger, NM Department of Game and Fish  
Jennifer Fowler-Propst, U.S. Fish and Wildlife Service