

TAIL

LANL 16-021(c)-99
260 outfall



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

BILL RICHARDSON
Governor
DIANE DENISH
Lieutenant Governor

Harold Runnels Building, N2050
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us

RON CURRY
Secretary
JON GOLDSTEIN
Deputy Secretary

November 17, 2009

CERTIFIED MAIL NO. 7005 1820 0001 5707 4579

Mr. Bob Beers
LANL
PO Box 1663/ MS K497
Los Alamos, New Mexico 87545

Subject: Clean Water Act Section 401 Water Quality Certification for *NMED SWQB File SF-611*:
Burning Ground Spring, Carbon Filtration, Los Alamos County, New Mexico.

Dear Mr. Beers,

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department has examined the application for the project indicated above under Sections 404 and 401 of the federal Clean Water Act. According to the application, this project involves installing a carbon filtration system at Burning Ground Spring, in a wetland abutting the Canon de Valle.

The U.S. Army Corps of Engineers (USACE) will regulate this project under Nationwide Permit NW-18 (USACE Action SPA-2009-00472-ABQ). A state Water Quality Certification is required by Section 401 of the federal Clean Water Act to ensure that the project complies with the State of New Mexico water quality standards (*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC) amendments effective on August 1, 2007*). A Section 401 Water Quality Certification is also required to comply with General Condition 21 (Water Quality) and General Condition 23 (Regional and Case-By-Case Conditions) of the Nationwide Permits.

The State of New Mexico water quality standards applicable to the project, which are available on the web at <http://www.nmcpr.state.nm.us/nmac/parts/title20/20.006.0004.pdf> include, but are not limited to:

- 20.6.4.8 *Antidegradation Policy and Implementation Plan*
- 20.6.4.13 A, B, F, I *General Criteria for Bottom Deposits and Suspended or Settleable Solids, Floating Solids, Oil and Grease, Toxic Pollutants, Temperature, and Turbidity*
- and
- 20.6.4.13.J *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. Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or increase more than 20 percent when the background turbidity is more than 50 NTU. Background turbidity shall be measured at a point immediately upstream of*



the turbidity-causing activity. However, limited-duration activities necessary to accommodate dredging, construction or other similar activities and that cause the criterion to be exceeded may be authorized provided all practicable turbidity control techniques have been applied and all appropriate permits and approvals have been obtained.

20.6.4.126

... Cañon de Valle from Los Alamos National Laboratory stream gage E256 upstream to Burning Ground Spring...

20.6.4.900

Standards Applicable to Attainable or Designated Uses

According to the State of New Mexico water quality standards, Cañon de Valle is designated for the following uses: coldwater aquatic life, livestock watering, wildlife habitat and secondary contact. "Surface water(s) of the state" means all surface waters including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, reservoirs or natural ponds.

Section 401 Water Quality Certification with Conditions:

Pursuant to Section 401 of the Clean Water Act and 40 Code of Federal Regulations Part 121, the SWQB hereby issues a conditional Section 401 Water Quality Certification for USACE Action SPA-2009-00472-ABQ (Burning Ground Spring, Carbon Filtration) based on the application and/or information provided. This certification is subject to conditions to reasonably assure that the activity is consistent with state law, will be conducted in a manner that will not violate applicable State of New Mexico water quality standards, and implements the Water Quality Management Plan, including Total Maximum Daily Loads (TMDLs), the Continuing Planning Process, and Antidegradation Policy Implementation Plan. **Therefore, this Certification is not valid unless the following conditions are adhered to:**

1. Erosion control measures for all portions of the project area that drain to or would have runoff toward surface water must be properly selected, installed, inspected, repaired, and maintained. Erosion and sediment control structures (e.g., silt fences, sediment basins, etc.) must be inspected after significant storm events and repaired as necessary.
2. Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must not be stored within the 100-year floodplain and must have a secondary containment system to prevent spills. Appropriate spill clean-up materials such as booms and absorbent pads must be available on-site at all times during construction.
3. All heavy equipment used in the project area must be pressure washed and/or steam cleaned before the start of the project and inspected daily for leaks. A written log of inspections and maintenance must be completed. Leaking equipment must not be used in or near surface water. Refuel equipment at least 100 feet from surface water.
4. Avoid working within the channel during spring runoff season or summer thunderstorm flows. Local weather forecasts must be monitored to avoid working in high water. Work in the stream channel should be limited to periods of no flow when practicable, and must be limited to periods of low flow.
5. Temporary crossings must be restricted to a single location and perpendicular to and at a narrow point of the channel to minimize disturbance. Heavy equipment must be operated from the bank or work platforms and not enter surface water. Heavy equipment must not be parked within the stream channel.
6. Flowing water must be temporarily diverted around the work area, but remain within the existing channel to minimize erosion and turbidity and to provide for aquatic life movement. Diversion structures must be non-erodible, such as piping, sand bags, water bladders, concrete barriers, or

channel lined with geotextile or plastic sheeting. Dirt cofferdams are not acceptable diversion structures. Diversion structures must be capable of carrying anticipated stream flows during the construction period. All man-made materials must be removed from the diversion channel and water returned to the original channel in a manner that avoids or minimizes turbidity. Temporary diversion channels must be backfilled in a manner that prevents erosion and diversion of the stream from its natural channel.

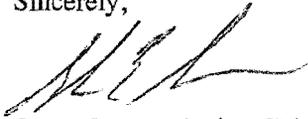
7. All concrete and other construction materials must be properly handled and contained to prevent releases to surface water. Poured concrete must be fully contained in mortar-tight forms and/or placed behind non-erodible cofferdams to prevent releases to surface water or ground water. Appropriate measures must be used to prevent wastewater from concrete batching, vehicle wash-down, or aggregate processing entering the watercourse. Dumping of waste materials near watercourses is strictly prohibited.
8. Work or the use of heavy equipment in wetlands must be avoided or minimized unless the impacts are to be mitigated. Construction activities in wetlands must be scheduled during low water or winter (frozen) conditions. Temporary protective mats are required for heavy equipment working in wetlands to minimize impacts to soil and vegetation and are to be removed when no longer necessary. Wetland crossings must be restricted to a single location and constructed perpendicular to and at a narrow point of the wetland. Wetland vegetation and excavated material (top soil) must be retained and reused to improve seeding success. Flows to wetlands must not be permanently disrupted. Permeable fills should be designed and installed, when practicable. Fill materials must be clean and consist of coarse material with minimal fines. Ditches or culverts in wetlands must have properly designed, installed and maintained siltation or sedimentation structures at the outfall.
9. Excavated trenches must be backfilled and compacted to match the bulk density and elevation of the adjacent undisturbed soil.
10. All areas adjacent to the watercourse that are disturbed because of the project, including temporary access roads, stockpiles and staging areas, must be restored to pre-project elevations. Disturbed areas outside the channel that are not otherwise physically protected from erosion must be reseeded or planted with native vegetation. Stabilization measures including vegetation are required at the earliest practicable date, but by the end of first full growing season following construction. Native woody riparian and/or wetland species must be used in areas that support such vegetation. Measures to prevent damage by beavers, wildlife, or livestock are required until trees are established. Once established, native plants adapted to the site must be able to thrive with no supplemental water or treatment.
11. A copy of this Section 401 Water Quality Certification must be kept at the project site during all phases of construction. All contractors involved in the project must be provided a copy of this certification and made aware of the conditions prior to starting construction.
12. The SWQB must be notified at least five days before starting construction to allow time to schedule monitoring or inspections.
13. Report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voice mail, twenty-four hours a day). For emergencies only, call 505-827-9329 twenty-four hours a day (New Mexico Department of Public Safety).

Violations of State of New Mexico 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 conditional Section 401 Certification at any time to ensure compliance with the State of New Mexico water quality standards. If you have any questions regarding this Section 401 Water Quality Certification, please feel free to contact Neal Schaeffer of my staff at (505) 476-3017. Thank you for your cooperation.

Sincerely,



Glenn Saums, Acting Chief
Surface Water Quality Bureau

ML: cns

xc: NMED District II Manager, Santa Fe
William M. Oberle, U.S. Army Corps of Engineers
Tom Nystrom, Wetlands, Region 6, USEPA
Jill Wick, New Mexico Department of Game and Fish
Brian Millsap, U.S. Fish and Wildlife Service
401 Certification File SF-611