



Department of Energy
Albuquerque Operations
Los Alamos Area Office
Los Alamos, New Mexico 87544

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HAZARDOUS WASTE SECTION

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Kevin Lambert, Hydrologist
New Mexico Environmental Improvement Division
Ground Water Section - UIC
P . O. Box 968
Santa Fe, New Mexico 87504-0968

Dear Mr. Lambert:

NOTICE OF INTENT TO DISCHARGE REQUEST

On October 28, 1986 you requested Notices of Intent to Discharge for three injection wells (one injection well at TA-16 and two injection wells at TA-22) and additionally for all other injection wells located at Los Alamos National Laboratory. In your letter, you stated that the Ground Water Section has not received any Notice of Intent to Discharge as required in Section 1-201 of the New Mexico Water Quality Control Commission (NMWQCC) Regulations for the above-mentioned three injection wells. Section 1-201 requires:

"A. Any person intending to make a new water contaminant discharge or to alter the character or location of an existing water contaminant discharge, unless the discharge is being made or will be made into a community sewer system or subject to the Liquid Waste Disposal Regulations adopted by the New Mexico Environmental Improvement Board, shall file a notice with the Water Pollution Control Bureau of the Environmental Improvement Division. However, notice regarding discharges from facilities for the production, refinement and pipeline transmission of oil and gas, or products thereof, shall be filed instead with the Oil Conservation Commission.

B. Notices shall state:

1. the name of the person making the discharge;
2. the address of the person making the discharge;
3. the location of the discharge;
4. an estimate of the concentration of water contaminants in the discharge; and
5. the quantity of the discharge."



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The Department of Energy's (DOE) Los Alamos Area Office (LAAO) believes that the requirements of Section 1-201 of the NMWQCC Regulations have been previously met regarding the three above-mentioned injection wells through submission of information in the National Pollutant Discharge Elimination System (NPDES) Permit NM0028355 applications and correspondence to the Environmental Improvement Division (EID) regarding discharges by Los Alamos National Laboratory.

As you may be aware, between 1972 and 1977 approximately 42 individual NPDES permits were issued to DOE authorizing discharges from LANL to ephemeral or intermittent tributaries to the Rio Grande. On the basis of a comprehensive NPDES permit application submitted to EID and the U. S. Environmental Protection Agency (EPA) during November 1977, a single consolidated permit was issued to DOE in October 1978 for 112 outfalls located throughout LANL. The application submitted in 1977 contained the information required by NMWQCC Section 1-201 on outfalls associated with the above-mentioned three injection wells. Since those effluents were being discharged into ephemeral tributaries the EID was given adequate notice to possibly prompt a request for a groundwater discharge plan, however, EID did not make such a request.

On April 17, 1981, DOE submitted a re-application for NPDES permit NM0028355 to EPA and EID. Again, all of the information required by NMWQCC Regulation Section 1-201 was included in the application regarding 127 industrial outfalls and 11 sanitary waste outfalls. EID did not request additional information or a groundwater discharge plan for any of the outfalls. On August 14, 1981, EPA mailed the public notice, fact sheet, and a proposed NPDES permit to DOE and EID. On October 6, 1981, EID provided a State Certification to DOE pursuant to Section 401 of the Federal Clean Water Act. On September 25, 1981, the second round consolidated NPDES permit NM0028355 became effective.

During April 1981, DOE began negotiating a Federal Facilities Compliance Agreement (FFCA) with EPA Region VI regarding LANL's NPDES outfalls with chronic noncompliance problems. Correspondence regarding the FFCA was copied to EID by DOE and EPA. On October 1, 1981, a draft FFCA was sent to DOE for final signature, with a copy to EID. (Enclosure I). Please note that within the proposed FFCA Abatement Schedule, reference is made to installation of dry wells with solids removal sand filters. These proposed modifications of existing effluent discharges permitted under NPDES permit NM0028355 were intended to bring the discharges into compliance with the permit. A final FFCA was signed by DOE on March 9, 1983 (Enclosure II).

The FFCA addresses the discharges that are related to the three above-mentioned injection wells. Therefore, DOE contends that EID was notified of alterations in the character or location of an existing water contaminant discharge permitted under an NPDES permit and EID did not request additional information or a discharge plan regarding the discharges.

As it has always been the practice of EID to accept NPDES applications and outfall information as satisfying the requirements of NMWQCC Regulation 1-201, and as EID was notified regarding the existence of the outfalls and the proposed modifications to those outfalls, DOE believes it has met its regulatory obligations regarding the three referenced injection wells (historically outfalls 008, 058, and 077).

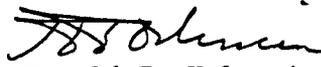
Concerning your request for dates when the wells went into service, the following information is offered:

- TA-16 (outfall 058) Went into service the summer, 1981. Dry well was designed as a disposal test for high explosive effluents. The 60 foot well clogged within a month and was abandoned.
- TA-22 (outfall 008/077) Two 40 foot dry wells were constructed 1982. Poor infiltration and process changes resulted in their abandonment.

Your letter requested Notice of Intent to Discharges for all other injection wells located at the Laboratory. Please be aware that during EID's preparation of the state-wide Surface Impoundment Assessment and the state-wide inventory of injection wells pursuant to the Underground Injection Control Program, DOE submitted comprehensive information to the EID. I have attached copies (Enclosures III and IV) of 1981 letters sent by and to Randy Hicks, Geologist, Water Pollution Control Bureau, and a 1979 letter (Enclosure V) addressed to Dennis McQuillan, Water Pollution Control Section. Because of the volume of information already transmitted to EID regarding structures that might be considered injection wells under the regulations, the EID files should already contain the information you request.

Please be assured that DOE has and will continue to diligently comply with NMWQCC regulations. Should you have any further questions concerning this letter, please feel free to contact James Phoenix (667-5288) of my staff.

Sincerely,


Harold E. Valencia
Area Manager

Enclosures:
As stated

cc:

Kelly Crossman, EID Hazardous Waste Section, Santa Fe, NM
Pat Anderson, EID Legal Section, Santa Fe, NM
Tito Madrid, EID District II, Santa Fe, NM

XC to John Gould, EID Surface Water
Mark Sides, EPA (GH-EP) -
Carlos Castillo, EPA (GH-45)
EJC 11/16/56