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 NEW MEXICO
 ENVIRONMENT DEPARTMENT



Ground Water Quality Bureau

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 JON GOLDSTEIN
 Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 30, 2008



Bob Beers
 Environmental Protection Division
 Water Quality & RCRA Ground
 P.O. Box 1663, Mail Stop K490
 Los Alamos, New Mexico 87545

**RE: Response to Notice of Intent to Discharge for Milagro Astrophysical Observatory,
 Fenton Hill (AI:856)**

Dear Mr. Beers:

The New Mexico Environment Department (NMED) received a Notice of Intent (NOI) to discharge on March 25, 2008 to land apply approximately five million gallons of purified drinking water from Los Alamos National Laboratory's Milagro Astrophysical Observatory. The notice satisfies the requirements of Section 20.6.2.1201.A of the New Mexico Water Quality Control Commission (WQCC) Regulations (20.6.2 NMAC). The proposed discharge is located approximately 5 miles west of La Cueva in Section 20, T19N, R3E, Sandoval County.

Based on the information provided in your NOI, NMED has determined that a Discharge Permit is not required as long as the discharge is as described. A Discharge Permit is not required at this time because the information provided indicates it is unlikely that the discharge will adversely affect ground water quality.

The discharge is exempt from the Discharge Permit requirement pursuant to Section 20.6.2.3105.A NMAC because the information provided indicates that the discharge conforms to the numerical ground water standards in Section 20.6.2.3103 NMAC, has a total nitrogen concentration of 10 mg/l or less, and does not contain any toxic pollutants as defined in Section 20.6.2.7 NMAC.

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The exempt discharge is briefly described as follows:

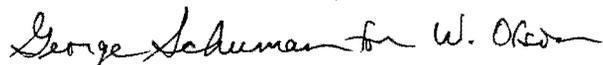
The Laboratory proposes to land apply approximately five million gallons of purified drinking water from the Milagro Observatory at Fenton Hill to 23 acres of forest service land via sprinkler systems. The original source of the water is from Fenton Hill's drinking water supply well and has been purified via charcoal filter, UV lamp and a 1-micron filter. The discharge rate is 50,000 gallons per day for approximately 100 work days.

Although a Discharge Permit is not being required for this discharge at this time, you are not relieved of liability should your operation result in actual pollution of surface or ground waters. Further, this decision by NMED does not relieve you of your responsibility to comply with any other applicable federal, state, and/or local laws and regulations, such as zoning requirements, plumbing codes, and nuisance ordinances.

If at some time in the future you intend to change the amount, character or location of your discharge, or if observation or monitoring shows that the discharge is not as described in your NOI, you must file a revised NOI with the Ground Water Quality Bureau.

If you have any questions, please contact either Jennifer Fullam at 505-827-2909 or George Schuman, Program Manager of the Ground Water Pollution Prevention Section, at 505-827-2945.

Sincerely,



William C. Olson, Chief
Ground Water Quality Bureau

WO:jf

cc: Jennifer Ickes, District Manager, NMED District I
NMED Rio Rancho Field Office
Linda Riddle, Santa Fe National Forest, District Ranger, P.O. Box 150
Jemez Springs, NM 87025 Jemez Springs, NM
James Bearzi, NMED-HWB, Santa Fe, New Mexico
Rich Powell, NMED-SWQB, Santa Fe, New Mexico
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NOI File

County File