

TA61

JOHN K.



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
(505) 827-0187

GARY E. JOHNSON
GOVERNOR

MAY 22 1998
MARK E. WEIDLER
SECRETARY
EDGAR T. THORNTON, III
DEPUTY SECRETARY

Certified Mail-Return Receipt Requested

P 181 646 042

May 22, 1998

Mr. Joe King
County Administrator
County of Los Alamos
P.O. Box 30
Los Alamos, NM 87544

RE: Follow-up on Meeting held May 11, 1998, with County of Los Alamos Representatives concerning the NMED-SWQB Notice of Violation (NOV) dated December 4, 1997.

Dear Mr. King:

On May 11, 1998, the New Mexico Environment Department-Surface Water Quality Bureau (NMED-SWQB) held a meeting with County of Los Alamos representatives regarding a corrective action plan submitted by the County on March 28, 1998, which responded to a NOV issued by NMED-SWQB on December 4, 1997, under Water Quality Control Commission (WQCC) Regulations. Also present at this meeting were concerned representatives from the Corps of Engineers (COE), Department of Energy (DOE), and three additional NMED bureaus [Solid Waste Bureau (SWB), Hazardous and Radioactive Materials Bureau (HRMB), and the DOE Oversight Bureau (DOE-OB)]. Also present were lawyers representing DOE, NMED, and the County of Los Alamos.

NMED-SWQB deemed the County's corrective action plan to be deficient. The purpose of the May 11, 1998, meeting was to give all governmental entities/stakeholders an opportunity to present their views on the plan and/or make recommendations. The County was concerned that even if its corrective action plan were revised to meet NMED-SWQB concerns, it might have yet a different set of requirements from various other agencies. For its part, the County was expected



3749

Mr. King
Los Alamos County
May 22, 1998
Page 2

to obtain clarification about the requirements of each stakeholder agency and then address all deficiencies in a single revised plan to be submitted to NMED-SWQB.

My purpose here is to reiterate the commitments made by the County about providing the following information to NMED-SWQB and the other stakeholder entities involved at the May 11, 1998 meeting:

A. Rubble Pile

The County will submit within thirty (30) calendar days after it receives this letter:

1) Written confirmation that interim corrective measures in the form of Best Management Practices (BMPs) would be applied by an indicated date, and maintained at the Rubble Pile area. A record of maintenance by the County for these BMPs shall be established.

Several of the stakeholder entities provided views on where the interim corrective measures should be applied. Verification for proper application and location will be made by appropriate NMED bureau representatives.

2) A written agreement with DOE/LANL regarding access needed in order to perform interim corrective measures. A copy of this access agreement or a full explanation of what efforts were made to obtain one and why these efforts failed, will be sent as part of the information required in thirty (30) calendar days.

3) The County will provide a written statement verifying its restriction of the wastes to be applied to the rubble pile to prevent disposal of unlawful wastes, and how this restriction is to be achieved and monitored.

4) The County will provide documentation that work/disposal on the West side of the rubble pile has been terminated, or the certain date by which it will be terminated.

The County was informed at this meeting that the foregoing, four interim corrective measures at the rubble pile are not acceptable as a final solution, and that the County and/or DOE/LANL will be required to provide further corrective actions as issues regarding the rubble pile are resolved between the COE, DOE, NMED-HRMB, NMED-SWB and NMED-SWQB.

Mr. King
Los Alamos County
May 22, 1998
Page 3

B. Breached Landfill and Stockpiled Sites

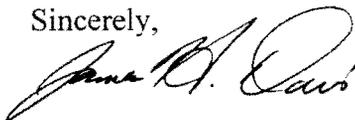
Within forty-five (45) calendar days after receipt of this letter, the County will send NMED-SWQB and the other stakeholder entities:

- 1) Plans for the breached site after re-evaluation by both the County and DOE/LANL in light of the comments by the stakeholder agencies at the May 11, 1998, meeting. Documentation will be provided to show specific DOE/LANL involvement as well as a timeline for the submittal of the revised corrective action plan associated with this site. In no case will any plan which has a detrimental effect on the wetland be considered acceptable.
- 2) Plans for removal by the County of the stockpiled soil referred to in the NOV. Also, a justified timeline associated with this removal will be included. The removal process shall be done in such a manner that it will not impact the wetlands and/or watercourse associated with Sandia Canyon. Verification of removal will be performed by appropriate NMED bureau representatives.

The resolution established at the May 11, 1998, meeting (i.e., the 30 and 45 day submittal requirements) are an attempt to achieve voluntary compliance. Your cooperation regarding this matter is appreciated. Failure to act regarding the final resolution of this matter in a timely manner (i.e. three (3) months from the receipt of this letter) could result in appropriate enforcement action pursuant to Section 74-6-10 of the New Mexico Water Quality Act.

If you have any questions regarding this letter, please feel free to contact either Ms. Barbara Hoditschek or Mr. Glenn Saums of my staff at (505) 827-2933.

Sincerely,



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

cc: E. Kelley, Dir., NMED-WWMD
J. Sloan, NMED-OLC
C. Brown, NMED-SWQB
R. Powell, NMED-SWQB

Mr. King
Los Alamos County
May 22, 1998
Page 4

B. Garcia, NMED-HRMB
J. Kieling, NMED-HRMB
J. Tymkowych, NMED-HRMB
P. Maggorie, NMED-SWB
C. Hules, NMED-SWB
J. Parker, NMED-DOE/OB
S. Yanicak, NMED-DOE/OB (Whiterock Office), MS J993
A. Rosenau, Chief, COE (Albq. Dist.)
J. Wood, COE, (Albq. Dist.)
J. Vozella, Asst. Area Mgr., LAAO
J. Plum, LAAME/LAAO, MS A316
L. Cummings, DOE/LAAO-OC
B. Koch, DOE/LAAO, MS A316
S. Rae, ESH-18, LANL, MS K497
D. Riker, Public Works Dept. Dir., LA County
F. Orth, Asst. Attorney, LA County
M. Tomlinson, Solid Waste Div., Mgr.
File:LACL:CA:Meeting