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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 27, 2015

George Basabilvazo, Director
Environmental Protection Division
Department of Energy, Carlsbad Field Office
P.O. Box 3090
Carlsbad, New Mexico 88221



RE: WIPP - Response to Notification of Discharge, Implementation of Corrective Action, and Submittal of Corrective Action Report Discharge Permit 831

Dear Mr. Basabilvazo,

This letter responds to the U.S. Department of Energy, Carlsbad Field Office (Permittee) correspondence dated October 15, 2015, (Notification) notifying the New Mexico Environment Department (NMED) of actions to reestablish allowable freeboard in specific storm water retention ponds and actions planned to avoid future similar occurrences. The Notification was provided in accordance with Discharge Permit DP-831 (Permit) Contingency Plan requirements.

The Notification states that during the period from October 3, 2015, through October 6, 2015, exceptionally high precipitation occurred in the area contributing runoff to Storm Water Ponds 1, 2 and 3, resulting in the storm water pond system reaching capacity on October 8, 2015. At that time the one-foot freeboard limit specified at Permit Condition #4 was exceeded and approximately 100 gallons of storm water outflow occurred. Subsequent inspections of all associated ponds found no evidence of erosion or damage to the ponds.

As a result of the excessive precipitation, the exceedance of the storm water system capacity, and associated Permit requirements, the Permittee performed the following actions:

1. On October 6, 2015, fluid was pumped from Storm Water Pond 2 to Storm Water Pond 3.
2. On October 8, 2015, transfer of excess fluid in Storm Water Ponds 1, 2 and 3 to Salt Storage Ponds 1 and 3 was initiated. This action conforms to Permit Condition 31.



3. On October 9, 2015, the Permittee contacted NMED informing the agency of the necessity to maintain the applicable freeboard and to transfer fluid to Salt Storage Ponds. This action conforms to the 24 hour notification requirement of Permit Condition #32. An agency representative, Mr. Steven Huddleson, approved the preliminary action. (personal communication, October 21, 2015)
4. On October 15, 2015, the Permittee drafted the Notification to satisfy the one week written notification requirements of Permit Condition 32.

The Notification includes a Corrective Action Plan (Plan) addressing proposed actions to prevent future unauthorized discharges, a schedule to complete these actions, and a commitment to sample fluid in Storm Water Pond 1. The Plan suggests the facility has sufficient capacity in its pond system, including the Storm Water and particularly the Salt Storage Ponds, to adequately manage storm water at the facility. The Plan commits to only utilizing the Salt Storage Ponds when the Storm Water Ponds are at capacity. The Plan commits to ensuring sufficient pumps and piping are available to transfer fluids between these systems when necessary. NMED will anticipate being provided with the results of the sampling proposed on page 3 of the Notification.

NMED finds that the Permittee has appropriately conformed to DP-831. Furthermore, NMED approves the Corrective Action Plan. This approval does not relieve the Permittee of the responsibility to comply with any other applicable federal, state, and /or local laws or regulations. Also, this approval does not relieve the Permittee of any liability should associated actions result in actual pollution of ground or surface waters.

If you have any questions, please contact Steve Pullen of the Ground Water Pollution Prevention Section at 505-827-2962.

Sincerely,



Michelle Hunter, Chief
Ground Water Quality Bureau
MH:sp

cc (e-copies):

S. Huddleson, NMED-GWQB
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files: Read
DP-831