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SEP 14 2015
WQCC

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF A PETITION APPEALING THE SECRETARY OF THE ENVIRONMENT'S DENIAL OF A HEARING ON DP-1793

WQCC 15-07(A)

COMMUNITIES FOR CLEAN WATER,
Petitioner.

NOTICE OF ADDENDUM TO ADMINISTRATIVE RECORD

Pursuant to 20.1.3.16.A(2)(a) NMAC, the New Mexico Environment Department hereby provides notice that an Addendum to the Administrative Record for the DP-1793 permitting action has been filed with the Water Quality Control Commission ("WQCC") on this date. The Administrative Record was filed with the WQCC on September 8, 2015. Subsequently, it was determined that several documents had been inadvertently omitted from the record. The Administrative Record has been updated to include Document Nos. 143 through 149. The updated documents are not in sequential order so as to not impact the existing Bates stamp order. The updated Index for the Administrative Record hereby is provided to all parties as Attachment 1.

Respectfully submitted,

Jennifer L. Hower
Deputy General Counsel
New Mexico Environment Department
121 Tijeras NE, Suite 1000
Albuquerque, NM 87102
Phone: (505) 222-9550
Fax: (505) 383-2064
E-mail: jennifer.hower@state.nm.us

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing Notice was sent via electronic mail to all parties and the WQCC counsel on September 14, 2015.

Communities for Clean Water

New Mexico Environmental Law Center
Jaimie Park
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Jennifer L. Hower

ADDENDUM TO ADMINISTRATIVE RECORD FOR CASE NO. WQCC 15-07 (A) AR INDEX (9/14/15)

Index No.	Bates No.	Date (Year)	Date (Mo/Day)	From	To	Description	Type	Format
143	01188-01194	2015	1/30	LANL	Public	PN2	Permittee Doc	Public Notice
144	01195		undated	GWQB	File	Mailing List of Interested Persons for DP-1793	GWQB Doc	Mailing List
145	01196-01197	2015	3/2	Steven Huddleson (GWQB)	Joni Arends (CCW), Bob Beers (LANL) & Rachel Conn (AB)	Email-Subject: RE: DP-1793 Att. 1	GWQB Doc	Email
146	01198-01199	2015	4/20	Steve Huddleson (GWQB)	Joni Arends (CCW), Bob Beers (LANL), Gene Turner (LANL) & Kathy	Email-Subject: DP-1793 Sign in Sheet	GWQB Doc	Email
147	01200-01201	2015	4/28	Steven Huddleson (GWQB)	Joni Arends (CCW)	Email-Subject: FW: DP-1793	GWQB Doc	Email & Sign in Sheet
148	01202-01221	2015	5/28	Steven Huddleson (GWQB)	Bob Beers (LANL) & Joni Arends (CCW)	Email-Subject: Final Draft, DP-1793 with Attached 5/28/15 Final Draft Version of DP-1793	GWQB Doc	Email & Draft DP
149	01222	2015	7/24	Andre Prada (GWQB)	Rachel Conn (AB), Joni Arends (CCW) & 5 more Interested Parties	Email-Subject:DP-1793	GWQB Doc	Email

ADDENDUM TO ADMINISTRATIVE RECORD FOR CASE NO. WQCC 15-07 (A) AR INDEX (9/14/15)

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146	01198-01199	2015	4/20	Steve Huddleson (GWQB)	Joni Arends (CCW), Bob Beers (LANL), Gene Turner (LANL) & Kathy	Email-Subject: DP-1793 Sign in Sheet	GWQB Doc	Email
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148	01202-01221	2015	5/28	Steven Huddleson (GWQB)	Bob Beers (LANL) & Joni Arends (CCW)	Email-Subject: Final Draft, DP-1793 with Attached 5/28/15 Final Draft Version of DP-1793	GWQB Doc	Email & Draft DP
149	01222	2015	7/24	Andre Prada (GWQB)	Rachel Conn (AB), Joni Arends (CCW) & 5 more Interested Parties	Email-Subject:DP-1793	GWQB Doc	Email

Notice is hereby given pursuant to 20.6.2.3108.H NMAC, the following Ground Water Discharge Permit applications have been proposed for approval. To request additional information or to obtain a copy of a draft permit, contact the Ground Water Quality Bureau in Santa Fe at (505) 827-2900. Draft permits may also be viewed on-line at

NOTE – If viewing by WEB - Click on facility name to review a copy of the draft permit.

DP #	Facility/Applicant	Closest City	County	Notice	NMED Permit Contact
68	Reeves Generating Station Richard Threet, Plant Manager Reeves Generating Station Public Service Co. of NM Alvarado Square – 2104 Albuquerque, NM 87158	Albuquerque	Bernalillo	Reeves Generating Station, Richard Threet, Plant Manager, proposes to renew the Discharge Permit for the discharge of up to 9,500 gallons per day of industrial wastewater to two (2) synthetically lined wastewater impoundments for disposal by evaporation. Potential contaminants associated with this type of discharge include metals and total dissolved solids. The facility is located at 4400 Paseo del Norte NE, in Albuquerque in Section 23, Township 11N, Range 03E, Bernalillo County. Ground water beneath the site is at a depth of approximately 137 feet and has a total dissolved solids concentration of approximately TDS of 585 milligrams per liter.	Steve Huddleson steven.huddleson@state.nm.us
1329	Bernalillo County Metropolitan Detention Center Charles S. Leder, P.E., Manager Plant Operations Division Albuquerque/ Bernalillo County Water Utility Authority 4201 2nd St., SW Albuquerque, NM 87105	Albuquerque	Bernalillo	Bernalillo County Metropolitan Detention Center, Charles S. Leder, P.E., Manager–Plant Operations Division, proposes to renew the Discharge Permit for the discharge of up to 212,600 gallons per day of domestic wastewater to an aerated impoundment system managed as a sequence batch reactor (SBR) system. Treated wastewater is discharged to a 23-acre land application area, to a 3.1-acre sod farm via flood irrigation, or to the Cerro Colorado Landfill for dust control and construction purposes. Potential contaminants associated with this type of discharge include nitrogen compounds, organic compounds, and metals. The facility is located at 5800 Shelly Rd. SW, approximately 16 miles southwest of Albuquerque, in Sections 17 and 18, Township 9N, Range 1E, Bernalillo County. Ground water beneath the site is at a depth of approximately 855 feet and has a total dissolved solids concentration of approximately 850 milligrams per liter.	Kathryn Hayden kathryn.hayden@state.nm.us

01188

812	Doña Ana County Liquid Waste Disposal Facility Julia Brown, County Manager Doña Ana County Utilities 845 N. Motel Blvd. Las Cruces, NM 88007	Mesquite	Doña Ana	Doña Ana County Liquid Waste Disposal Facility, Julia Brown, County Manager, proposes to renew the Discharge Permit solely for facility closure and ground water monitoring associated with past discharges. The facility is located at 725 CR B-059, approximately 4 miles northeast of Mesquite, in Section 21, T24S, R03E, Doña Ana County. Ground water most likely to be affected is at a depth of approximately 364 feet and has a total dissolved solids concentration of approximately 1,676 milligrams per liter.	Gerald Knutson gerald.knutson@state.nm.us
1036	Lower Rio Grande Public Water Works Authority-Mesquite Wastewater Treatment Facility Martin G. Lopez, General Manager Lower Rio Grande Public Water Works Authority P.O. Box 2646 Anthony, NM 88021	Mesquite	Doña Ana	Lower Rio Grande Public Water Works Authority-Mesquite Wastewater Treatment Facility, Martin Lopez, General Manager, proposes to renew the Discharge Permit solely for facility closure and ground water monitoring associated with past discharges. The facility is located 0.2 miles northwest of the end of Santo Tomas Rd, in Mesquite, in Section 2, T25S, R02E, Doña Ana County. Ground water most likely to be affected is at a depth of approximately 10 feet and has a total dissolved solids concentration of approximately 706 milligrams per liter.	Gerald Knutson gerald.knutson@state.nm.us
1345	Public Service Company of New Mexico Afton Generating Station Thomas Price, Plant Manager Afton Generating Station Public Service Co. of NM Alvarado Square-2104 Albuquerque, NM 87158	La Mesa	Doña Ana	Public Service Company of New Mexico Afton Generating Station, Thomas Price, Plant Manager, proposes to discharge up to 79,200 gallons per day (gpd) of industrial wastewater consisting of reverse osmosis process water treatment system discharge, oil water separator discharge (which receives inflow from combustion turbine seals, secondary containment basins, SPIRITS Fogger drain system, water wash drains, and plant drains), and cooling tower blowdown to four (4) double synthetically lined, wastewater impoundments equipped with leak detection systems for disposal by evaporation. The discharge contains water contaminants or toxic pollutants which may be elevated above the standards of 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC. The facility is located at 10100 West Afton Road, #5, in Township 25S Range 1E, Section 21, La Mesa, Doña Ana County. Ground water most likely to be affected is at a depth of	Steve Huddleson steven.huddleson@state.nm.us

61139

				approximately 405 feet below ground surface (bgs) and has a total dissolved solids concentration of 630 milligrams per liter.	
1431	Las Cruces National Guard Maintenance Shop Cpt. Wilford Griego, Environmental Program Manager NM Army National Guard 47 Bataan Blvd. Santa Fe, NM 87508	Las Cruces	Doña Ana	Las Cruces National Guard Maintenance Shop, Cpt. Wilford Griego, Program Manager, proposes to renew the Discharge Permit for the discharge of up to 11,440 gallons per year of vehicle washwater from a vehicle washdown pad, equipped with a sand trap, to an oil/water separator followed by a concrete lined impoundment for disposal by evaporation. Potential contaminants associated with this type of discharge include metals and organic compounds. The facility is located at 253 Armory Rd, approximately 8 miles west of Las Cruces, in Section 27, Township 23S, Range 1W, Doña Ana County. Ground water beneath the site is at a depth of approximately 310 feet and has a total dissolved solids concentration of approximately 1000 milligrams per liter.	Kathryn Hayden kathryn.hayden@state.nm.us
1297	Town of Carrizozo Wastewater Treatment Plant Wes Lindsay, Mayor Town of Carrizozo P.O. Box 247 Carrizozo, NM 88301	Carrizozo	Lincoln	Town of Carrizozo Wastewater Treatment Plant, the Honorable Wes Lindsay, Mayor, proposes to renew the Discharge Permit for the discharge of up to 140,000 gallons per day (gpd) of domestic wastewater and up to 2,000 gpd or 10,000 gallons per week of domestic septage to a synthetically lined impoundment treatment system and then to a 60 acre land application area. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located at Highway 380, west mile marker 63, approximately 2 miles west of Carrizozo, in Sections 32 and 33, Township 07S, Range 10E, Lincoln County. Ground water beneath the site is at a depth of approximately 15-40 feet and has a total dissolved solids concentration of approximately 2,000 milligrams per liter.	Kathryn Hayden kathryn.hayden@state.nm.us
1793	Los Alamos National Laboratory William I. White, Acting Manager Los Alamos Field Office, NNSA	Los Alamos	Los Alamos	Los Alamos National Laboratory, William I. White (NNSA) and Allison M. Dorries (LANS), propose to discharge through land application up 350,000 gallons per day (gpd) of treated groundwater associated with aquifer and pumping tests, well development and rehabilitation, groundwater tracer studies, and groundwater remediation activities. Potential contaminants associated with this type	Steve Huddleson steven.huddleson@state.nm.us

09150

	Allison Dorries, Division Leader ENV-DO, LANS, LLC National Nuclear Security Administration (NNSA) Los Alamos National Security, LLC 3747 West Jemez Rd. Los Alamos, NM 87545			of discharge include nitrogen compounds, metals, radiologic and organic compounds. The facility is located at the Los Alamos National Laboratory, approximately 1.5 to 7 miles south of Los Alamos, New Mexico in Sections 25 and 36 Township 19N, Range 05E, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 24 and 25 Township 18N, Range 06E, Sections 13 through 36, Township 19N, Range 06E, Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 29, and 30 Township 18N, Range 07E, and Sections 17, 18, 19, 20, 31 and 32 Township 19N, Range 07E, Los Alamos County. Ground water beneath the site is at a depth of between 45 and 900 feet and has a total dissolved solids concentration of approximately TDS between 374 and 400 milligrams per liter.	
1700	City of Tucumcari Doug Powers, City Manager City of Tucumcari P.O. Box 1188 Tucumcari, NM 88401	Tucumcari	Quay	City of Tucumcari, Doug Powers, City Manager, proposes to renew the Discharge Permit for the discharge of up to 1.20 million gallons per day (MGD) of domestic wastewater received and treated at the City of Tucumcari Wastewater treatment facility (WWTF). Treated wastewater (reclaimed wastewater) is stored in a synthetically line impoundment and either used for on-site irrigation at the WWTF, or transferred to other entities operating under separate Discharge Permits issued by NMED or used for temporary uses in and around the City of Tucumcari including dust control, street cleaning, and construction purposes such as soil compaction. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located at 1700 North Rock Island, Tucumcari, in Section 11, Township 11 N, Range 30 E, Quay County. Ground water beneath the site is at a depth of approximately 20 feet and has a total dissolved solids concentration of approximately 352 milligrams per liter.	Steve Huddleson steven.huddleson@state.nm.us
820	Portales National Guard Armory Cpt. Wilford Griego, Environmental Program Manager NM Army National Guard	Portales	Roosevelt	Portales National Guard Armory, Cpt. Wilford Griego, Environmental Program Manager, proposes to renew the Discharge Permit for the discharge of up to 3,080 gallons per day of domestic wastewater to a septic tank leachfield system and up to 6,200 gallons per year of vehicle washwater to an oil/water separator and then to a synthetically lined impoundment for disposal by	Kathryn Hayden kathryn.hayden@state.nm.us

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	47 Bataan Blvd. Santa Fe, NM 87508			evaporation Potential contaminants associated with this type of discharge include nitrogen compounds, metals, and organic compounds. The facility is located at 109 Airport Rd., approximately 4 miles southwest of Portales, in Section 8, Township 2S, Range 34E, Roosevelt County. Ground water beneath the site is at a depth of approximately 58 feet and has a total dissolved solids concentration of approximately 450 milligrams per liter.	
906	Rio Rancho National Guard Armory Cpt. Wilford Griego, Environmental Program Manager NM Army National Guard 47 Bataan Blvd. Santa Fe, NM 87508	Bernalillo	Sandoval	Rio Rancho National Guard Armory, Cpt. Wilford Griego, Program Manager, proposes to renew the Discharge Permit for the discharge of up to 1,000 gallons per day of vehicle washwater from three vehicle washdown pads to three sand traps followed by two oil/water separators (in series) and then to a concrete lined impoundment for disposal by evaporation. Potential contaminants associated with this type of discharge include metals and organic compounds. The facility is located at 4001 NW Loop, approximately 7 miles northwest of closest Bernalillo, in Section 8, Township 13N, Range 3E, Sandoval County. Ground water beneath the site is at a depth of approximately 220 feet and has a total dissolved solids concentration of approximately 570 milligrams per liter.	Kathryn Hayden kathryn.hayden@state.nm.us
410	Sunrise Springs Resort Gable S. Corporation Owner Sunrise Springs Resort 900 Town & Country Ln. Suite 400 Houston, TX, 77024	Santa Fe	Santa Fe	Sunrise Springs Resort, Gable S. Corporation, Andy Joseph owner's agent, proposes to renew the Discharge Permit for the discharge of up 12,000 gallons per day of domestic wastewater to a wastewater treatment system consisting of 14 septic tanks/grease traps, an equalization tank/lift station, two plastic media trickling filters, three recirculating tanks, two sand filters, and two synthetically lined storage impoundments. Treated and disinfected wastewater (reclaimed wastewater) is discharged either to a 0.87-acre reuse area or to a subsurface leachfield. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located at 242 Los Piños Road, approximately 11.5 miles southwest of the center of Santa Fe, in Section 28, Township 16N, Range 8E, Santa Fe County. Ground water beneath the site is at a depth of approximately 13 feet and has a total dissolved solids concentration of	Russell Isaac russell.isaac@state.nm.us

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				approximately 500 milligrams per liter.	
1094	Prairie Hills Subdivision Steven P. Jackson, Managing Member Troya Homes LLC 6300 Riverside Plaza Place, NW, Ste. 200 Albuquerque, NM 87120	Edgewood	Santa Fe	Prairie Hills Subdivision, Steven Jackson, Managing Member, proposes to renew the Discharge Permit for the discharge of up to 15,000 gallons per day (gpd) of domestic wastewater received in septic tanks and treated using a fixed film and activated sludge package plant. Treated wastewater is discharged to a low pressure dose disposal field. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located on the east side of County Road 7, approximately one mile south of Edgewood, in Section 34, Township 10N, Range 7E, Bernalillo County. Ground water beneath the site is at a depth of approximately 215 feet and has a total dissolved solids concentration of approximately 465 milligrams per liter.	Rebecca Cook rebecca.cook@state.nm.us
51	Quail Ridge Inn Peter French, Manager Quail Ridge Inn P.O. Box 362 El Prado, NM 87529	El Prado	Taos	Quail Ridge Inn, Peter French, Manager, proposes to renew the Discharge Permit for the discharge of up to 80,000 gallons per day of domestic wastewater received and treated in an oxic/anoxic treatment system to be built in 2 phases. Treated wastewater is discharged to either 4.3 acres of subsurface low pressure dose disposal areas or to 17.9 acres of landscaping through drip irrigation. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located at 18 Comanche Rd, approximately 3 miles northwest of El Prado, in Section 19, Township 26N, Range 13E, Taos County. Ground water beneath the site is at a depth of approximately 40 feet and has a total dissolved solids concentration of approximately 300 milligrams per liter.	Kathryn Hayden kathryn.hayden@state.nm.us
746	Belen National Guard Armory Cpt. Wilford Griego, Environmental Program Manager NM Army National Guard 47 Bataan Blvd. Santa Fe, NM 87508	Belen	Valencia	Belen National Guard Armory, Cpt. Wilford Griego, Environmental Program Manager, proposes to renew the Discharge Permit for the discharge of up to 2,000 gallons per day of domestic wastewater to a septic tank leachfield system, and up to 5,180 gallons per year of vehicle washwater to a sand trap, then to an oil/water separator, and then to a synthetically lined impoundment for disposal by evaporation. Potential contaminants associated with this type of discharge include nitrogen compounds,	Kathryn Hayden kathryn.hayden@state.nm.us

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				metals, and organic compounds. The facility is located at 21 General Baca Road, approximately 4 miles south of Belen, in Section 1, Township 4N, Range 1E, Valencia County. Ground water beneath the site is at a depth of approximately 40 feet and has a total dissolved solids concentration of approximately 1400 milligrams per liter.	

Prior to ruling on any proposed Discharge Permit or its modification, the New Mexico Environment Department (NMED) will allow thirty days after the date of publication of this notice to receive written comments and during which time a public hearing may be requested by any interested person, including the applicant. Requests for public hearing shall be in writing and shall set forth the reasons why a hearing should be held. A hearing will be held if NMED determines that there is substantial public interest. Comments or requests for hearing should be submitted to the Ground Water Quality Bureau at PO Box 5469, Santa Fe, NM 87502-5469.

To view this and other public notices issued by the Ground Water Quality Bureau on-line, go to:
http://www.nmenv.state.nm.us/gwb/NMED-GWQB-PublicNotice.htm

: 0411 5u

Prefix (Mr., M	First Name	Last Name	Address Line 1	Address Line 2	City	State	Zip	e-mail	Telephone
Ms.	Amy	Woods	329 Potrillo Drive		White Rock	NM	87544	Trukchik@live.com	505-412-0351
Mr.	Brint	Perera	1154-A 45th Street		Los Alamos	NM	87544		
Ms.	Joni	Arends	Concerned Citizens for Nuclear Safety					jarends@nuclearactive.org	

09195

Huddleson, Steven, NMENV

From: Huddleson, Steven, NMENV
Sent: Monday, March 02, 2015 4:48 PM
To: Joni Arends; Beers, Bob; Rachel Conn
Cc: Hower, Jennifer, NMENV; Kliphuis, Trais, NMENV
Subject: RE: DP-1793 Att. 1

Joni, this document was referenced in the LANS application and I am having difficulty finding it myself. I may remove the reference and just list the requirements as they are currently listed. Your comments on this would be welcome.

From: Joni Arends [mailto:jarends@nuclearactive.org]
Sent: Monday, March 02, 2015 2:54 PM
To: Huddleson, Steven, NMENV; Beers, Bob; Rachel Conn
Cc: Hower, Jennifer, NMENV; Kliphuis, Trais, NMENV
Subject: Re: DP-1793 Att. 1

Hi,
Our consultants could not find LANS/DOE Standard Operating Procedure, ENV-RCRA-OP-010.3, *Land Application of Groundwater* in the LANL Electronic Public Reading Room. Please provide us with an electronic copy.

Thank you.
Best,
Joni

On 2/24/15 7:19 AM, Huddleson, Steven, NMENV wrote:

> Good morning Joni. Attached is the application you requested, I PDF'd it myself which explains why it looks like it's been shuffled by a Las Vegas Blackjack dealer. I also attached a map of all of the LANL monitoring wells and I think it also shows some of the features you are requesting. I sent you the Attachment I of the Draft DP which is included in the application provided.
>
> -----Original Message-----
> From: Joni Arends [mailto:jarends@nuclearactive.org]
> Sent: Monday, February 23, 2015 2:43 PM
> To: Beers, Bob; Huddleson, Steven, NMENV; Rachel Conn
> Subject: DP-1793 Att. 1
>
> Hi Bob,
> I hope you can help with providing more specifics for Att. 1 to the draft DP-1793. I am working on comments for the Communities for Clean Water.
>
> I tried find the application on LANL's Electronic Public Reading Room with the LA-UR-13-29467, with no luck. Would you be so kind as to provide the background materials for Att. 1, including TA nos., site numbers, wells that will be used/rehabilitated, location for the lined modular tank or synthetically-lined lagoons, closest Individual Stormwater Permit monitoring locations, other water monitoring locations, etc. Is there a map showing the 55 sites?

: 01196

If you would provide a direct link to the application, as well as any correspondence with NMED, I would be grateful.
Best,
Joni Arends, CCNS

:01197

Huddleson, Steven, NMENV

From: Huddleson, Steven, NMENV
Sent: Monday, April 20, 2015 10:23 AM
To: Joni Arends; Beers, Bob; Turner, Gene E; 'kathy@tewawomenunited.org'
Cc: Hayden, Kathryn, NMENV
Subject: DP-1793 Sign in Sheet
Attachments: 20150415153610223.pdf

Joni, Kathy, Bob and Gene. Here is our signup sheet from Wednesdays meeting regarding DP-1793. I appreciate both parties willingness to participate and engage in discussion. I hope that we can resolve the issues to the satisfaction of all and proceed with issuing a permit that protects our groundwater resources. As always, please feel free to contact me with any questions.

Steve Huddleson, P.G., C.P.G.
Manager, Pollution Prevention Section
Groundwater Quality Bureau
New Mexico Environment Department
(505) 827-2936

: 01198

4-15-15 DP 1793

Name	Phone	email
Steve Huddleston	827-2936	Steven.Huddleston@state.nm.us
Kathryn Hayden	827-1046	kathryn.hayden@state.nm.us
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Joni Arends	956-8973	jarends@nmlaborwatch.org
Kathy Sanchez	505 363-7100	Kathy@ottawawomenunited.org
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DAVE McINROY	667-0819	mcinroy@lanl.gov
Tony Grieggs	7 0666	grieggst@lanl.gov
Bob Beers	667-7969	bbeers@lanl.gov

Huddleson, Steven, NMENV

From: Huddleson, Steven, NMENV
Sent: Tuesday, April 28, 2015 3:46 PM
To: 'Joni Arends'
Subject: FW: DP-1793

Maybe this is clearer.

From: Beers, Bob [mailto:bbeers@lanl.gov]
Sent: Tuesday, April 28, 2015 3:33 PM
To: Huddleson, Steven, NMENV
Cc: Katzman, Danny; Swickley, Stephani Fuller; Rodriguez, Cheryl L; Saladen, Michael Thomas
Subject: FW: DP-1793

Steve,

Thanks for responding to Joni's questions. Your understanding is correct regarding the 350k gal daily max.

Danny prepared some clarifying language (below) that's not too far off from yours.

Bob

The 350,000 gpd represents a maximum allowable daily application rate. 350,000 gpd may reflect the amount of total daily pumping and treatment at any given time (which equates to a total of approximately 250 gpm) or it may be the amount of water that would be land applied after storing treated groundwater pumped from two or more wells at a cumulative rate less than 250 gpm. Stored water will be held in tanks and impoundments and processed for land application in batches not to exceed the 350,000 gpd limit.

From: Huddleson, Steven, NMENV [mailto:Steven.Huddleson@state.nm.us]
Sent: Tuesday, April 28, 2015 8:35 AM
To: Joni Arends
Cc: Beers, Bob
Subject: RE: DP-1793

Let me take a stab at this, for my own clarification to make sure I am understanding this correctly. Bob, please correct me if my interpretation is wrong.

The 350,000 gpd represents a potential maximum application rate. The groundwater aquifer testing, well development, tracer studies and such will occur in episodes. The 250 gpm referred to represents a pumping rate that might go on for several days or perhaps a week or two. Since the water is treated, it will be held in tanks, impoundments, frac tanks (big steel, mobile tanks) and processed in batches. The 350,000 gpd application rate might be a full day of production for the treatment system, or it might be what is the volume that they can distribute in a single day rather than the pumping rate of the well. Bob, is my understanding correct?

As to the criteria in the Land Application SOP, the language in the draft permit came from the permittee's application and is consistent with our standard language so I used it. I have no problem with removing the citation to the SOP, as long as the application criteria are established in the permit.

: 01200

From: Joni Arends [mailto:jarends@nuclearactive.org]
Sent: Tuesday, April 28, 2015 7:48 AM
To: Beers, Bob; Huddleson, Steven, NMENV
Subject: DP-1793

Good morning Bob,
I am working on the DP-1793 comments. Would you be so kind as to provide the calculations for a 350,000 gpd to a flow of 250 gpm for 10 per day. I tried to follow what Danny was explaining on April 15th; but without a handout, I found it difficult.

Also, do you have the criteria found in the Applicants' *Land Application of Groundwater* SOP that you could share with CCW today? I believe it will help clarify our comments, which are due to NMED tomorrow.

Thanks.
Joni Arends, CCNS

: 01201

Huddleson, Steven, NMENV

From:	Huddleson, Steven, NMENV
Sent:	Thursday, May 28, 2015 3:20 PM
To:	Beers, Bob; 'Joni Arends'
Cc:	Hower, Jennifer, NMENV; Kliphuis, Trais, NMENV; Huey, Greg, NMENV
Subject:	Final Draft, DP-1793
Attachments:	DP1793 Draft DP 05-28-15.docx

Enclosed find the 'final' draft of DP-1793, revision 5-28-2015. I have incorporated comments provided from all parties to the extent I believe reasonable, and will allow 15 days for further comments related to typography, grammar, logic dead ends or other minor issues. I believe through this process that we have crafted a good permit that serves the needs of all parties, respects the public's right to know and desire to provide input, and I am ready to issue it. At the end of the fifteen day comment period (COB June 12, 2015) please either a) withdraw previous requests for a public hearing, or b) formally request such in writing including the reasons why a hearing should be held.

Thank you for your active participation in the drafting of this permit. I leave it to you Bob, and you Joni to distribute this appropriately.

P.S. Microsoft Word hates me. To see the proper formatting and numbering, look at the final version, not the final with markup.

Steve Huddleson, P.G., C.P.G.
Manager, Pollution Prevention Section
Groundwater Quality Bureau
New Mexico Environment Department
(505) 827-2936

: 01202

GROUND WATER DISCHARGE PERMIT
LANL ~~Remediation~~ Groundwater Projects, DP-1793

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1793, to the United States Department of Energy (DOE) and to Los Alamos National Security, LLC (LANS) (collectively the p~~P~~ermittees) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from activities related to groundwater remediation projects (project) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities which produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows:

Up to 350,000 gallons per day (gpd) of groundwater associated with aquifer and pumping tests, well development and rehabilitation, groundwater tracer studies, and groundwater remediation activities is to be discharged. Groundwater pumped during the covered activities will be discharged into a lined modular tank or a synthetically-lined lagoon, or other containment system prior to land application. Treatment systems will be appropriate to the potential contaminants and may include (but not limited to) Ion Exchange and/or Granular Activated Carbon. Treated water monitoring will ensure that contaminant concentrations do not exceed the 20.6.2.3103 NMAC standards or the ~~Table A-1~~ limits in Table A-1 of the most recent version of NMED *Risk Assessment Guidance for Site Investigation and Remediation* (Table A-1) for 20.6.2.7.WW NMAC Toxic Pollutants. Under circumstances where multiple projects are overlapping then the maximum daily discharge volume could reach approximately 250 gpm or approximately 350,000 gallons per day as a batched discharge.

The groundwater to be treated and~~/or~~ discharged may contain water contaminants which may be elevated above the standards of Section 20.6.2.3103 NMAC and/or toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC. ~~Depending on the individual project, groundwater contaminants could exceed the standards of 20.6.2.3103 NMAC and/or Table A-1 of the New Mexico Environment Department Risk Assessment Guidance for Site Screening levels for tap water.~~ Prior to discharge, all groundwater will be treated to achieve standards equal to less than (<)< 90% of the numeric standards of 20.6.2.3103 NMAC ~~or~~ and <90% of the numeric standards established for tap water in Table A-1~~, NMED *Risk Assessment Guidance* SSLs for tap water~~ for constituents not listed in 20.6.2.3103 NMAC.

~~The remediation p~~Projects ~~are located within~~ conducted by the Los Alamos National Laboratory are located within the 55 sections referenced in this permit (Table and Figure provided as Attachment), approximately 1.5 miles to 7 miles south of Los Alamos, New Mexico. Discharge of treated effluent is through surface application to one of the 55 sections ~~locations~~ identified by the permittee (Table and Figure provided as Attachment ~~1 of this permit~~) in Sections 25 and 36 Township 19N, Range 05E, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 24 and 25 Township 18N, Range 06E, Sections 13 through 36, Township 19N, Range 06E, Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 29, and 30 Township 18N, Range 07E, and Sections 17, 18, 19, 20, 31 and 32 Township 19N, Range 07E, Los Alamos County. Ground water most likely to be affected ranges in depth between approximately 45 and 900 feet below ground surface and has a total dissolved solids concentration of between 270 and 300 milligrams per liter.

The application (i.e., Discharge Plan) consists of the materials submitted by the permittee originally ~~o~~in December 2011 (withdrawn and re-submitted on January 8, 2014), and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of ground water quality, and that more stringent requirements to protect ground water quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate ground water quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation		Abbreviation	Explanation
BOD_5	biochemical oxygen demand (5-day)		NTU	nephelometric turbidity units
CFR	Code of Federal Regulations		Org	organisms
Cl	chloride		TDS	total dissolved solids
EPA	United States Environmental Protection Agency		TKN	total Kjeldahl nitrogen
gpd	gallons per day		total nitrogen	= TKN + NO_3-N
LADS	land application data sheet(s)		TRC	Total Residual Chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code		WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department		WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated		WWTF	Wastewater Treatment Facility
NO_3-N	nitrate-nitrogen		Table A-1	Table A-1 of the NMED *Risk*

Abbreviation	Explanation		Abbreviation	Explanation
				Assessment Guidance for Site Investigation and Remediation (most recent version)

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee would discharge effluent or leachate from the projects so that such effluent or leachate may move directly or indirectly into ground water within the meaning of Section 20.6.2.3104 NMAC.

2. The permittee is discharging effluent or leachate from the projects so that such effluent or leachate may move into ground water of the State of New Mexico which has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.

3. The discharge from the projects are not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

Up to 350,000 gallons per day gpd of treated groundwater derived from individual projects (including the Chromium Project), pumping tests, aquifer tests, well development and tracer studies conducted to characterize groundwater quality or aquifer properties may be discharged via land application to one of 55 ~~separate surface locations~~sections identified in tabular format and Figure provided as Attachment to this permit~~1~~.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

The following conditions shall be complied with by the permittee and are enforceable by NMED. The permittee is authorized to discharge water contaminants subject to the following conditions:

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with

#	**Terms and Conditions**
	Title 20, Chapter 6, Parts 1 and 2 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]
3.	Prior to initiating discharge from an individual project, pumping test, aquifer test or tracer study, the permittee shall submit ~~written notification~~a (workplan~~)~~ to NMED for approval ~~stating the date the discharge is to commence.~~ . Included in the workplan will be: • Detailed description of the proposed activity, including a statement of purpose; • A description of water conservation and reuse options considered; • A topographic map showing the proposed land application sites and the location of all monitoring wells, Site Monitoring Areas (SMA), Solid Waste Management Units (SWMU), National Pollution Discharge Elimination System (NPDES) permits, groundwater discharge permits, Areas of Concern (AOC) identified in the 2005 NMED Order on Consent, drinking water wells, surface impoundments and surface drainage features in the vicinity; • Existing data showing the depth to, and general groundwater quality at the proposed discharge location including concentrations of contaminants exceeding regulatory standards; • • Estimated groundwater flow direction; • Detailed description of the on-site treatment system to remove contaminants of concern from the effluent; • Schematic of treatment system and treatment unit specifications; • Detailed descriptions of the storage/containment systems associated with the treatment; • Safety Data Sheets for tracer constituents; • Maximum ~~anticipated~~ estimated daily discharge volume; • Total estimated ~~anticipated~~ volume of the proposed discharge; • Proposed sampling plan to demonstrate treatment efficiency and compliance with regulatory standards; • ~~Land application procedures and location~~ Proposed method(s) of land application, application rates and area of application; and • Project schedule including the date the discharge is to commence and anticipated duration. Public comments on each work plan shall be accepted by NMED for a period not exceeding 30 days following posting of the workplan by the permittees to the EPRR (Condition13).

#	**Terms and Conditions**
	The workplan shall be enacted as approved by NMED including specific monitoring requirements that may be required. ~~; and~~ ~~• Soil sampling methodology following application.~~ [~~Subsection A of~~ 20.6.2.3107.A NMAC]
4.	Land application of treated groundwater will be conducted in accordance with ~~the terms and conditions of LANS/DOE Standard Operating Procedure, ENV-RCRA-QP-010.3, *Land Application of Groundwater.* Criteria for land application include~~, but ~~are~~ not limited to, the following criteria: • Land application is prohibited at the following locations ➢ Watercourses; ➢ Water Bodies; ➢ Wetlands; ➢ Areas of Concern (AOCs) (with the exception of the following canyon-bottom AOCs : C-00-001; through C-00-019 and C-00-021)~~site cannot be located in a watercourse~~; ➢ Solid Waste Management Units (SWMUs) ➢ Slopes greater than 2% if the site is poorly vegetated (<50% ground cover) ➢ Slopes greater than 5% if the site is well vegetated (>50% ground cover) • Land application cannot result in ~~runoff to a watercourse~~water flow from an approved land application site; • Land application cannot create ponds or pools or standing water; • Land application must be conducted in a manner that maximizes infiltration and evaporation; • Land application is restricted to daylight hours and for a maximum of 10 hrs/day; • Land application must be supervised ~~at all times~~; ~~and~~ • Land application cannot extend off LANL property without written permission from the land owner; • Land Application will be terminated if leaks in the application system are detected; and • Land application is prohibited while precipitation is occurring or when temperatures are below freezing. [20.6.2.3107 NMAC]

B. MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	**Terms and Conditions**

#	**Terms and Conditions**
5.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
6.	METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents: a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current) b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31.Water e) Federal Register, latest methods published for monitoring pursuant to Resources Conservation Recovery Act regulations f) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; and Part 3. Chemical Methods, American Society of Agronomy. [20.6.2.3107.B NMAC]
7.	Laboratory analysis requirements will be established prior to discharge (Condition #3) and unless approved otherwise by NMED, will be conducted by an independent environmental laboratory, certified under the National Environmental Laboratory Accreditation Program (NELAP). [Subsection A of 20.6.2.3107 NMAC and Subsection B of 20.6.2.3107 NMAC]
8.	Following completion of a ~~any~~ approved workplan -discharge, permittees will submit a report within 60 days of completing the discharge. Discharge reports shall include the following: • Total volume of groundwater discharged; • Estimated application rate of discharge; • Analytical results from samples collected under the water quality sampling plan or soil sampling, if required by NMED (Condition #3); and • A map depicting l~~L~~ocations and affected area of ~~that received~~ land applied groundwater.

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	[20.6.2.3107 NMAC]
9.	The permittee shall submit ~~semi-~~annual monitoring reports to NMED by the 1st of ~~February and August~~ March each year summarizing all discharges conducted under this permit during the prior calendar year. Included will be quantity and source of each individual discharge, water quality tables depicting date of discharge, ~~influent and effluent concentrations,~~and analytical results from samples collected under the water quality sampling plan, and a map(s) depicting discharge locations, and copies of laboratory analytical reports. ~~Semi-annual~~Annual monitoring reports shall be performed during the following periods: • ~~January 1st through June 30th (first half) – **report due by August 1st**; and~~ • ~~July 1st through~~ December 31st ~~(second half) –~~ **report due by ~~February~~ March 1st**. [20.6.2.3107 NMAC]
10.	Groundwater quality monitoring shall be conducted in accordance to the *Interim Facility-Wide Groundwater Monitoring Plan* (most recent version) which is conducted under the direction of the NMED Hazardous Waste Bureau. In some cases, NMED Groundwater Quality Bureau may request additional analytes or wells be added to the sampling regime in cases where specific locations, constituents or monitoring may not be included in the Interim Facility Wide Groundwater Monitoring Plan. [20.6.2.3107 NMAC]
11.	Sampling of surficial soils may be required by NMED at areas of land application of treated groundwater~~metals or other inorganic constituents~~. At NMED's direction, s~~S~~oil samples collected shall be submitted for analysis in accordance with Condition #6 of this permit by a NELAP certified independent environmental laboratory, and results compared to the Residential Soil screening levels of Table A-1~~, *Risk Assessment Guidance for Site Investigations and Remediation*; December 2014~~. [20.6.2.3107 NMAC]
12.	**ELECTRONIC POSTING – MANDATORY** Commencing on the Effective Date of this Discharge Permit the permittees shall, within five days of submittal to NMED, post on LANL's Electronic Public Reading Room located at http://eprr.lanl.gov/oppie/service (or as updated) the following submittals to NMED. 1. Condition 3 –Submittal of workplan for individual discharge to NMED; 2. Condition 8 – Discharge (Workplan Completion) Report to NMED; 3. Condition 13 Notification of groundwater exceedance and submittal of Corrective

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	Action Plan to NMED; 4. Condition 14 – Soil Sampling exceedance workplan; and 5. Condition 17 – Release ("spill") notification, corrective action report/plan and any abatement proposal. **ELECTRONIC POSTING – VOLUNTARY** Commencing on the effective date of this Discharge Permit, permittees voluntarily agree to post on LANL's Electronic Public Reading Room located at http://eprr.lanl.gov/oppie/service (or as updated) within 5 business days after submission to NMED, the information listed below. Because permittees have voluntarily agreed to post the below-information, such posting shall not be subject to civil or criminal enforcement actions. 1. Condition 3 – NMED Response to Workplan Submittals; 2. Condition 9 – Annual monitoring report – due March 1; 3. Condition 15 –Improperly constructed groundwater well notification; 4. Condition 16 – Groundwater well not hydrologically downgradient notification; 5. Condition 18 – Notification of failure of discharge plan 6. Condition 19 – Closure and post-closure activities – all documents submitted to the NMED by the permittees under this Condition; 7. Condition 23 – Modifications and/or amendments – all documents submitted to the NMED by the permittees under this Condition; 8. Condition 24 – Plans and specifications – all documents submitted to the NMED by the permittees under this Condition; 9. Condition 28 – Right to appeal – all documents submitted to the Water Quality Control Commission by the permittees under this Condition; and 10. Condition 29 – Transfer of discharge permit – all documents submitted to the NMED by the permittees under this Condition. [20.6.2.3107.A NMAC]

C. CONTINGENCY PLAN

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~~12.~~	In the event that ground water monitoring (Condition #10) in the vicinity of discharge conducted under this permit indicates that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is

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	greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a ground water sample, and in any subsequent ground water sample, that are ~~that is likely or potentially~~ attributable to a discharge conducted under this permit, the permittee shall enact the following contingency plan: Within ~~6~~30 days of receipt of the data confirming the ~~subsequent~~ exceedance~~sample analysis date~~, the permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED. Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and ground water monitoring confirms for a minimum of two years of consecutive ground water sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in ground water. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmed ground water contamination. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
~~13.~~	In the event that soil sampling (Condition #11) indicates that inorganic constituents exceed the Residential Soil Screening levels of Table A-1~~; *Risk Assessment Guidance for Site Investigations and Remediation*; December 2014~~, ~~Permittee~~permittee will submit to NMED for approval within 120 days of receipt of laboratory analysis reports, a workplan for comprehensive investigation of the nature and extent of impact and a corrective action/remedial plan to address exceedances. The workplan will propose sampling methodology, scheduling and proposed analytical methodology to characterize the nature of impact and a corrective action/remediation plan. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
~~14.~~	In the event that information available to NMED indicates that a well(s) included in a project workplan submitted under this Discharge Permit ~~-~~is not constructed in a manner consistent with ~~the attachment titled *Ground Water Quality Bureau, Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011~~ its intended use; contains insufficient water to effectively monitor ground water quality; or is not completed in a manner that is protective of ground water quality, the permittee shall, at the request of

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	NMED, submit a drilling workplan and project schedule for NMED approval ~~install a replacement well(s)~~ within 120 days following notification. The permittee shall survey the ~~replacement~~ new monitoring well(s) within ~~150~~30 days following well construction~~notification from NMED~~. Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled *Ground Water Quality Bureau Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011, or permittee may propose specific construction details for approval by NMED. The permittee shall submit construction and lithologic logs, survey data and a ground water potentiometric surface map to NMED within 60 days following well completion. Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled *Ground Water Quality Bureau, Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities. [Subsection A of 20.6.2.3107 NMAC]
~~15.~~	In the event that ground water flow information obtained pursuant to this Discharge Permit indicates that a monitoring well(s) included in a project workplan submitted under this permit is not located hydrologically downgradient of the discharge location(s) it is intended to monitor, the permittee shall submit a drilling workplan and project schedule for NMED approval ~~install a replacement well(s)~~ within 120 days following notification from NMED. The permittee shall survey the new ~~replacement~~ monitoring well(s) within ~~150~~ 30 ~~days following notification from NMED~~days following well construction. ~~Replacement~~ New well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled *Ground Water Quality Bureau, Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011, or permittee may propose specific construction details for approval by NMED. The permittee shall submit construction and lithologic logs, survey data and a ground water elevation contour map within ~~30~~ 90 days following well completion. [Subsection A of 20.6.2.3107 NMAC]
~~16.~~	In the event that a release (commonly known as a "spill") occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.

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	Within 24 hours following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information: a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility; b) The name and address of the facility; c) The date, time, location, and duration of the unauthorized discharge; d) The source and cause of unauthorized discharge; e) A description of the unauthorized discharge, including its estimated chemical composition; f) The estimated volume of the unauthorized discharge; and g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within one week following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following: a) A description of proposed actions to mitigate damage from the unauthorized discharge; b) A description of proposed actions to prevent future unauthorized discharges of this nature; and c) A schedule for completion of proposed actions. In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC. Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
~~17.~~	In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.

#	**Terms and Conditions**
	[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

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D. CLOSURE PLAN

#	Terms and Conditions
~~18.~~	Upon cessation of the ~~remediation~~ activity pursuant to the ~~Consent Agreement~~Discharge Permit~~,~~ the permittee shall perform the following closure measures: a) Cap or plug all lines to prevent the flow of wastewater to treatment or disposal systems; b) Empty, clean and remove ~~or backfill~~ tanks; c) Empty lagoons, remove liners backfill and re-grade to surface topography; d) Appropriately dispose of liquids and solids; e) Regrade and cover stockpiles; f) Continue groundwater monitoring for at least two years, or as appropriate; g) Enact contingency plans if groundwater standards or Residential Soil screening criteria are exceeded including any abatement required by NMED pursuant to actions related to this Discharge Permit; h) Remove any compounds and equipment pertaining to the remediation activities; i) Appropriately dispose of all treatment resins and media in accordance with all applicable local, state and federal regulations; and j) When all post-closure requirements have been met, the permittee may request to terminate the Discharge Permit. Should individual components utilized under this Discharge Permit be required for completion of Consent Agreement activities under other regulatory oversight, permittee may request a variance from specific closure activities required under this condition. [20.6.2.3107 (A)11 NMAC]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
~~19.~~	RECORD KEEPING - The permittee shall maintain a written record of the following information: a) Information and data used to complete the application for this Discharge Permit; b) Records of any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; d) Facility record drawings (plans and specifications) showing the actual construction of the facility shall comply with all applicable statutes, regulations and codes including applicable DOE and LANL Engineering Standards~~and bear the seal and signature of a licensed New Mexico professional engineer~~;

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	e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; and g) Ground water quality and wastewater quality data collected pursuant to this Discharge Permit. h) Copies of construction records (well log) for all ground water monitoring wells required to be sampled pursuant to this Discharge Permit. i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. j) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request: i) The dates, location and times of sampling or field measurements; ii) The name and job title of the individuals who performed each sample collection or field measurement; iii) The sample analysis date of each sample; iv) The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; v) The analytical technique or method used to analyze each sample or collect each field measurement; vi) The results of each analysis or field measurement, including raw data; vii) The results of any split, spiked, duplicate or repeat sample; and viii) A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request. [Subsections A and D of 20.6.2.3107 NMAC]
~~20.~~	INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records regarding this discharge permit or related discharges required to be maintained by regulations of the federal government or the WQCC. The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for

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	the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
~~21.~~	DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [Subsection D of 20.6.2.3107 NMAC]
~~22.~~	MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
~~23.~~	PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction. In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit which result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 ~~and June 30~~ of each year to NMED. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
~~24.~~	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow properly credentialed NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information required to be maintained by this Discharge Permit or related regulation~~,~~ may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a

#	Terms and Conditions
	specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
~~25.~~	CRIMINAL PENALTIES – No person shall: 1) make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; 2) falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or 3) fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
~~26.~~	COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders. [NMSA 1978, § 74-6-5.L]

#	Terms and Conditions
~~27.~~	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]
~~28.~~	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall: 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 3) deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility. [20.6.2.3111 NMAC]
~~29.~~	PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]
TERM ENDS: [~~expiration date~~Seven years from the effective date (i.e. Date) or five years from the date the discharge commences, whichever comes first]]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

draft

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~~JERRY SCHOEPPNER~~
Acting Chief, Ground Water Quality Bureau
New Mexico Environment Department

ATTACHMENT 1

draft

: 01221

-------- Original Message --------

Subject:DP-1793
Date:2015-07-24 16:38
From:"Prada, Andre, NMENV" <Andre.Prada2@state.nm.us>
To:"Kathy@Tewawomenunited.org" <Kathy@Tewawomenunited.org>, "Beata@tewawomenunited.org" <Beata@tewawomenunited.org>, "Mariannaranjo@icloud.org" <Mariannaranjo@icloud.org>, "'Rachel Conn (Amigos Bravos)'" <rconn@amigosbravos.org>, "Joankansas@swcp.com" <Joankansas@swcp.com>, "Marlenep@swcp.com" <Marlenep@swcp.com>, "Joni Arrends'" <jarends@nuclearactive.org>

Good afternoon,

Attached is Denial of Public Hearing Request of June 15, 2015, Discharge Permit DP-1793, Los Alamos National Laboratory Groundwater Projects

Thank you,

Andre Prada

Administrative Assistant

Ground Water Quality Bureau

505-827-2900

andre.prada2@state.nm.us