



U.S. DEPARTMENT OF  
**ENERGY**

OFFICE OF  
**ENVIRONMENTAL  
MANAGEMENT**



# Individual Permit for Stormwater Update to the Northern New Mexico Citizen's Advisory Board



ENVIRONMENTAL MANAGEMENT  
SAFETY ♦ PERFORMANCE ♦ CLEANUP ♦ CLOSURE

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- ❑ Current Individual Permit for Stormwater (IP)
- ❑ Progress Under the Current IP
- ❑ Problems with the Current IP
- ❑ Renewal Application and Response
- ❑ Visit to U.S. Environmental Protection Agency (EPA)
- ❑ Plan for Reapplication
- ❑ Workshops with New Mexico Environment Department (NMED), EPA, and Communities for Clean Water (CCW)
- ❑ Next Steps





- ❑ National Pollutant Discharge Elimination System (NPDES) permit implementation of the Clean Water Act issued November 2010
  
- ❑ Stormwater discharges from solid waste management units (SWMU) and areas of concern (AOC) only
  - ❑ Does NOT address outfall discharges,
  - ❑ Does NOT address stormwater discharges from industrial activities (Multi-Sector General Permit (MSGP))
  - ❑ Does NOT address developed runoff from stormwater (potential future Municipal Separate Sewer System (MS4))





- Baseline control measures for all SWMUs & AOCs installed within two years
  
- Target Action Levels (TAL) are screening levels
  - To determine if corrective actions are needed
  - Based on New Mexico Water Quality Standards (NMWQS)
  - A TAL exceedance is not by itself an NMWQS exceedance
  
- Four Paths to Completion of Corrective Action
  - Analytical Results are below TALs
  - Control measures totally retain and prevent discharge of stormwater
  - Control measures to totally eliminate exposure
  - Certificates of completion under NMED's Consent Order





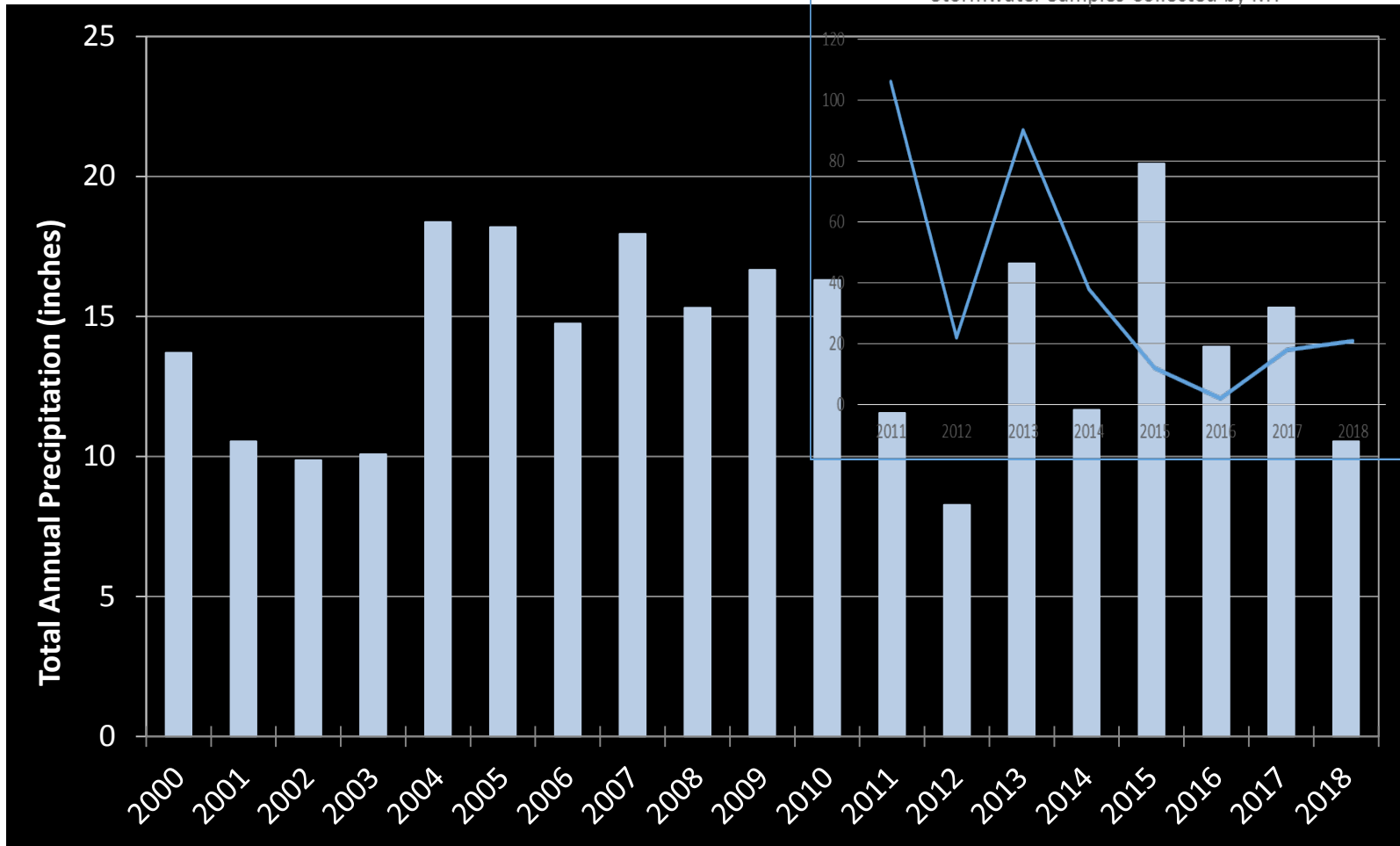


- Alternative Compliance allowed for:
  - Force majeure,
  - Background concentrations of pollutants or concern,
  - Impracticality of further control measures, or
  - Pollutants of concern contributed by sources beyond control
  
- Annual Stormwater Discharge Pollution Prevention Plan (SDPPP) and Annual Compliance Status Report
  
- IP Website including all posted documents and semi-annual public meetings



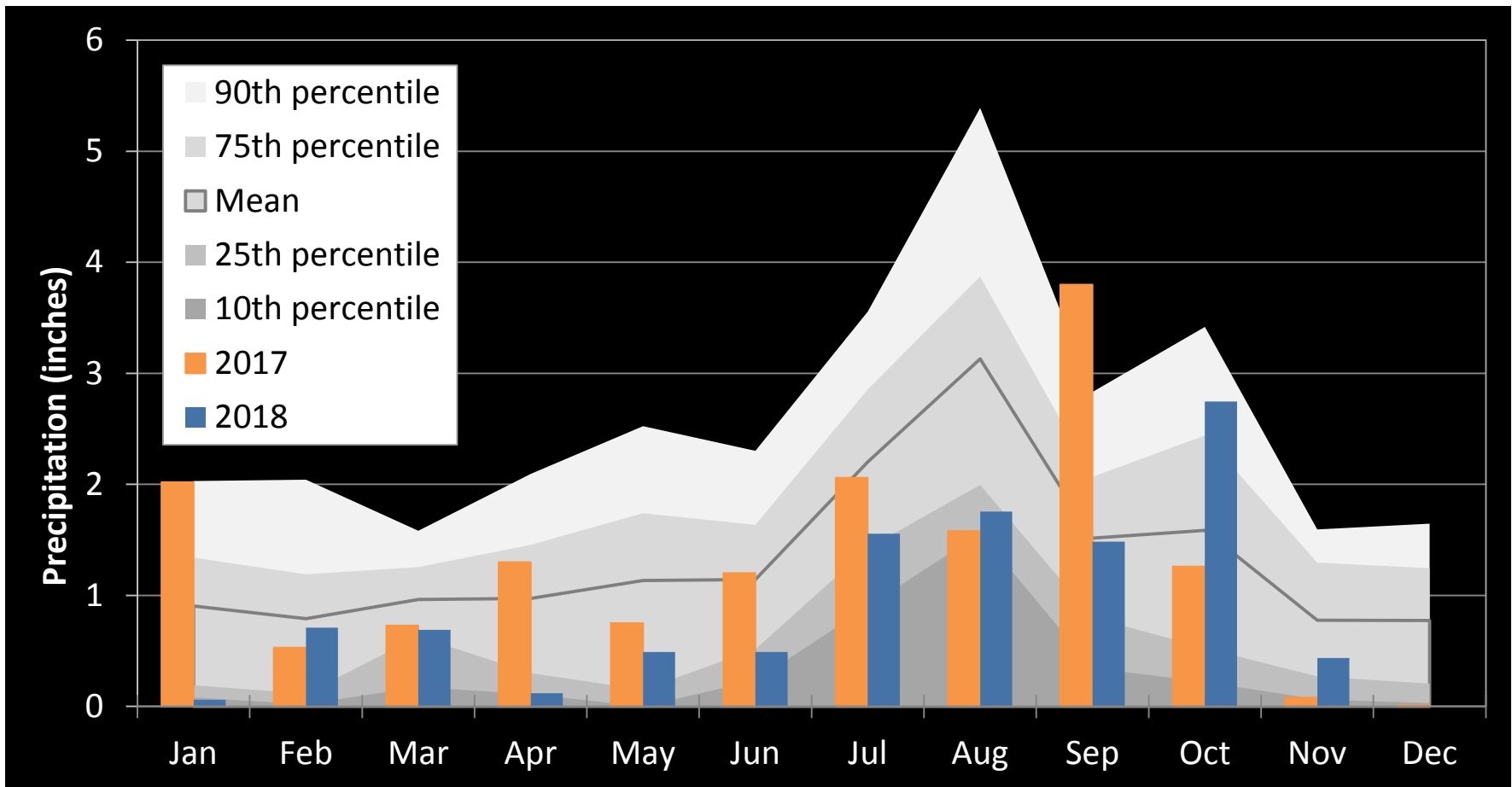


## 2018 Compared to Past Years



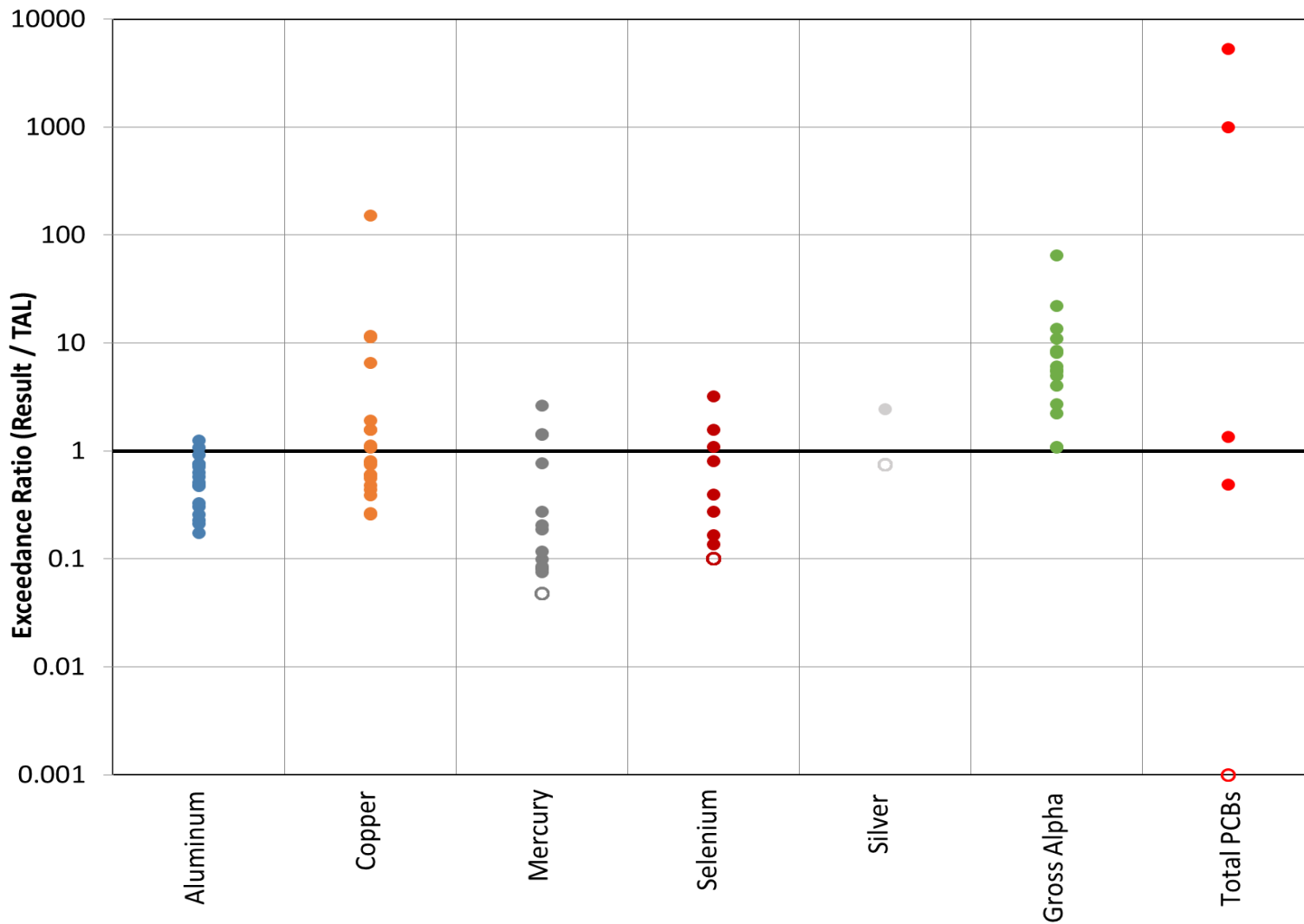


## 2018 Monitoring Year





## IP Results from 2018







## IP Results from 2018

**Blue = not Site-related**  
**Pink = potentially Site-related**

2018 IP Sampling Locations	TAL Exceedances						
	Aluminum	Copper	Mercury	Selenium	Silver	Gross alpha	Total PCB
3M-SMA-0.2	X	X	X	X		X	
A-SMA-1.1	X	X	X	X		X	
A-SMA-3	X	X				X	X
A-SMA-4	X	X	X	X		X	
CDV-SMA-7	X	X	X			X	
CDV-SMA-9.05	X	X				X	
CHQ-SMA-1.02		X					
CHQ-SMA-1.03	X	X				X	X
CHQ-SMA-2	X	X	X			X	
CHQ-SMA-4	X	X	X	X		X	X
CHQ-SMA-7.1	X	X	X			X	
PJ-SMA-3.05	X	X				X	
PJ-SMA-5		X					
PT-SMA-4.2						X	
PJ-SMA-11	X	X	X	X		X	
PJ-SMA-18	X	X				X	X
STRM-SMA-1.5	X	X	X		X	X	





## TAL Exceedances (2010 TALs)

No.	Analyte	Freq.	TAL basis	# SMAs exceeding	# SMAs not exceeding	total # SMAs sampled	required # SMAs	# SMAs with no sample
1	PCBs*	84%	ATAL	43	8	51	78	27
2	gross alpha**	64%	ATAL	105	59	164	250	86
3	copper (F)	51%	MTAL	84	80	164	250	86
4	aluminum (F)	24%	MTAL	39	125	164	250	86
5	zinc (F)	12%	MTAL	20	144	164	250	86
6	mercury (UF)	6%	ATAL	10	154	164	250	86
6	mercury (UF)	5%	MTAL	8	156	164	250	86
7	radium	4%	ATAL	7	157	164	250	86
8	silver (F)	2.4%	MTAL	4	160	164	250	86
9	RDX	2.3%	ATAL	1	42	43	66	23
10	cadmium (F)	1.8%	MTAL	3	161	164	250	86
11	selenium (UF)	1.8%	ATAL	3	161	164	250	86
12	lead (F)	1.8%	MTAL	3	161	164	250	86
13	arsenic (F)	0.6%	ATAL	1	163	164	250	86
13	arsenic (F)	0.0%	MTAL	0	164	164	250	86
14	antimony (F)	0.0%	ATAL	0	164	164	250	86
15	boron (F)	0%	ATAL	0	164	164	250	86
16	chromium (F)	0%	MTAL	0	164	164	250	86
17	cobalt (F)	0%	ATAL	0	164	164	250	86
18	nickel (F)	0%	MTAL	0	164	164	250	86
11	selenium (UF)	0%	MTAL	0	164	164	250	86
19	thallium (F)	0%	ATAL	0	164	164	250	86
20	vanadium (F)	0%	ATAL	0	164	164	250	86
21	cyanide (WAD)	0%	both	0	160	160	250	90
22	dioxin	0%	ATAL	0	2	2	3	1
25	3 SVOCs	0%	both	0	21	21	36	15
36	11 pesticides	0%	both	0	1	1	4	3
37	TNT	0%	ATAL	0	43	43	66	23
	2015 draftaluminum (UF)	92%	MTAL	11	1	12		
	2015 draftmercury (F)	0%	both	0	14	14		

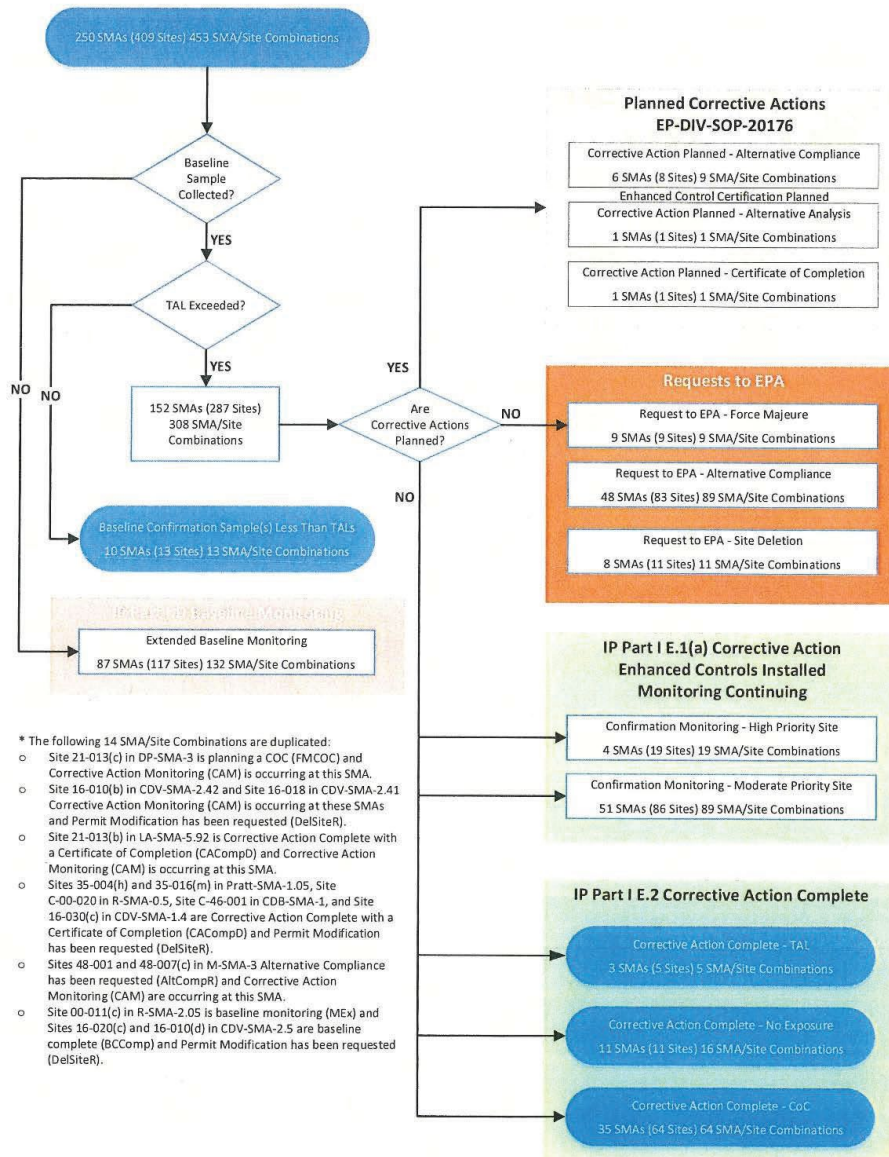
Top 5 analytes exceeding TALs

24 analytes consistently not exceeding TALs





## Individual Permit Path to Corrective Action Completion – 5/31/2018



- 83 sites-Alternative Compliance
- 11 sites-deletions requested
- 105 sites-confirmation monitoring
- 5 sites-corrective action complete - <TALs
- 11 sites-corrective action complete – no exposure
- 64 sites-corrective action complete – Certificates of Completion

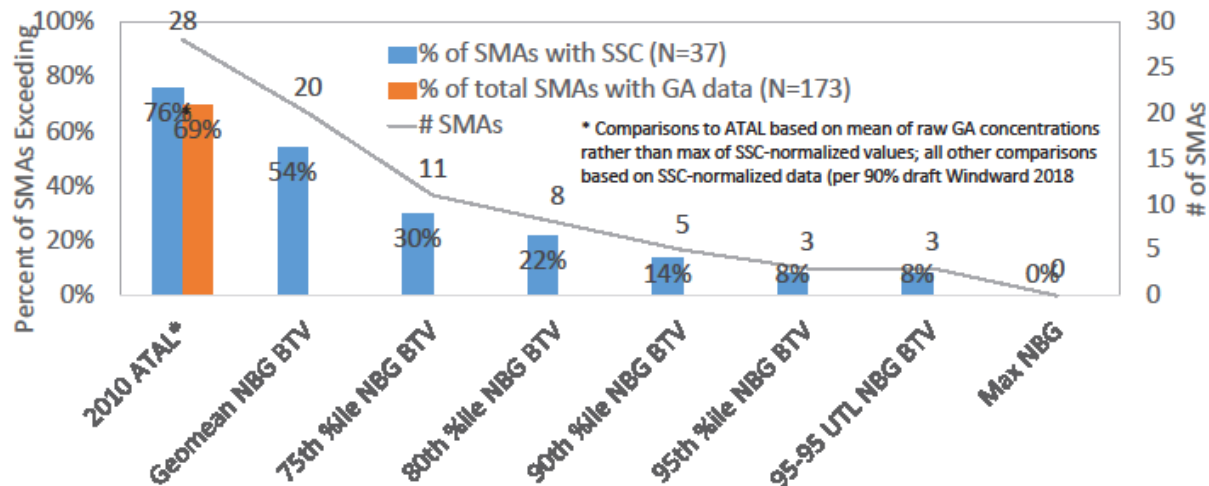






DRAFT for Discussion

## Gross Alpha Threshold Exceedances for SMAs with Available Data (results used in previous slide)



Data for SMAs with only BCM-phase samples, or CA-phase data only where BCM-phase samples completed. Plot is limited to 37 SMAs with concurrent SSC and gross alpha sample results thru 2018.

11/14/2018 Webinar #3 Confirmation Monitoring, SIP & SSD

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SMA – Site Monitoring Areas  
 NBG – Natural BackGround  
 BTV – Background Threshold Value  
 UTL – Upper Threshold Limit





- 2 Paths to Completion of Corrective Action unusable
  - Control measures totally retain and prevent discharge (Part I, E.2.(b))
  - Certificates of completion under NMED's Consent Order (Part I, E.2.(d))
- Natural and developed backgrounds weren't accepted
  - Natural background data set considered too small by Surface Water Quality Bureau (SWQB)
  - Developed background/urban runoff impacting alternative compliance
- Process overly complicated and loops back to redo work
- EPA staffing constraints for document review (e.g., alternative compliance)







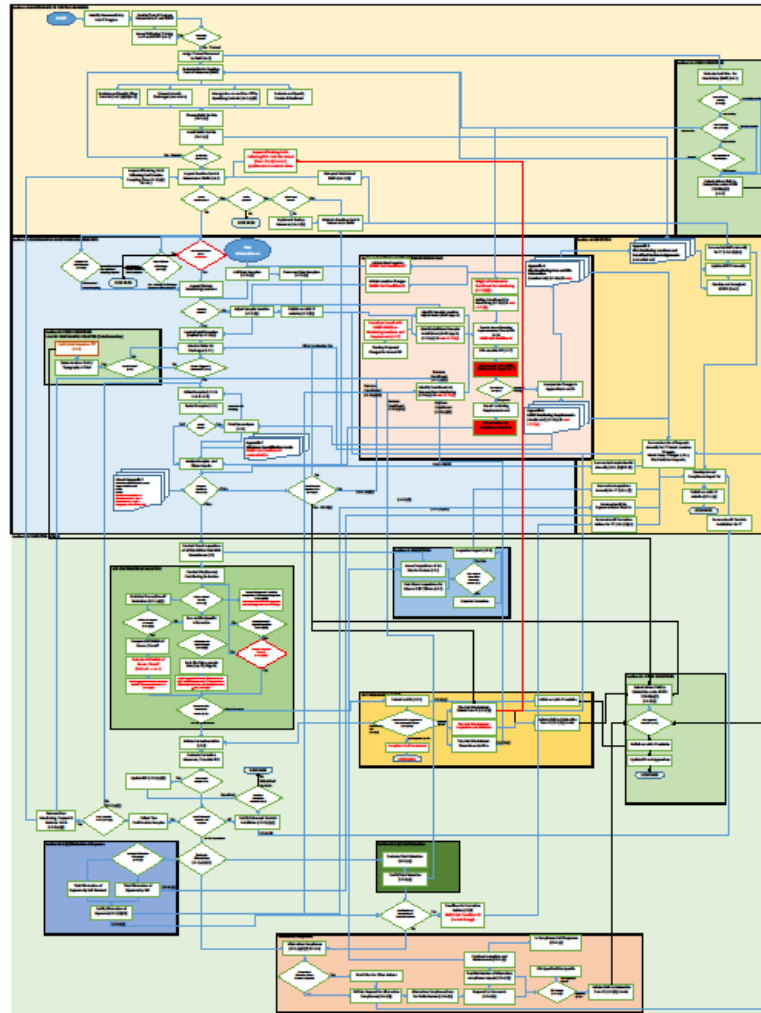
- 2014 submitted renewal application (Vol. I, Vol. II, draft)
  
- 2015 submitted supplement with updated appendices
  - new sites and SMAs,
  - sampling constituents,
  - permitted features,
  - control measures installed
  
- EPA received substantial comments and a State (NM) certification that EPA could not reconcile





# Renewal Application and Response (cont.)

- ❑ Map of complicated draft renewal permit issued by EPA for comment
- ❑ Red text, boxes and lines are problematic and likely contributed to EPA not issuing the renewal permit



Not Meant  
to be  
Readable





- EM-LA and Contractor visited EPA in June 2018
  - Identified half a dozen items we thought EPA was having problems with
- EPA was none-specific in response
  - Did indicate that if we worked on what we mentioned, they would have an easier time issuing a permit
- Agreed we could update application and restart process
  - Progress since submittal/supplement
  - New information from additional Consent Order investigations
  - Suggested changes to text





- Met with NMED-SWQB, EPA, and CCW on 09/19/2019
  
- Workshops on problem sections
- Complete application and red-line strikeout text
- General agreement before submittal
  - NMED-SWQB, EPA, and CCW
- Submit and discuss package with EPA
  
- EPA develop/publish new draft IP for public comment
- NMED-SWQB issue state certification on new draft IP
- EPA issue revised IP





- Delete 24 analytes consistently not exceeding TALs
- Update TALs
  - Hardness, aluminum, Biotic Ligand Model (BLM), BTV, etc.
  - Address background
- Reorganize confirmation monitoring sequencing
  - For annual Sampling Implementation Plan (SIP) inputs
- Identification of site-related constituents
- Modify site removal/deletion criteria
- Fix run-on and run-off calculations
  - Address natural and developed backgrounds
- Connect previous work (e.g., alternative compliance) to new background information without starting over







- #1 on Stormwater BTVs
- #2 on Aluminum and BLM
- #3 on Confirmation Monitoring, SIP, and Site-Specific Demonstration (SSD)
  - Talked specific alternative text possibilities
- #4 on Paths to Completion
  - Talked specific alternative text possibilities
- #5 on Pending Requests to EPA
  - Talked specific alternative text possibilities





- Finish revisions to Volumes I and II (January)
- Develop red-line-strike-out text for problem areas (January/February)
- Workshops on red-line-strike-out text (January/February)
- Work with NMED-SWQB on potential state certification
- Prepare package for submittal to EPA
  
- EPA is furloughed – submit package after Government Shutdown ends – gives us some additional time





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# Questions

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