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September 12, 2019

Frazer Lockhart,
Program Manager
Regulatory and Stakeholder Interface
600 6th Street
Los Alamos, NM 87545

David S. Rhodes,
Director
Los Alamos Field Office
P.O. Box 1663, MS M984
Los Alamos, NM 87545

RE: Approval of Land Application of Treated Groundwater in 2019 under Discharge Permit 1793, Work Plan #5

Dear Mr. Lockhart and Mr. Rhodes:

On April 18, 2019, a meeting was held between the New Mexico Environment Department (NMED), the U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA), and Newport New Nuclear (N3B) to discuss the land application of treated groundwater in relation to Discharge Permit 1793 (DP-1793) and amendments to the Ground and Surface Water Protection Regulations 20.6.2.3103 NMAC that took effect on December 21, 2018. On June 11, 2019, NMED Ground Water Quality Bureau (GWQB) received the *Land Application of Treated Groundwater in 2019 under Discharge Permit 1793, Work Plan #5* (Work Plan) from DOE/N3B (Permittees).

As outlined in the *Multiple Activities Work Plan for the Treatment and Land Application of Groundwater from Mortandad and Sandia Canyons, DP-1793 Work Plan #5*, the Work Plan identifies chromium contaminated waters requiring treatment and discharge. The activities that produce these waters are conducted in coordination with, and as specified in, the *Interim Measures Work Plan for Chromium Plume Control*, dated May 26, 2015, and the *Work Plan for Chromium Plume Center Characterization*, dated July 28, 2015.

Due to the new toxic pollutant standards under 20.6.2.3103 NMAC and 20.6.2.7.T(2), DOE/N3B has suspended the land application of treated groundwater under DP-1793. DOE/N3B are implementing new sampling protocols and obtaining off-site analytical laboratory services to analyze for the new 20.6.2 NMAC contaminants, with the anticipation that off-site analytical services will be available in the summer of 2019.

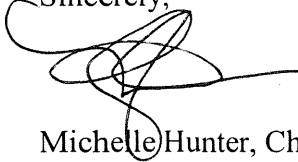
Upon availability of these analytical services, the Permittees propose taking a representative sample from a defined body of water to be land applied (e.g., lagoon, water storage tank) and analyze the sample for all new 20.6.2 NMAC contaminants. Treated groundwater that is less than 90% of the numeric standards of 20.6.2.3103 NMAC and less than 90% of the numeric value established for tap water in *NMED Risk Assessment Guidance for Site Investigations and Remediation Table A-1* for 20.6.2.7.T(2) NMAC toxic pollutants could then be land applied in accordance with the requirements of the Work Plan.

NMED concurs with this proposed sampling methodology before resuming land application of treated groundwater under DP-1793.

Approval of this request does not relieve the Permittees of the responsibility to comply with any other applicable federal, state, and/or local laws and regulations. This approval does not relieve the Permittees of liability should operations associated with the Work Plan result in actual pollution of ground or surface waters.

If you have any questions, please contact Andrew Romero at (505) 827-0076. Thank you for your cooperation.

Sincerely,



Michelle Hunter, Chief
Ground Water Quality Bureau

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cc: Shelly Lemon, NMED/SWQB
John Kieling, NMED/HWB
Steven Yanicak, NMED/DOEOB
Steve Pullen, NMED/GWQB
David Nickless, EM-LA
David Rhodes, EM-LA
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Emily Day, N3B
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