



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

July 18, 2022

Theodore Wyka
National Nuclear Security Administration
Los Alamos National Laboratory
3747 West Jemez Road, A 316
Los Alamos, NM 87544

Jenifer Payne
Environmental Protection & Compliance
Triad National Security, L.L.C.
P.O. Box 1663, MS K491
Los Alamos NM 87545

**RE: NMED REVIEW
FINAL SECOND INDEPENDENT TRIENNIAL REVIEW REPORT
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-MISC**

Dear Theodore Wyka:

On March 25, 2022, the New Mexico Environment Department (NMED) received *Response to New Mexico Environment Department Comment to the Final Second Independent Triennial Review Report* (Response) and referenced by EPC-DO-22-079/LAUR-22-22068.

Background:

The *Independent Triennial Reviews* were required by the Settlement Agreement and Stipulated Final Order HWB-14-20, entered by the New Mexico Environment Department (NMED) (Complainant), the U.S. Department of Energy (DOE), and Los Alamos National Security, LLC (LANS) on January 22, 2016. In November 2018, Triad National Security, LLC (Triad) became the management and operations contractor for DOE/National Nuclear Security Administration (NNSA) replacing LANS. DOE and Triad are now collectively referred to as the Respondents for the purpose of this letter.

The Respondents provided NMED with the Second Triennial Review Scope of Work and Guidelines on February 24, 2021. Parsons Enterprise Construction Management Services, the independent contractor was hired by DOE to conduct the second triennial review. The cover letter to the Report, states that the contractor submitted its final report to the Respondents on September 30, 2021.

On October 6, 2021, NMED received *Settlement Agreement and Stipulated Final Order HWB-14-20, Supplemental Environmental Project Second Triennial Review Final Report* (Report) from the DOE. NMED (Surface Water Quality Bureau and Hazardous Waste Bureau) reviewed the Report and on January 26, 2022, provided comments on the Report.

NMED has reviewed the Respondents' Response and is providing the attached comments for clarification purposes, the Respondents do not need to respond to these comments.

NMED acknowledges that for the Second Triennial Review, the Respondents have met the requirements of the Settlement Agreement and Stipulated Final Order HWB-14-20.

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Theodore Wyka and Jennifer Payne

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If you have any questions regarding this letter, please contact Neelam Dhawan of my staff at (505) 476-6042

Sincerely,

Rick Shean

Digitally signed by Rick

Shean

Date: 2022.07.18

12:09:48 -06'00'

Rick Shean

Chief

Hazardous Waste Bureau

Attachment: NMED Comments

cc:

N. Dhawan, NMED HWB

S. Lucas Kamat, SWQB

S. Briley, NMED HWB

L. Dean, NMED SWQB

L. King, US EPA Region 6

C. Brown, NA-LA

K. Armijo, NA-LA

A. Bennet, NA-LA

P. Padilla, Triad

A. Duran, EM-LA

locatsteam@lanl.gov

epccorrespondence@lanl.gov

Regdocs@em-la.doe.gov

adesh-records@lanl.gov

lasomailbox@nnsa.gov

File: 2022 LANL, NMED Comments Second Independent External Triennial Review Los Alamos
National Laboratory, SFO HWB-14-20
LANL-MISC

Attachment
NMED Comments on the Second External Triennial Review Report

Please note that comment numbers referenced below correspond to the NMED's original comments provided to the Respondents in January 2022.

The Respondents' responses for the comments numbered 1, 2, 3, and 4 are acceptable.

However, comments numbered 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 should be resolved with the Surface Water Quality Bureau, outside of the Triennial Review. Please copy Hazardous Waste Bureau on all the correspondence related to these comments.

Appendix B: NPDES Multi-Sector General Permit NM0028355

6. Section 1.1.6.2(a) Eligibility for "New Dischargers" and "New Sources" for Water-Quality Impaired Waters, page B-4

Statement in Report: *Stormwater controls prevent the discharge of groundwater for metals and polychlorinated biphenyls (PCBs) as well as possible. Stormwater Pollution Prevention Plans (SWPPPs) document procedures.*

NMED Comment: In addition to visual inspection of SWMPP [SWPPP], and the use of BMPs the Permittees must also review monitoring data to confirm metals and PCBs are not present.

Permittee Response (NA-LA/Triad): The NPDES Multi-Sector General Permit number listed above is incorrect. It should be NMR050000 instead of NM0028355.

1. Part 1.1.6.2(a) of the 2021 MSGP is applicable to new dischargers and new sources. The Second Independent External Triennial Review Report should have indicated this requirement was not applicable to Triad since Triad is an existing MSGP facility as defined in Table 1-2 of the 2021 MSGP.
2. The review of monitoring data to confirm metals and PCBs are not present is not a permit requirement in Part 1.1.6.2(a).
3. Triad agrees that it is a good practice to review monitoring data and such reviews are completed in accordance with 2021 MSGP requirements. Please refer to the compliance discussion for Section 4.2.5, Impaired Waters Monitoring (page B-46) in Appendix B of the Second Independent External Triennial Review Report, which includes review of sampling records.

Permittee Response (EM-LA/N3B): As part of implementing the requirements of the 2021 MSGP, N3B monitors stormwater runoff, collects representative samples for analysis and reviews data for indications of pollutants.

NMED Clarification: NMED acknowledges the typographical error, the MSGP should be NMR050000 and not NM0028355. It is not clear either from DOE-NNSA/Triad or EM-LA/N3B responses that PCBs will be sampled and monitored moving forward. The Respondents should sample for PCBs and other pollutants due to the Facility's history of PCB contamination and discharges to impaired streams.

Appendix E

21. NMED General Comment (January 2022): The Permittees have not demonstrated that identified permit violations (e.g., correction of missing spill kits, improper waste storage) have been documented, and corrected to prevent re-occurrence.

Permittee Response (NA-LA/Triad): *The Parsons Triennial Review Team observations for Triad managed permitted units are included in Fiscal Year 2021 Reporting of Releases and Instances of Noncompliance with the Los Alamos National Laboratory Hazardous Waste Facility Permit, Los Alamos National Laboratory, EPA ID #NM0890010515 (ESHID-603668). All storage and spill kit deficiency observations by the Parsons Triennial Review Team for Triad-managed areas occurred in generator accumulation areas; therefore, they were not included in the annual report. All of these observations were corrected immediately or shortly after the observation occurred and seemed to be isolated instances. They do not appear to indicate the symptoms of larger, systemic issues that may warrant formal corrective action plans. Prevention of reoccurrence by Triad is conducted through continued diligent operations by facility personnel and implementing/maintaining suggestions as outlined in the Parsons Triennial Review Report.*

Permittee Response (EM-LA/N3B): *Through its review of N3B's implementation of the HWFP, the Triennial Review Team identified eight pre-decisional observations that were noted as potential environmental regulatory violations. In each case, N3B provided appropriate documentation to demonstrate correction of the potential violation such that each pre-decisional observation was closed. The information provided for each observation is discussed in Appendix E of the Parsons Triennial Review Report. As a result of the triennial review and, specifically, several observations related to the HWFP review, N3B revised procedures, implemented changes to inspection requirements, and provided additional training to promote compliance overall and prevent reoccurrence of potential permit violations. Environmental regulatory violations identified by the triennial review were included in N3B's noncompliance report for 2021.*

NMED Clarification: The Triennial Report was provided to NMED for completeness review in October, and the submittal of the Annual Non-compliance report was in December, NMED didn't have access to the report in October. NMED is aware that non-compliances are documented in the annual non-compliance report, but sufficient details should have been provided in the triennial review to demonstrate that the non-compliances were addressed and documented.