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Environmental Management
 Los Alamos Field Office
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Date: July 27, 2023
Refer To: N3B-2023-0240

Carol Johnson
 Enforcement and Compliance Assurance Division
 U.S. Environmental Protection Agency, Region 6
 1201 Elm Street, Suite 500 (6 ECD-WR)
 Dallas, Texas 75270-2102

Subject: NPDES Permit No. NM0030759 – Submittal of Compliance Schedule for Corrective Action at 34 Site Monitoring Areas

Dear Ms. Johnson:

This letter is being submitted in accordance with the requirements of the U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit No. NM0030759 for discharges of stormwater at Los Alamos National Laboratory (Individual Permit or Permit). The Permit was issued to Newport News Nuclear BWXT-Los Alamos, LLC (N3B) and the U.S. Department of Energy Environmental Management Los Alamos Field Office (EM-LA), effective August 1, 2022. As specified in Part I, Section D.3,

For Sites which installation of additional control measures has been started prior to the effective date of the final permit, the Permittees shall complete it as soon as practicable. If such control measures have not been started prior to the effective date of the permit, and more than 24-months will be required to complete corrective action at a particular Site, the permittee shall submit a compliance schedule to complete installation as soon as practicable but no later than the expiration date of this permit.

Comment #3 of EPA's comments on the draft "2022 Annual Sampling Implementation Plan" (SIP) received via email on May 3, 2023 states,

Per Part I.C.2.b.(i) – SW Tier 3; When the confirmation sample result for one or more POCs exceeds the TAL and 90th percentile composite BTV, the SMA shall enter corrective action per Part I.D. As last resort, Permittees may also seek to place a Site into Alternative Compliance per Part I.D.2; whereby corrective action shall be accomplished on a case-by-case basis pursuant to an individually tailored control measure approved by the EPA. The SIP must clearly indicate that Corrective Action procedures required by Part I.C.2.b.(i) will commence upon sampling results indicate

that at least one POC has exceeded TAL and BTV regardless of whether sampling has not been completed for all Site POCs.

The Site status list should clearly indicate whether they are in Corrective Action (i.e., have completed all Confirmation Monitoring and one or more POCs have exceeded TALs and BTVs), Active Monitoring (i.e., have not completed Confirmation Monitoring for all POCs and for those completed non exceeded TALs and BTVs) or in a combination of the two (i.e., Corrective Action for some POCs and in Active Monitoring for POCs that have not yet completed Confirmation Sampling).

In the draft SIP submitted March 30, 2023 (N3B-2023-0097) the Permittees identified 11 site monitoring areas (SMAs) (2M-SMA-2, CDB-SMA-0.15, CHQ-SMA-1.02, LA-SMA-1, M-SMA-10.3, S-SMA-5.2, M-SMA-12, M-SMA-12.5, M-SMA-12.8, M-SMA-12.9, and M-SMA-13) where corrective action was initiated before the effective date of the final Permit. Completion of corrective action at those SMAs within the permit-designated timeline is on schedule and does not require a compliance schedule at this time. Based on the above comment received from EPA, the Permittees have identified 34 additional SMAs that will require corrective action because of samples collected under the administratively continued 2010 Permit where one or more pollutants of concern (POCs) exceeded the target action limit (TAL) and/or background threshold value (BTV). Permit Part I.D.3 requires that corrective action be completed within 24 months. Because of the magnitude of SMAs identified for corrective action as a result of the comment received from EPA, these corrective action projects will not be completed in the Permit-required 24 months; thus the Permittees have developed a compliance schedule for the completion of corrective action at these 34 SMAs, listed in Table 1. These 34 SMAs have been prioritized for corrective action based on a scoring that combines the number of POCs that exceeded the TAL and/or BTV (1 POC exceeds = value of 1) and the level of exceedance above the TAL (Table 2).

Table 1
Compliance Schedule for 34 SMAs

SMA	Scheduled Project Completion
S-SMA-2	FY* 2024
S-SMA-3.53	FY 2024
M-SMA-6	FY 2024
T-SMA-1	FY 2024
LA-SMA-5.02	FY 2025
LA-SMA-0.85	FY 2025
LA-SMA-4.1	FY 2025
S-SMA-0.25	FY 2025
S-SMA-3.72	FY 2025
M-SMA-1.2	FY 2025
S-SMA-1.1	FY 2026
M-SMA-1	FY 2026

SMA	Scheduled Project Completion
2M-SMA-1.9	FY 2026
CDV-SMA-2.41	FY 2026
P-SMA-3.05	FY 2026
ACID-SMA-2	FY 2026
ACID SMA-2.1	FY 2026
DP-SMA-0.4	FY 2026
S-SMA-3.6	FY 2026
LA-SMA-5.361	FY 2026
CDB-SMA-0.25	FY 2027
CDB-SMA-0.55	FY 2027
M-SMA-4	FY 2027
M-SMA-7	FY 2027
T-SMA-6.8	FY 2027
T-SMA-7.1	FY 2027
2M-SMA-1.7	FY 2027
2M-SMA-1.8	FY 2027
3M-SMA-4	FY 2027
PJ-SMA-20	FY 2027
STRM-SMA-1.05	FY 2027
W-SMA-9.7	FY 2027
A-SMA-6	FY 2027
CHQ-SMA-1.03	FY 2027

* FY = Fiscal year.

Table 2
TAL Exceedance Ratio and Score

TAL Exceedance Ratio Range	Exceedance Score
1 to 5 × TAL	0
5 to 20 × TAL	1
20 to 200 × TAL	2
>200 × TAL	3

This letter was signed in accordance with 40 Code of Federal Regulations 122.22(b) and will also be posted to the Individual Permit public website (<https://ext.em-la.doe.gov/ips>).

If you have any questions, please contact Christian Maupin at (505) 695-4281 (christian.maupin@em-la.doe.gov) or Brian Harcek at (505) 692-4261 (brian.harcek@em.doe.gov).

Sincerely,

Troy Thomson
Program Manager
Environmental Remediation
N3B-Los Alamos

Sincerely,

Digitally signed by BRIAN HARCEK
Date: 2023.07.26 11:55:03 -06'00'

Brian Harcek, Acting Co-Director
Office of Quality and Regulatory Compliance
U.S. Department of Energy
Environmental Management
Los Alamos Field Office

cc (letter emailed):

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 - Laurie King, EPA Region 6, Dallas, TX
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