



N3B-Los Alamos
 1200 Trinity Drive, Suite 150
 Los Alamos, New Mexico 87544
 (505) 257-7690



Environmental Management
 Los Alamos Field Office
 P.O. Box 1663, MS M984
 Los Alamos, New Mexico 87545
 (505) 257-7950/FAX (505) 606-2132

Date: April 17, 2020
Refer To: N3B-2020-0148

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

Subject: Notification of Force Majeure and Anticipated Noncompliance due to Partial Stop-Work Order for Activities under National Pollutant Discharge Elimination System Permit Number NM0030759

Dear Ms. Johnson and Mr. Jones:

The U.S. Department of Energy Environmental Management Los Alamos Field Office (EM-LA) and Newport News Nuclear BWXT-Los Alamos, LLC (N3B), collectively the Permittees, submit this letter pursuant to Part I.E.4(c) and Part III.D.2 of the National Pollutant Discharge Elimination System (NPDES) Permit No. NM0030759 (Individual Permit). This letter provides formal notice to Region 6 of the U.S. Environmental Protection Agency (EPA) of a force majeure event and anticipated noncompliance for activities required by the Individual Permit resulting from the partial stop-work order caused by the COVID-19 pandemic.

As a prudent response to the current situation regarding COVID-19 in New Mexico, effective on March 24, 2020, EM-LA began transitioning to an essential mission critical activities (EMCA) status. EM-LA is choosing to take this action out of an abundance of caution and in an effort to limit the spread of the virus. During this period, activities that support our cleanup mission will be limited to those necessary to ensure the safety of the public, our workers, and the environment. In direct response to this order, EM-LA and N3B activities at the Los Alamos National Laboratory facility have been limited to those actions considered EMCAs. This EMCA status is expected to remain in place until no longer needed to support COVID-19 protection measures. At this time, our ability to implement requirements specified in the Individual Permit, including the collection of storm water samples (Part I.D), maintenance and repair of control measures (Part I.8.2), construction of enhanced control measures (Part I.E), and completion of required inspections (Part I.B.2) will be impacted.

EM-LA/N3B have identified the following current or anticipated noncompliances due to the partial stop-work order:

- Storm water samplers will not be activated per our traditional, self-imposed target date of April 1 for approximately 129 site monitoring areas (SMAs); therefore SMA sampling directed by Part I.D. of the Individual Permit will not initially be conducted.
- Control measures and storm water management devices at any site affected by a storm rain event will not be inspected as directed by Part I.G.2 of the Individual Permit.
- Site W-SMA-9.5 certification of completion of installation of control measures within 30 days of completion in accordance with Part I.E.1.(c) of the Individual Permit will be delayed.
- Site P-SMA-2.2 completion of corrective action (construction of enhanced controls) within 1 year following the first successful confirmation sampling event at a high-priority Site as required by Part I.E.1.(d) of the Individual Permit may be delayed.
- Site PJ-SMA-9.2 installation of baseline control measures within 6 months as directed by Part I.B.1 of the Individual Permit will be delayed. Note: the need for additional baseline control measures was identified during the sampling implementation plan process in 2018, and these control measures were planned for installation in April 2020.

Upon termination of the EMCA status, EM-LA and N3B anticipate a remobilization of the work force and eventual resumption of activities to normal operations. Given the unprecedented nature of the current partial shutdown order and the facility-wide impacts from that order, EM-LA/N3B is unable to accurately describe the expected duration of the delay, the actions taken or to be taken to minimize the delay, or the timetable by which those actions are expected to be implemented as required by Part I.E.4(c) of the Individual Permit. However, EM-LA/N3B will notify Region 6 of the EPA as soon as the EMCA status is modified. Additionally, EM-LA/N3B will continue to update Region 6 of the EPA as additional Individual Permit obligations become impacted.

If you have questions, please contact Emily Day at (505) 695-4243 (emily.day@em-la.doe.gov) or David Nickless at (505) 553-5441 (david.nickless@em.doe.gov).

Sincerely,



Elizabeth Lowes
Program Manager
Environment, Safety and Health
N3B-Los Alamos

Sincerely,

David
Nickless

Digitally signed by David
Nickless
Date: 2020.04.17
13:40:41 -06'00'

David Nickless, Acting Director
Office of Quality and Regulatory Compliance
Environmental Management
Los Alamos Field Office

cc (letter emailed):

Isaac Chen, EPA Region 6, Dallas, TX
Laurie King, EPA Region 6, Dallas, TX
Brent Larsen, EPA Region 6, Dallas, TX
Sarah Holcomb, NMED-SWQB

Shelly Lemon, NMED-SWQB
Rebecca Roose, NMED-WPD
Chris Catechis, NMED-DOE-OB
Steve Yanicak, NMED-DOE-OB
Arturo Duran, EM-LA
David Nickless, EM-LA
Cheryl Rodriguez, EM-LA
William Alexander, N3B
Don Carlson, N3B
Emily Day, N3B
Mary Erwin, N3B
Debby Holgerson, N3B
Kim Lebak, N3B
Joseph Legare, N3B
Dana Lindsay, N3B
Frazer Lockhart, N3B
Elizabeth Lowes, N3B
Pamela Maestas, N3B
Jason Moore, N3B
Glenn Morgan, N3B
Joseph Noll, N3B
Gerald O’Leary III, N3B
Gary Pool, N3B
Bruce Robinson, N3B
Karly Rodriguez, N3B
Bradley Smith, N3B
Steve Veenis, N3B
Tashia Vigil, N3B
Jennifer von Rohr, N3B
Amanda White, N3B
emla.docs@em.doe.gov
n3brecords@em-la.doe.gov
Public Reading Room (EPRR)
PRS Website

Pamela T. Maestas

From: Johnson, Carol <johnson.carol@epa.gov>
Sent: Monday, April 20, 2020 6:35 AM
To: Pamela T. Maestas; Jones, Curry
Cc: cheryl.rodriguez@em.doe.gov; Emily M. Day; McDonald, Scott; Elizabeth Lowes; Jennifer Von Rohr; Regulatory Documentation
Subject: RE: Submittal to EPA on 4/17/2020 of NPDES IP Force Majeure Notification

Good morning Ms. Maestas. Your email notification was received.

Thank you.
Sincerely,

Carol Johnson

Compliance Assurance and Enforcement Division
US Environmental Protection Agency
1201 Elm St., Suite 500 (6 ECD-WR)
Dallas, TX 75270
johnson.carol@epa.gov
(214) 665-8471

THERE IS NO "WE" IN BACON.

From: Pamela T. Maestas <pamela.maestas@em-la.doe.gov>
Sent: Friday, April 17, 2020 3:40 PM
To: Johnson, Carol <johnson.carol@epa.gov>; Jones, Curry <jones.curry@epa.gov>
Cc: cheryl.rodriguez@em.doe.gov; Emily M. Day <Emily.Day@em-la.doe.gov>; Elizabeth Lowes <elizabeth.lowes@em-la.doe.gov>; Jennifer Von Rohr <Jennifer.VonRohr@EM-LA.DOE.GOV>; Regulatory Documentation <RegDocs@EM-LA.DOE.GOV>
Subject: Submittal to EPA on 4/17/2020 of NPDES IP Force Majeure Notification

Ms. Johnson and Mr. Jones,

Attached for submittal is a pdf of the following:

- Notification of Force Majeure and Anticipated Noncompliance due to Partial Stop-Work Order for Activities under National Pollutant Discharge Elimination System Permit Number NM0030759

Please acknowledge receipt of this submittal by responding to this email.

Let me know if you have any questions.

Thank you.

Pamela T. Maestas
Regulatory Documentation Manager
Newport News Nuclear BWXT-Los Alamos, LLC
c. 505-927-7882
regdocs@em-la.doe.gov



1200 Trinity Drive, Suite 150
Los Alamos, NM 87544