

# EXHIBIT 6

In Re: Los Alamos National Laboratory  
NPDES Permit No. NM0030759



NEW MEXICO  
ENVIRONMENT DEPARTMENT



*Surface Water Quality Bureau*

BILL RICHARDSON  
Governor  
DIANE DENISH  
Lieutenant  
Governor

1190 South St. Francis Drive, Room N2050  
P.O. Box 26110, Santa Fe, NM 87502-6110  
Phone (505) 827-0187 Fax (505) 827-0160  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)

RON CURRY  
Secretary  
JON GOLDSTEIN  
Deputy Secretary

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Original Via UPS -- Copy via Telefax - (214) 665-7373

May 8, 2008

Mr. Miguel Flores  
Director  
Water Quality Protection Division (6WQ)  
U. S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Re: State Certification

Dear Mr. Flores:

Enclosed, please find the state certification for the following proposed NPDES permit: Los Alamos National Laboratory -- Permit #NM0030759

Thank you for the time extension to provide this certification. The additional time allowed the New Mexico Environment Department the opportunity to attend EPA's public meeting in Los Alamos, NM on March 4 and to hear public concerns regarding this important permit. Further, we were also able to accommodate a request from members of the public who desired to speak with the Department regarding the certification of the permit.

If any, comments and conditions are enclosed on separate sheets.

Sincerely,

Marcy Leavitt, Chief  
Surface Water Quality Bureau

cc: (w/enclosures)

Ms. Diane Smith, USEPA (6WQ-CA)

Michael Saladen, LANS, LLC, P.O. Box 1663, MS K490, Los Alamos, New Mexico 87545-0001

Mr. Donald L. Winchell Jr., Manager via Certified Mail (7005 1820 0001 5709 1194)  
National Nuclear Security Administration  
Los Alamos Site Office, MS A316  
528 35<sup>th</sup> Street  
Los Alamos, New Mexico 87544

Mr. Richard S. Watkins, Associate Director via Certified Mail (7005 1820 0001 5709 1200)  
Environment, Safety, Health & Quality, MS A104  
Los Alamos National Security, LLC  
P.O. Box 1663  
Los Alamos, New Mexico 87545

Mr. Richard Greene, Regional Administrator  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX 75202-2733

Date: May 8, 2008

STATE CERTIFICATION

RE: Los Alamos National Laboratory -- Permit Number NM0030759

Dear Mr. Greene:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- denies certification for the reasons stated in the attachment
- waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Glenn Saums, (505) 827-2827, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,



Marcy Leavitt, Chief  
Surface Water Quality Bureau

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**Conditions of Certification**

*The following condition is in addition to the condition of certification which requires the use of the Congener Method (Method 1668A) for purposes of PCB monitoring sent by letter dated January 15, 2008 to Claudia Hosch, Chief, USEPA Region 6 NPDES Permits Branch from Marcy Leavitt, Chief, Surface Water Quality Bureau.*

The following revisions are necessary to ensure that discharges allowed under the NPDES permit protect State water quality standards adopted in accordance with §303 of the Clean Water Act (CWA) and the New Mexico Water Quality Act [Chapter 74, Article 6 NMSA 1978]. State water quality standards are published in the document entitled *Standards for Interstate and Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 NMAC (As amended through August 1, 2007)* (WQS).

USEPA regulations at 40 CFR 122.44(d)(1)(i) require that permit

*[l]imitations must control all pollutants or pollutant parameters ... which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard ...*

**Condition #1** Statement of Basis, Part VII, page 9 (Action Levels) states, “[a] hardness of 100 mg/l as CaCO<sub>3</sub> is used to establish hardness dependent WQS for further action purposes.” A hardness of 100 mg/l as CaCO<sub>3</sub> was therefore used to calculate the Maximum Target Level (MTL) for the following hardness-dependent acute aquatic life criteria per 20.6.4.900.I (1) NMAC: dissolved silver, dissolved cadmium, dissolved chromium, dissolved copper, dissolved lead, dissolved nickel and dissolved zinc. These calculated MTLs were then included in Statement of Basis, Part VII, Table 1 and Proposed Permit, Part I.C. Comparison of monitoring data to these MTLs provides the basis for determining the effectiveness of Best Management Practices (BMPs) implemented by the permittee to reduce concentrations of pollutants in storm water to below the applicable WQS. Further, these values were used to calculate the reasonable potential for discharges of these pollutants from each Site Monitoring Area (SMA) to cause or contribute to exceedances of these acute aquatic life criteria. This analysis was then used to determine which, or if, metals are to be monitored at each SMA.

Los Alamos National Laboratory (LANL) has analyzed over 1300 filtered samples of storm water collected at LANL for hardness since a Federal Facilities Compliance Agreement (FFCA) was initiated at this facility in early 2005. Surface Water Quality Bureau (SWQB) has recently been made aware that the mean hardness value for those filtered samples of storm water is approximately 30 mg/L as CaCO<sub>3</sub>. Guidance available to SWQB during the preparation of this document indicates that the dissolved fraction of hardness (calcium, magnesium, etc.) is the critical fraction influencing aquatic life toxicity for metals, appears to be the basis for metals toxicity criteria development, and should be used to calculate hardness-dependent numeric aquatic life criteria.

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Therefore, based on this site-specific data, SWQB requires that EPA incorporate the following MTLs for acute aquatic life criteria calculated using a hardness value of 30 mg/L as CaCO<sub>3</sub> rather than 100 mg/L as CaCO<sub>3</sub>:

Cadmium, dissolved	0.6 µg/L
Chromium, dissolved	210 µg/L
Copper, dissolved	4.3 µg/L
Lead, dissolved	17 µg/L
Nickel, dissolved	170 µg/L
Silver, dissolved	0.4 µg/L
Zinc, dissolved	42 µg/L

In addition, SWQB requires that EPA re-analyze the reasonable potential for discharges of these pollutants from each Site covered under this proposed permit to cause or contribute to exceedances of these acute aquatic life criteria. This analysis must include all SMAs listed in Proposed Permit, Appendix C as well as all other SMAs that may not have been included in Appendix C because previous FFCA monitoring data (minimum of four data) demonstrated no reasonable potential for any pollutant to cause or contribute to an exceedance of an applicable WQS. Based on the results of this re-analysis, SWQB requires that appropriate additions be included in Appendix C. Finally, previous data collected under the FFCA for these pollutants must be analyzed and compared to these new target levels to determine site specific sampling requirements at each SMA subject to the limitations described in Proposed Permit, Part I.C (Sampling) (1), page 5, and BMP implementation/enhancement requirements. If the permittee submits appropriate additional data, which calculates a more accurate geometric mean filtered hardness value than the 30 mg/L as CaCO<sub>3</sub> calculated by the New Mexico Environment Department (NMED), SWQB has no objection to EPA's use of the more accurate value.

**Comments That Are Not Conditions of Certification**

**Comment #1** Statement of Basis, Part VII.A, page 6 and Proposed Permit, Part I.A, page 1 require that appropriate BMPs be implemented at every Site within one year from the effective date of the permit. LANL has been operating under an FFCA for control of pollutants from many of the same Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) as are included in this proposed permit, since early 2005. Although credit is given for samples collected under the FFCA, EPA does not appear to address implementation of initial, and in many cases, enhanced BMPs to comply with the provisions of the FFCA. Rather, EPA allows a schedule of BMP implementation, confirmation sampling, and required follow-up activities that do not appear to begin for up to a year, and continue for up to seven years, beginning on the issuance date of this permit. SWQB suggests that EPA incorporate a schedule in the permit that accounts for activities begun under the FFCA for each Site. For instance, if BMPs at a Site were originally implemented in 2005, confirmation sampling indicated that pollutants were above required action levels listed in the FFCA in 2006, enhanced BMPs were installed in 2007, then that Site would be at the second confirmation sample stage listed in Part I.C(3)b, page 6 of the Proposed Permit, and so on. This permit is intended to be a transition from the FFCA, not a new beginning. In fact, EPA recognizes this fact in Statement of Basis, Part VII.B, page 9 (Confirmation Sampling), which states "[b]ecause the permittee has collected many storm water

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data in compliance with the FFCA and *taken corrective actions as necessary*, this permit is designed to emphasize corrective actions more than data collection.” (emphasis added)

**Comment #2** EPA needs to clarify analytical monitoring requirements discussed in Statement of Basis, Part VII.B (Confirmation Monitoring Requirements), page 6; Statement of Basis, Part VII.B, page 9 (Confirmation Sampling); Proposed Permit, Part I.C, pages 5-7 (Sampling); and Proposed Permit, Appendix C (Site-Specific Storm Water Monitoring Requirement). Based on our understanding of proposed monitoring requirements, SWQB has a number of concerns with these requirements as written.

Statement of Basis, Part VII.B (Confirmation Monitoring Requirements), page 6 states, “[f]or all pollutants other than PCBs, if previous FFCA monitoring data (minimum of four data) have demonstrated no reasonable potential for a specific pollutant of concern, that pollutant is not listed for further confirmation. If there are less than four data collected under FFCA monitoring plan, monitoring requirement of those pollutants of concern would be listed in the permit.” This statement may be misleading and also appears to conflict with other monitoring requirements listed in the permit.

It is our understanding that if LANL has data that documents a minimum of four samples that yielded results all less than the MTL (as opposed to an average) for each potential pollutant for each SMA, then that pollutant is not listed in Proposed Permit, Appendix C but if there less than four samples, then it would be listed. But based on this language, one might assume that LANL actually has to sample pollutants listed in Appendix C for each SMA if there are less than four data points. However, this may not be the case as discussed in the other referenced parts of the Statement of Basis and Proposed Permit. For instance, Statement of Basis, Part VII.B, page 9 (Proposed Permit, Part I.C has similar language) states, “[i]f *two or more* previous analytical results show no exceedance of the MTL and ATL [Average Target Limit] for a given pollutant further monitoring of these pollutants will not be required.” (emphasis added) Although EPA may intend to require sampling of all pollutants by category when marked as such in Appendix C (e.g., “X” in metals column), SWQB requests that EPA clarify this requirement and resolve this apparent inconsistency. To aid in this clarification, SWQB suggests that EPA include an actual list of each pollutant (rather than just categories such as “metals”) to be monitored at each SMA in Appendix C.

**Comment #3** Statement of Basis, Part VII.B, page 9 (Confirmation Sampling) states, “[t]his permitting action proposes that two or more confirmation samples shall be taken, if flow occurs, within 360 days after BMPs are installed at a Site.” Proposed Permit, Part I.C (1), page 5 (Sampling) states, “[t]wo or more samples shall be taken within 360 days after the effective date of this permit or the installation of BMPs at the Sites (or SMAs).” The first of these statements implies that sampling is not required, or less than two samples are required, if no, or less than two, flows occur at a Site within 360 days. The second implies that LANL is in violation of the permit if no, or less than two, flows occur at a Site within 360 days. SWQB believes that LANL must monitor a minimum of two representative discharges from each Site, neither of which exceeds the MTL, and the average of which shows no exceedance of the ATL, to document effectiveness of BMPs, which may include elimination of the source of the pollutants. SWQB strongly suggests that EPA clarify this requirement by adding language that two representative discharges must be monitored within 360 days after the effective date of this permit or the

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installation of BMPs at the Sites (or SMAs) if two discharges occur at the Site within 360 days. But if there are less than two representative discharges within 360 days, then the remaining sample(s) must be collected as soon as possible. In addition, SWQB suggests that two confirmation samples, although probably adequate to assess the need for enhanced BMPs, are inadequate to determine the long term effectiveness of BMPs, which may include elimination of the source of the pollutants. SWQB therefore suggests that EPA include a requirement to continue to collect one/year samples from all Sites or SMAs for the term of this NPDES permit so that five years of data is available to better inform permitting decisions upon renewal.

**Comment #4** Statement of Basis, Part VII.B, page 9 (Confirmation Sampling), in reference to ~~claimed background contributions of aluminum, gross alpha, and radium 226 + 228, states, [i]f~~ appropriate BMPs are installed, those pollutants are still shown above MTL or ATL, EPA will allow a study to determine the naturally occurring levels of these pollutants. EPA will determine the compliance status based on the study report, on-site BMPs and any supporting document on a case-by-case basis." If compliance with permit target levels is, or becomes, a compliance issue in part due to background concentrations, SWQB suggests that LANL take all practicable steps to eliminate background sources from its outfalls by diverting offsite flows or otherwise reducing contributions from sources not directly attributable to the Sites themselves. This should include locating the SMA as close as practicable to the actual Sites. It is possible that some current SMA locations may be further away from the Sites than they should be in order to collect representative samples of the Site runoff. Samples collected at these SMAs may yield results with not only increased levels of "background" pollutants, but diluted levels of other pollutants discharged from the Sites. SWQB suggests that EPA base its determination in large part on the level of effort that LANL has made to eliminate, or reduce, to the greatest extent technically practicable, background source contributions to the SMAs, as well as additional contributions of these pollutants from the Site itself.

**Comment #5** Statement of Basis, Part VII.B, page 10 (PCB Monitoring) states, "[i]f PCB becomes the only pollutant of concern remained to be addressed at a Site or SMA, EPA will consider soil sample data, the BMPs being installed at the Site and any supporting documentation to determine the compliance on a case-by-case basis." SWQB requests that EPA clarify that soil sample data for PCBs be analyzed using Method 1668A.

**Comment #6** Statement of Basis, Part VII.D, page 11 lists several impaired water bodies into which LANL discharges. For clarity, this list should also include Pajarito Canyon, Canon de Valle, Canada del Buey and Pueblo Canyon.

**Comment #7** Proposed Permit, Cover Page lists receiving waters named: tributaries or main channels of Mortandad Canyon, Canada del Buey, Los Alamos Canyon, Sandia Canyon, Ten Site Canyon, Canon de Valle, or Water Canyon. For the record, this is not the complete list of receiving waters to which this facility discharges. In addition, the list may expand due to the addition of a large number of Sites/SMAs added during the application process to be included in the Final Permit.

**Comment #8** Proposed Permit, Part I.A, page 2, next to last paragraph states, "[t]he permittee is not required to file a Notice of Intent for a "Construction Activity Permit" for runoff from the disturbed site associated with site remediation activity under the authorization of this permit."

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SWQB agrees that a reasonable procedure to handle discharges from construction activities associated with site remediation and implementation of other structural BMPs at Sites covered under this proposed permit is to, as EPA requires, include appropriate controls in the Site Discharge Pollution Prevention Plan (SDPPP) and not duplicate coverage under the NPDES Construction General Storm Water Permit (CGP). SWQB suggests that EPA clarify that both of these activities are covered under this proposed permit since current language is not clear. However, additional inspection requirements listed in Part 3.10 of the CGP should apply to these activities during construction and SWQB recommends that EPA include these additional inspection requirements. The inspection requirements included in the proposed permit are inadequate to assure the control of pollutants in runoff from construction activities.

**Comment #9** Proposed Permit, Part I.B, page 3 (Site Inspection) requires yearly erosion reevaluations as well as post-storm inspections. Both of these inspections/evaluations require preparation of an inspection report, which includes several items (a – g). Proposed Permit, Part I.C (3) (Confirming of Effectiveness of BMPs) a and b, page 6 require that LANL conduct visual inspections of Sites when an analytical result is greater than the applicable MTL or the average of all applicable sampling results is greater than the applicable ATL. Although SWQB presumes that these visual inspections must be documented, there does not appear to be language in the proposed permit to that effect (except perhaps a brief mention in Part I.E – Post SDPPP Documentation, page 10). SWQB suggests that EPA include the phrase “in addition to visual inspections as specified in Part I.C (3)” in the opening paragraph of Part I.B (Site Inspection). The first sentence of this paragraph would then read “The permittee must conduct the following inspections at every site, in addition to visual inspections as specified in Part I.C (3).” In addition, EPA should include the same phrase in the opening paragraph of Part I.B (Inspection Report). The first sentence of this paragraph would then read “The facility’s Pollution Prevention Team must prepare a report which summarizes post-storm inspection and/or erosion reevaluation, in addition to visual inspections as specified in Part I.C (3).”

**Comment #10** Proposed Permit, Part I.B, page 3 (Inspection Report) states, “g. Inspector’s signature and certification of findings, including observation of no deficiency.” This statement conflicts with Proposed Permit, Part III.D.11 and normal EPA policy. Among other things, reports must be signed and certified by a responsible official of the permittee. This official may authorize a representative of the official for purposes of signing reports and certain other documents, and the authorization procedure may be found in Part III.D.11. SWQB suggests that EPA change the language in Part I.B “Inspection Report” g. to reflect the correct certification and signatory requirements.

**Comment #11** Proposed Permit, Part I.C, page 5 (Sampling) allows one of the two confirmation samples to be from snow melt monitoring. While sampling of snow melt may be appropriate as part of a monitoring program in some cases, for the very limited number of samples to be collected under this proposed permit (two), it is not. Snow melt, due to its gradual, generally minimally erosive nature, may not yield representative data and SWQB requests that EPA remove snow melt monitoring as an option. Alternatively, EPA could increase the number of required samples to the point where snow melt sampling might be appropriate.

In addition, EPA has not included a requirement in the proposed permit that samples should be taken of discharges resulting from a minimum frequency of storm event. Less intensive events,



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while they might cause a discharge, may produce analytical results that are uncharacteristically low. This in turn may lead to an under estimation of pollutant loading and an over estimation of the effectiveness of the BMPs compared to a more representative, or typical, storm event, particularly given the very limited number of samples required by the proposed permit. SWQB suggests that EPA include a requirement for sampling of runoff resulting from a minimum frequency storm event, such as the "0.5-inch or more intensive storm event within 24 hours" (based on the nearest meteorological tower to the Site) specified for Site inspections in Part I.B, page 3 (Post-Storm Inspection). Alternatively, SWQB suggests that EPA require LANL, in consultation with EPA and SWQB, to determine a storm event, or range of storm events, of average duration and total rainfall for the area that produces a representative sample.

Finally, Part I.C states, "[g]rab or composite sample shall be taken when discharge occurs." A grab sample is defined as "a discrete, individual sample taken within a short period of time (usually less than 15 minutes). Analysis of grab samples characterizes the quality of a storm water discharge at a given time of the discharge. A composite sample, on the other hand, is a mixed or combined sample that is formed by combining a series of individual and discrete samples of specific volumes at specified intervals. Although these intervals can be time-weighted or flow-weighted, federal regulations (see **40 CFR Part 122.21(g)(7) and 122.26**) require the collection of flow-weighted composite samples for storm water discharges. This means that discrete aliquots, or samples, are collected and combined in proportion to flow rather than time.

SWQB believes that, at some sampling locations, LANL currently, and has in the past used automatic samplers to collect twenty-four (24) 1 liter samples at five-minute intervals (over a 2-hour period) and composited them. This time-weighted compositing inappropriately gives equal weight to samples collected near the peak of the hydrograph (when the bulk of contaminants are moving) and those collected during the falling leg of the hydrograph when contaminant loading is at its lowest. SWQB requests that EPA clarify Part I.C by adding the phrase "flow-weighted" to the above statement. This statement would then read, "Grab or flow-weighted composite sample shall be taken when discharge occurs."

**Comment #12** Proposed Permit, Part I.C (3) (Confirming of Effectiveness of BMPs), page 6 states, "c. If source elimination is the selected BMP, at least two samples shall be collected to confirm effectiveness of the action." SWQB requests that EPA also require confirmation sampling if elimination of exposure (e.g., caps) is the selected BMP. It is likely that, at least in some cases, the exact location of the Site boundary(s) is not accurately defined. To assure that capping of Sites has been thorough, a minimum of two confirmation samples should be collected.

**Comment #13** Proposed Permit, Part I.C (4), page 6 states, "[s]ampling is not required for a Site which achieves No Exposure status after being verified by EPA..." For the same reason given in Comment #12, SWQB requests that EPA require confirmation sampling of Sites that achieve No Exposure.

**Comment #14** Proposed Permit, Part I.C (5), page 7 states, "[i]f a cease-monitored Site later exhibits evidences of discharge of contaminated runoff, such as BMP failure, erosion problem, re-exposed, and etc., the permittee shall take appropriate actions to correct the problems within

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30 days." SWQB requests that EPA add the phrase "detection of a constituent of concern above the MTL or an average concentration above the ATL by NMED" to this statement. It would then read, "If a cease-monitored Site later exhibits evidences of discharge of contaminated runoff, such as BMP failure, erosion problem, re-exposed, detection of a constituent of concern above the MTL or an average concentration above the ATL by NMED, and etc., the permittee shall take appropriate actions to correct the problems within 30 days."

**Comment #15** Proposed Permit, Part I.C (Sampling) (7) (Monitoring of PCBs), page 7 states, "[i]f the single sampling result is greater than the TC, enhanced BMPs shall be taken within 90 days from the knowledge of the exceedance to control and, to the extent achievable, to eliminate the exposure of that pollutant to the environment." SWQB does not know what "TC" stands for. SWQB believes EPA may mean ATL rather than TC.

Further, SWQB believes EPA means "enhanced BMPs shall be initiated within 90 days," rather than "taken within 90 days." Later in this part EPA says enhanced BMPs "shall be completed within 360 days" and these would appear to conflict.

In addition, the language in this part appears to require elimination of the source, exposure, or discharge of PCBs within 360 days as an initial step. BMP enhancement and confirmation sampling for pollutants other than PCBs are addressed in Proposed Permit, Part I.C (3) (Confirmation of Effectiveness of BMPs), page 6. Part I.C (3) describes a three step process to meet target levels (a, b and c) including initial sampling, BMP enhancement and confirmation sampling, with elimination of the source, exposure, or discharge being the third step (c). While SWQB strongly agrees with this apparent one step approach for PCBs, EPA should clarify that this is the intent.

SWQB notes that Proposed Permit, Part I.C (3) (Confirmation of Effectiveness of BMPs), page 6 requires confirmation sampling following BMP enhancement, which may include elimination of the source of the source of pollutants. SWQB believes confirmation sampling is required to document the effectiveness of BMP enhancement for the control of all pollutants, including PCBs. Because EPA does not include specific confirmation sampling language in Part I.C (7), SWQB requests that EPA add appropriate language to this part to clarify that confirmation sampling to document the effectiveness of BMP enhancement to control discharges of PCBs is required.

Finally, all Sites that have a PCB monitoring requirement should have a suspended sediment concentration (SSC) or total suspended solids (TSS) analyses run each time a storm water sample is analyzed for PCBs. As PCBs are most likely strongly bound to sediments, the understanding of both the concentration of PCBs in the suspended sediment and the amount of suspended sediment in the storm water is critical for determining a Site's potential to cause impairment. For example, a discharge from a site with 600 pg/g PCB in sediment/soil would need to have less than 1000 mg/L SSC to meet the human health water quality criteria of 0.00064 µg/L. This indicates that sites with higher concentrations of PCBs would need more aggressive BMP implementation (to reduce SSC) than other sites. SWQB requests that EPA include a TSS or SSC monitoring requirement to Proposed Permit, Part I.C (Applicable Water Quality Criteria), page 4, and Proposed Permit, Appendix C for SMAs that are required to be monitored for PCBs.

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**Comment #16** Proposed Permit, Appendix C includes site-specific storm water monitoring requirements for various pollutants at SMAs. While LANL is required to monitor metals at many SMAs, not all SMAs appear to include monitoring requirements for dissolved aluminum. From a brief review of previous monitoring data, it appears that dissolved aluminum may exceed the acute aquatic life criteria (750 µg/L) at some SMAs that may not currently include a dissolved aluminum monitoring requirement. SWQB suggests that EPA review available dissolved aluminum data to determine if additional dissolved aluminum requirements are warranted.

**Comment #17** Proposed Permit, Appendix C only includes a sampling requirement for "Radioactivity" for ACID-SMA-2. ~~SWQB recently (July 2006 – October 2007) analyzed~~ (Method 1668A) seven PCB samples taken at this location (aka E055.5). The average of these seven samples is 0.392 µg/L (range 0.0556 – 0.953). Although these have not been blank corrected, SWQB believes that this data is sufficient to document that PCBs are a pollutant of concern at this location and suggests that EPA include a monitoring requirement for PCB, in addition to radioactivity, at ACID-SMA-2.

**Comment #18** Throughout the application process for this proposed permit, SWQB had the understanding that all Sites would be reassessed to determine their current erosion potential prior to exclusion from coverage under this permit. NMED has evaluated the justification for exclusion for the first 100 sites of the 863 in Table E2.1, List of "Appendix 5" Sites Excluded from the LANL Individual NPDES Storm Water Permit Application No. NM0030759. Fifty-four (54) rely on assessments completed from 1997 – 2001 and fourteen (14) rely on assessments completed in 2005. NMED suggests that EPA require LANL to provide documentation that sites excluded from the permit are based on current erosion assessments.

**Comment #19** Proposed Permit, Part I.C, page 4 (Applicable Water Quality Criteria) lists Gross Alpha (pCi/l) under the main heading "Radioactivity." SWQB suggests that EPA change Gross Alpha to Adjusted Gross Alpha, which means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample, including radium-226, but excluding radon-222 and uranium. Also excluded are source, special nuclear, and by-product material as defined by the Atomic Energy Act of 1954.

**Comment #20** Proposed Permit, Part I.C, page 4 (Applicable Water Quality Criteria) lists 2,3,7,8-TCDD (P) under the main heading "Dioxin." The 2,3,7,8-TCDD (P) criteria should be annotated in a footnote to be the toxic equivalent quotient (TEQ) of all dioxin and furan congeners.

**Comment #21** Proposed Permit, Part I.C, footnote (\*2), page 5 states, "[m]ethod 1668 Revision A shall be used for PCB analysis." SWQB suggests that EPA specify that this represents total PCBs as the sum of all congeners for clarity.