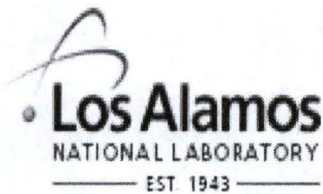



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IRM-RMMSO Official Correspondence Form

Name:	U1102132													
Title:	State Certification for proposed NPDES Permit #NM0031054													
Date Received:	11/7/2011													
Addressee Name:	Michael Brandt, ADEP													
Originator:	James P. Bearzi, NMED Santa Fe													
Action Item Description:														
Action Due Date:														
Responsible for Action:	Search 													
Responsible Office:														
Distribution:	<table><tr><td>Michael Brandt</td><td>Deborah K. Woitte</td></tr><tr><td>Charles McMillan</td><td>William Alexander</td></tr><tr><td>Isaac RichardsonIII</td><td>Phoebe K. Suina</td></tr><tr><td>Richard Marquez</td><td>Anthony R. Grieggs</td></tr><tr><td>Paul Henry</td><td>Tina Sandoval</td></tr><tr><td>Michael Graham</td><td>Scotty Jones</td></tr></table>		Michael Brandt	Deborah K. Woitte	Charles McMillan	William Alexander	Isaac RichardsonIII	Phoebe K. Suina	Richard Marquez	Anthony R. Grieggs	Paul Henry	Tina Sandoval	Michael Graham	Scotty Jones
Michael Brandt	Deborah K. Woitte													
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Paul Henry	Tina Sandoval													
Michael Graham	Scotty Jones													





SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Harold Runnels Building, N2050
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us



DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

EP2011-5497

Original via UPS -- Copy via Electronic Mail

November 4, 2011

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 #NM0031054

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

Sincerely,

James P. Bearzi
Chief
Surface Water Quality Bureau

cc: (w/enclosures)
Brent Larsen, USEPA (6WQ) (via e-mail)

Ms. Diane Smith, USEPA (6WQ-NP) (via e-mail)

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

Mr. Miguel Flores
November 4, 2011
Page 2

Mr. Kevin W. Smith, Manager via Certified Mail (7011 0110 0000 9531 3383)
National Nuclear Security Administration
Los Alamos Site Office, MS A316
3747 West Jemez Road
Los Alamos, NM 87544

Mr. Michael Brandt, Associate Director (Acting) via Certified Mail (7011 0110 0000 9531 3390)
Environment, Safety, Health & Quality, MS K491
Los Alamos National Security, LLC
P.O. Box 1663
Los Alamos, New Mexico 87545

Dr. Alfredo Armendariz, Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

Date: November 4, 2011

STATE CERTIFICATION

RE: Los Alamos National Laboratory -- Permit Number NM0031054

Dear Dr. Armendariz:

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

- ☒ (X) 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 Richard Powell at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,



James P. Bearzi
Chief
Surface Water Quality Bureau

**Los Alamos National Security, LLC (LANS)/USDOE
State Certification of the Proposed NPDES Permit #NM0031054
November 4, 2011**

Conditions of Certification

There are no conditions of State certification.

Comments That Are Not Conditions Of Certification

Fact Sheet Part V.C.4.b.ii states, “[t]he facility will be required to submit for appropriate State and Federal approval within thirty (30) months from the permit effective date a Site-Specific Numeric Criteria Study (Study) for those pollutants such as but not limited to aluminum.”

Proposed Permit Part I.B states, “[t]he permittee is required to submit to New Mexico Environment Department (NMED) within thirty (30) months from the permit effective date a comprehensive Site-Specific Numeric Criteria Study (Study) for consideration of natural pollutant levels as provided for in Standards for Interstate and Intrastate Surface Waters (Standards) Subsection’s D and E of 20.6.4.10 of the New Mexico Administrative Code.”

It is unclear to NMED whether EPA requires that the Study to be submitted within thirty months for approval refers to a proposed study to be conducted at some later time or to a completed study. NMED requests clarification from EPA. NMED further requests that EPA include language in the final permit that the permittee must consult with NMED Surface Water Quality Bureau during the study design to help ensure that information gathered during the study will be of a suitable nature that will allow NMED to make an appropriate recommendation to the WQCC regarding adoption of site-specific numeric criteria for the pollutants subject to the Study.



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State of New Mexico

ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau
Harold Runnels Building N2050
1190 St. Francis Dr, P.O. Box 5469
Santa Fe, NM 87502-5469

NAME Clarence Torres
Z#
DATE 11/7/2011

Michael Brandt, Acting Assoc. Dir.
Environ, Safety, Health & Quality
LANS, LLC (MS-K491)
P.O. Box 1663
Los Alamos, NM 87545

ASO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NOV 7 PM 1:42:32