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Evelyn Rosborough
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U.S. EPA Region 6
1445 Ross Ave., Suite 1200
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Submitted via email to rosborough.evelyn@epa.gov

June 11, 2015

RE: EPA's Preliminary Determination to Designate MS4s on Los Alamos National Laboratory Property and Urban Portions of Los Alamos County as Storm Water Discharges Requiring Clean Water Act Permit Coverage Pursuant to 40 CFR § 122.26(a)(9)(i)(A), 122.26(a)(9)(i)(D), and 122.32(a)(2).

Dear Ms. Rosborough:

Amigos Bravos writes in support of EPA's preliminary designation of MS4s on Los Alamos National Laboratory (LANL) property and urban areas of Los Alamos County. This preliminary designation, made in response to our June 30th, 2014 petition, is a critical first step in protecting the Rio Grande and its tributaries on the Pajarito Plateau from pollution from urban stormwater discharges at LANL and in Los Alamos County. We urge you to finalize this designation and issue a NPDES permit as quickly as possible.

Amigos Bravos supports EPA's proposed coverage area with a minor exception: the developed area south of the area proposed for coverage in the community of White Rock should also be included in the designation. This area shows up very clearly in EPA's map of proposed areas to be covered as a distinct cluster of development. Although this area may be slightly less dense than other proposed portions of Los Alamos County, it is contiguous to both the proposed areas for coverage in White Rock as well as to LANL and is considerably more dense in population than other areas in Los Alamos County. In addition, most of the urbanized areas within this portion of White Rock sit close to the edge of the canyons that flow directly into the Rio Grande. EPA should expand the area of coverage to include this developed area.

EPA's "Los Alamos County Preliminary Designation Document" does not include Amigos Bravos' Statement of Facts that was submitted as part of our petition, yet it does include LANL and Los Alamos County responses to this Statement of Facts. Amigos

Bravos believes it is appropriate to include the full Statement of Facts document in the Preliminary Designation Document.

Urban storm water pollution from LANL and Los Alamos County should be covered by an individual permit. Both the nature of the pollution and the current monitoring infrastructure that is unique to this area support the case for coverage under an individual permit. The urban storm water runoff from developed areas at LANL and the Los Alamos Townsite are additionally harmful because of LANL's history of releases. Many of the canyons on the Pajarito Plateau have old dump sites called solid waste management units (SWMUS), which continue to release pollution. Annual reports for LANL's individual industrial storm water permit (IP) detail the scope of continuing storm water exceedances from these SWMUS. Specifically, of the 246 sites for which samples were collected, 233 of them had releases that exceeded water quality standards.[1] Some of these exceedances continue to be over 32,000 times greater than water quality standards.[2] The urban storm water that is discharged into these canyons exacerbates and mobilizes this historic toxic pollution. The unique contamination issues associated with Los Alamos merit the individual treatment and monitoring opportunities available under an individual permit. LANL, as demonstrated by its detailed background study reports on PCBs and Metals, as well as by its extensive monitoring under the IP, has the needed monitoring infrastructure already in place as well as an extensive baseline to compare monitoring results collected under an individual MS4 permit.

An individual permit could provide for not only the needed monitoring but also for specific treatment options that are not available under the general small MS4 permit. Appropriate treatment options for Los Alamos could be similar to those proposed for the individual MS4 permit for Charles County, Maryland under which treatment of twenty percent of the County's impervious surface would be required by the end of the 5-year permit term.[3]

We believe that our Petition and associated Statement of Facts far exceeds the statutory and regulatory requirements to trigger action under EPA's residual designation authority. The unique nature of the site and monitoring under existing regulatory structures led to the availability of detailed monitoring data and compliance documents. This type of

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1 Los Alamos National Laboratory, *Storm Water Individual Permit Annual Report, Reporting Period: January 1–December 31, 2013, NPDES Permit No 0030759* 154 (March 2014) (table 8.2), http://permalink.lanl.gov/object/tr?what=info:lanl-repo/eprr/ERID-254067.

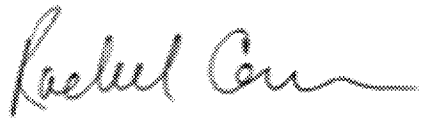
2 Los Alamos National Laboratory, *Renewal Application for NPDES Permit Number NM0030759, Individual Permit for Storm Water Discharges from Solid Waste Management Units and Areas of Concern, Volume 1 of 2* 133 (March 2014) (Table 10), http://permalink.lanl.gov/object/tr?what=info:lanl-repo/eprr/ERID-254864.

3 *Maryland Department of the Environment Draft National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit* 8 (June 18, 2014) (Draft permit for Charles County, Maryland. Permit No MD0068365, http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/Documents/Charles%20Permit%20tentative%20determination.pdf.

detailed information is not likely to be in place in many other areas where it is appropriate for EPA to exert its residual designation authority. All that EPA needs in order to make determinations under its residual designation authority is a understanding of the contaminants routinely found in the type of discharges to be regulated and documentation of impacts to downstream water quality such as through citation of relevant 303d/305B impairments.

Again, Amigos Bravos supports EPA's preliminary designation and urges EPA to quickly finalize this designation and move forward with issuing a MS4 permit for LANL and urbanized portions of Los Alamos County. We look forward to continued discussions and public input opportunities as the process moves forward.

Sincerely,



Rachel Conn
Interim Executive Director
Amigos Bravos