

PART III - LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS

SECTION J – LIST OF ATTACHMENTS

ATTACHMENT J-16: ENVIRONMENTAL PERMITS, COMPLIANCE DOCUMENTS, AND AGREEMENTS APPLICABLE TO THE EM WORK

Environmental Permits

The following list includes the current environmental permits that are expected in the performance of the work in Section C of this contract. The Contractor is expected to comply with these permits as necessary in the execution of the PWS.

1. LANL Hazardous Waste Facility Permit, EPA ID No. NM0890010515, issued by the EPA and transferred to NMED
 - a. Although this permit is owned at LANL by NNSA and the M&O Contractor, all activities under this contract shall comply with the provisions of the permit.
 - b. The NA-LA Manager, as the “principal executive officer having responsibility for the overall operations of a principal geographic unit of the agency,” will remain the principal signatory for certification of all RCRA permit applications and modifications. NA-LA will apprise EM-LA fully of RCRA related actions.
 - c. Reports required by permits and other regulatory information required by the RCRA permit may be certified by a “duly authorized representative” as so delegated by the NA-LA Manager.
 - d. In the future, NA-LA may request NMED to modify the RCRA Permit to include EM-LA and applicable EM contractor(s) as parties to the permit under a “Co-Operator role.”
 - e. DOE will transfer responsibility for the RCRA Permit only for those operations that support EM activities; specifically, at TA-54.
 - f. EM Contractors will comply with the provisions of the HWFP in all EM work scope execution through reporting to the NNSA and the LANS NNSA M&O Contractor, as appropriate.
 - g. DOE will submit a written notice to NMED in accordance with 40 CFR 270.30(1)(3) and obtain written approval from NMED. Permit Section 1.9.3. The letter will include a specified date for the transfer of permit responsibilities per 40 CFR 270.40(b).
2. National Pollutant Discharge Elimination System (NPDES) Individual Permit for Stormwater (IP); United State Environmental Protection Agency (US EPA), Los Alamos National Security, LLC (LANS), and the DOE NNSA, Permit No. NM0030759, September 30, 2010.
 - a. Although the current IP was signed by DOE NNSA and the previous contractor, the Contractor shall comply with the IP as a contract requirement as if the Contractor had signed up to the original agreement themselves.
 - b. US EPA is the administrative authority
 - c. The Contractor shall ensure all subcontracts also have the provisions to comply with the IP terms.

- d. If there is a conflict between this contract and the terms of the IP, the Contractor shall raise such potential conflicts to the EM-LA Field Office for resolution.
 - e. Submit a 30 Day notice to EPA, including a written agreement. 40 CFR 122.61 (b) (Automatic Transfers); Section III.D.3 of the Permit
 - f. Submit a written agreement to NMED containing a specific date for transfer to permit responsibility, coverage and liability between them.
3. Clean Water Act Nationwide "Dredge and Fill" (Section 404) Permits with the Army Corps of Engineers (ACOE). Dredge and Fill Permits are issued to "LANL" (LANS) and the owner of the facility, DOE. The Contractor shall comply with the provisions of the dredge and fill permits for the execution of EM work scope.
 4. LANL Floodplain (Section 401) Permits with the Army Corps of Engineers (ACOE) Floodplain Permits are issued to "LANL" (LANS) and the owner of the facility, DOE. The Contractor shall comply with the provisions of the floodplain permits for the execution of EM work scope.
 5. Groundwater Discharge Permit-DP-1793. Administered by the NMED Ground Water Quality Bureau. Currently covers discharges of groundwater to support Cr recovery activities, but may possibly cover other EM work scope discharges in the near future.
 6. Groundwater Discharge Permit (DP)/Underground Injection Control (UIC) Permit DP-1835. Administered by the NMED Office of the State Engineer (OSE). Covers discharges of groundwater through injection to support Cr recovery activities, but may possibly cover other EM work scope discharges in the near future.
 7. LANL NPDEP Multi-Sector General Permit (MSGP) for Industrial Activities, EPA ID No. NMR05A734. Although EM will not specifically be conducting industrial activities at LANL, there may be impacts with operating a Treatment, Storage, and Disposal Facility (TSD) under Sector K. The Contractor shall not conduct activities that interfere with the execution of the MSGP by the NNSA M&O Contractor.
 8. LANL NPDES Outfall Permit, NM0028355. The Contractor shall not conduct activities that interfere with the execution of the Outfall Permit by the NNSA M&O Contractor. The Contractor shall not conduct activities that constitute an outfall discharge that would require modification to the NNSA M&O Outfall permit.
 9. LANL Construction General Permit, CGP2003. The Contractor shall not conduct activities that interfere with the execution of the CGP by the NNSA M&O Contractor. The Contractor shall not conduct activities that would require modification to the NNSA M&O CGP.
 10. LANL Title V Air Quality Operating Permit with NMED-AQB. The Contractor shall not inhibit the NNSA M&O contractor from managing the Airnet and Clean Air Act permitting activities. The Contractor shall execute the necessary air sampling activities related specifically to EM work scope activities. The Contractor shall submit information required from EM activities and impacts to NNSA/LANS for annual LANL reporting in ASER, etc.

11. LANL Spill Prevention and Countermeasures Plans. Although EM may encounter fuel spills, sample water spills, etc., it is likely that none of the EM activities will meet the 600gallon requirement to address. The Contractor shall report to the EM-LA Field Office when any planned activities have the potential to approach or exceed the 600-gallon release threshold.

Compliance Documents

12. 2016 Compliance Order on Consent, State of New Mexico Environment Department in the Matter of: The United States Department of Energy Los Alamos National Laboratory; March 30, 2016.
 - a. The Contractor shall comply with the Consent Order as a contract requirement as if the Contractor had signed up to the original agreement itself.
 - b. This contract establishes completion date requirements for the various projects and activities within this period of performance and under this contract.
 - c. NA-LA and EM-LA will collaborate on all appropriate regulatory notices required for transferring from LANS to the EM successor contractor(s).
 - d. Administrative Compliance Orders / Settlement Discussions - EM-LA and NA-LA will jointly share these activities and will coordinate fully in preparations and interactions with NMED on these matters.
 - e. The work is organized by what is being called "campaigns." A campaign generally is a discretely defined work scope that can be completed in a specified number of years. It is expected the interim milestones will be developed to measure progress towards the completion of the campaigns.
13. Federal Facility Compliance Order (FFCO) (Site Treatment Plan) NMED issued the Federal Facility Compliance Order (FFCO) to DOE and UC (later transferred to LANS); it establishes a schedule and plan to bring LANL into compliance with the land disposal restrictions for mixed waste stored for more than one year. The Contractor shall comply with the FFCO (STP) in the execution of EM work scope.
14. National Environmental Policy Act
 - a. The Contractor shall provide NEPA support to EM-LA to support EM projects and activities under this contract. Personnel specifics are addressed in the Attachment 6 Workforce Supplement.
 - b. The Contractor shall provide specific project and activity information and reference material to allow a DOE NEPA Compliance Officer to make categorical exclusions, issue supplement analyses and environmental assessments, and make determinations of significant impacts.
15. Other New Mexico Regulations
 - a. Although Cleanup activities are under the Consent Order, this does not alleviate the Contractor from compliance with state hazardous waste regulations that would be required in the execution of these activities.

- b. The Contractor shall comply with the state Surface and groundwater requirements.
- c. The Contractor shall comply with regulations promulgated by the Office of the State Engineer (OSE).

Memorandums of Understanding, Memorandums of Agreement, and Agreements

The following table includes the current Memorandums of Understanding (MOU), Memorandums of Agreement (MOA), and other agreements the Contractor must comply with in the execution of the PWS.

Subject of Agreement	Parties to Agreement	Lead
“Monitoring for Radioactive and Chemical Contamination”; MOU Among the U.S. Department of Energy and the Bureau of Indian Affairs, and the Pueblo de San Ildefonso; AL MOU # DE-GM32-96AL76832	BIA, DOE, Pueblo de San Ildefonso	EM
“Appendix A Plan for Environmental Sampling at Pueblo de San Ildefonso and Los Alamos National Laboratory for October 1, 2015 through December 31, 2016.” Annual sampling plan under the above MOU.	EM-LA, Pueblo de San Ildefonso	
Accord	DOE, Pueblo de San	EM
Accord	DOE, Pueblo of Jemez	EM
Accord	DOE, Pueblo of Cochiti	EM
Accord	DOE, Pueblo of Santa	EM
“Memorandum of Understanding between the U.S. Department of Energy and the Buckman Direct Diversion Board Water Regarding Water Quality Monitoring	DOE, BDDDB	EM
Agreement in Principle for Environmental Oversight and Monitoring	DOE, NMED	EM
Memorandum of Agreement - Natural Resource Trustee Council	DOE, USDA, New Mexico, Pueblo de San Ildefonso, Pueblo of Jemez, Santa Clara Pueblo	EM
Memorandum of Agreement regarding management of the Rendija Canyon Traditional Cultural Properties District	DOE, NA-LA, Los Alamos County, NM State Historic Preservation Office	NA
Memorandum of Agreement for funding to conduct regulatory activities at LANL	DOE, NMED	EM
Supplemental Fee Agreement with NMED-HWB	DOE, NMED-HWB	NA
Framework Agreement	DOE, NMED-GWQB	EM
Access Agreement for Environmental Cleanup and Remediation Work	DOE, Los Alamos County	EM

Subject of Agreement	Parties to Agreement	Lead
"Memorandum of Agreement between the U.S. Department of Energy and the Pueblo de San Ildefonso" and the three associated protocols: <ul style="list-style-type: none"> - Protocol for Access to Pueblo Lands, - Protocol for Protecting Pueblo Information, and - Protocol for Inadvertent Discovery of Native American Human Remains and Cultural Items. 	DOE/NNSA, Pueblo de San Ildefonso	EM
"Limited Access Agreement for the Installation and Operation of a Regional Aquifer Well on Pueblo de San Ildefonso Land" Between the Department of Energy and the Pueblo de San Ildefonso	DOE/NNSA, Pueblo de San Ildefonso	EM
Airspace Agreement	DOE, NMDOT	EM
<i>Memorandum of Understanding between National Nuclear Security Administration (NNSA) Los Alamos Field Office (NA-LA) and Department of Energy Environmental Management Los Alamos Field Office (EM-LA) for Transition of Legacy Environmental Cleanup Work at Los Alamos from NNSA to EM, signed September 17, 2015</i>	DOE NA-LA and EM-LA	NA & EM
<i>Candidate Conservation Agreement with the U.S. Fish and Wildlife Service</i>	DOE, USFWS	USFWS