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May 23, 2008

VIA COURIER

Office of Chief Clerk
ATTN: Agenda Docket Clerk
Mail Code 105
Texas Commission on Environmental Quality
P.O. Box 13087
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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAY 23 PM 12: 57
CHIEF CLERKS OFFICE

RE: Docket No. 2008-0261-IWD
U.S. Department of Energy and Babcock and Wilcox Technical Services Pantex,
LLC
Requests filed on Permit No. WQ0002296000
Response to Requests for Reconsideration

Dear Chief Clerk:

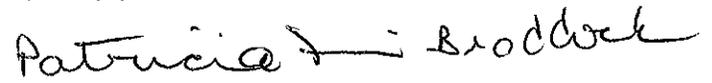
On behalf of the U.S. Department of Energy/National Nuclear Security Administration (DOE/NNSA) and Babcock and Wilcox Technical Services Pantex, LLC (B&W Pantex), I am submitting written Responses to the Requests for Reconsideration filed by eight individuals in the above referenced matter. I have also enclosed 11 copies of the written Responses and the Certificate of Service required by the rules of the Texas Commission on Environmental Quality.

The TCEQ Mailing List identifies Mr. Jerry S. Johnson, Assistant Manager of Environmental & Site Engineering Programs, as the designated representative for the DOE/NNSA. Mr. Johnson retired from the DOE/NNSA in 2007 and Mr. Johnny F. Guelker now serves as the Assistant Manager of Environmental & Site Engineering Programs for the DOE/NNSA. Please note this change in your records.

We appreciate the opportunity to submit the enclosed Responses. If you have any questions or need any additional information, please feel free to contact Mr. Guelker at (806) 477-3183, Mr. John Alan Jones of B&W Pantex at (806) 477-5944, or me.

May 23, 2008
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Very truly yours,

A handwritten signature in cursive script that reads "Patricia Finn Braddock". The signature is written in black ink and is positioned above the printed name.

Patricia Finn Braddock

PFB/rmw

Enclosures

Cc: TCEQ Mailing List

MAILING LIST
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DOCKET NO. 2008-0261-IWD; PERMIT NO. WQ0002296000

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**U. S. Department of Energy
National Nuclear Security Administration
Pantex Site Office
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Amarillo, TX 79120-0030**



MAY 22 2008

PROPOSED TCEQ PERMIT NO. WQ0002296000

APPLICATION BY
UNITED STATES DEPARTMENT OF
ENERGY AND B&W PANTEX L.L.C.
FOR PROPOSED TCEQ PERMIT NO.
WQ0002296000

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§

BEFORE THE
TEXAS COMMISSION
ON
ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

2008 MAY 23 PM 12:57

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

APPLICANT'S RESPONSES TO REQUESTS FOR RECONSIDERATION

TO THE HONORABLE MEMBERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The U.S. Department of Energy/National Nuclear Security Administration (DOE/NNSA) and Babcock and Wilcox Technical Services Pantex, LLC (B&W Pantex), which manages and operates the Pantex Plant for the DOE/NNSA, (hereinafter collectively referred to as the Applicant) hereby submit these Responses to the Requests for Reconsideration of the Executive Director's Determination that the pending application for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002296000 meets all applicable statutes and regulations for issuance. Requests for Reconsideration were submitted by Jeff Detten, Danny and Bernice Detten, Jim Murphy of The Peace Farm, Mavis Belisle of The Peace Farm, Dale Livingston, Cletus G. Stein, Mary Hochstein and Dana Koetting. In accordance with 30 TEX. ADMIN. CODE §55.209, the Applicant submits the following Responses to the Issues raised in the pending Requests for Reconsideration:

ISSUE No. 1: Requestors allege that "the Pantex Plant has acknowledged that wastewater discharges into ditches and playas, specifically Playa 1, has caused contamination of the perched layer of the Ogallala Aquifer, and poses a risk of contamination to the Ogallala, if such has not already taken place."

APPLICANT'S RESPONSE:

First, the Requestors offer no explanation or support for this allegation.

Second, this allegation is untrue. The following statements accurately reflect the information and data in the TCEQ's public records:

- a. The Pantex Plant has acknowledged that *historical waste management practices*, such as the disposal of spent solvents and high explosive (HE) industrial wastes in unlined pits and sumps, and the discharge of untreated wastewater into unlined ditches and playas, resulted in impacts to the perched

groundwater. The historical wastewater discharges were one of several historical practices that impacted the perched groundwater underneath the Pantex Plant.

b. The historical waste management practices occurred over a forty-year period and *ended more than twenty years ago*. Specifically, in 1942, the Pantex Plant began conducting operations involving various conventional weapons, and later nuclear weapons, modification, surveillance, assembly and high explosives. Most federal and state environmental laws were not enacted until the 1970s and facilities operated by the Department of Energy were not subject to the federal and state programs until the 1980's. During this time, the Pantex Plant conducted its waste management practices consistent with its mission, location and the applicable environmental requirements.

c. Since 1991, the Pantex Plant has been implementing a comprehensive and ongoing corrective action program to address the impact that historical releases have had on the perched groundwater. Specifically, in April 1991, EPA and the Texas Natural Resource Conservation Commission (TNRCC) issued HW-50284 pursuant to the Texas Solid Waste Disposal Act and the federal Resource Conservation and Recovery Act (RCRA), which incorporates corrective action measures being implemented at the site, including measures to address the impact on the perched groundwater underneath the Pantex Plant. In addition, in 1994, EPA placed the Pantex Plant on the National Priorities List. As a result, environmental conditions at the site, including clean up of the perched groundwater, have also been addressed under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program. These response measures include extensive groundwater-monitoring and analysis for more than 100 constituents in the groundwater, including volatile organic compounds, semi-volatile organic compounds, metals and high explosives.

d. The impact from historical wastewater discharges is being addressed through the above referenced comprehensive corrective action program and there is no confirmed data or information indicating that contamination of the Ogallala Aquifer has occurred. The perched groundwater is a separate water bearing unit from the Ogallala Aquifer. It is located in a discontinuous zone that has formed above clayey areas at ranges between 209 feet to 280 feet below the ground surface. The Ogallala Aquifer lies underneath the clayey layers at ranges between 350 feet to 550 feet below the ground surface. Wastewater has not been discharged into the onsite ditches for over nine years and there is no information or data that indicates the discharge of treated wastewater to Playa 1 poses a risk of contamination to the Ogallala Aquifer or that contamination of the Ogallala Aquifer has already taken place.

e. Finally, since June 1996, domestic and industrial wastewater generated at the Pantex Plant has been governed by NPDES Permit No. TX0107107, which was issued by EPA and Wastewater Permit No. 02296, which was issued by the TNRCC. These permits were later consolidated into TPDES Permit No. 02296, which authorizes the treatment and discharge of domestic wastewater, industrial

effluents, non-contact cooling water and steam condensate to one onsite playa (Playa 1). In 2005, the TCEQ issued a Texas Land Application Permit that authorized the Pantex Plant to apply treated effluent to land for beneficial agricultural use. The draft permit will allow the Pantex Plant to continue discharging treated effluent to Playa 1 when land application is not a viable option.

For these reasons, this allegation has no merit and is insufficient to support the Requests for Reconsideration.

ISSUE No. 2: Requestors allege that "the proposed permit amendment will allow increased discharges of contaminated water, with increased levels of contamination, into that playa."

APPLICANT'S RESPONSE:

First, the Requestors offer no explanation or support for this allegation.

Second, only treated wastewater is discharged into Playa 1.

Third, the draft permit *will not* allow increased discharges of treated wastewater into Playa 1; the proposed flow rates are the same as the flow rates in the existing permit. In addition, the draft permit would not allow the treated effluent to contain increased levels of HE, oil and grease, biochemical oxygen demand, chemical oxygen demand or pH in the treated effluent.

Fourth, the draft permit would allow increases in effluent limitations for total suspended solids, total copper, total manganese, and total zinc and would eliminate monitoring for ammonia and certain total metals, such as cyanide, antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, mercury, molybdenum, nickel, selenium, silver, thallium, and titanium. However, each effluent limitation in the draft permit and the monitoring requirements are consistent with the applicable agency rules, regulations, and policies developed and implemented to protect human health and the environment. Specifically, certain total metals were eliminated because they were not detected in the wastewater effluent over a several year time period; effluent limitations for certain metals were increased to be consistent with Texas Inland Water Quality Levels; and ammonia was eliminated because other effluent limitations provide the same level of protection.

For these reasons, this allegation has no merit and is insufficient to support the Requests for Reconsideration.

ISSUE No. 3 Requestors allege that "the amendment could significantly increase the risk to the value of their property, and their ability to use their property."

APPLICANT'S RESPONSE:

First, the Requestors offer no explanation or support for this allegation.

MAY 22 2008

Second, this allegation is irrelevant to the established TCEQ criteria for issuance of a wastewater discharge permit.

For these reasons, this allegation has no merit and is insufficient to support the Requests for Reconsideration.

PRAYER

For the reasons stated above, DOE/NNSA and B&W Pantex respectfully request that the pending Requests for Reconsideration be denied and that the draft permit be issued as recommended by the TCEQ Executive Director.

Sincerely,



Johnnie F. Guelker
Assistant Manager for Environmental
& Site Engineering Programs

PROPOSED TCEQ PERMIT NO. WQ0002296000

APPLICATION BY	§	BEFORE THE
UNITED STATES DEPARTMENT OF	§	TEXAS COMMISSION
ENERGY AND BWXT PANTEX, L.L.C.	§	ON
FOR PROPOSED TCEQ PERMIT NO.	§	ENVIRONMENTAL QUALITY
WQ0002296000	§	

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2008, a true and correct copy of "Applicant's Responses to Requests for Reconsideration" were sent via Courier or U.S. Mail to the following:

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2008 MAY 23 PM 12: 57
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