



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

2905 Rodeo Park Drive East, Building 1,
Santa Fe, NM 87505-6303
Phone (505)476-6000 Fax (505) 476-6030
www.env.nm.gov



RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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January 13, 2016

Doug Hintze
Manager
Environmental Management
Los Alamos Field Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael T. Brandt
Associate Director
Environment, Safety, Health
Los Alamos National Laboratory
P.O. Box 1663, MS-M991
Los Alamos, NM 87545

**RE: REVIEW OF THE 2015 INSPECTION AND MAINTENANCE REPORT
OF EROSION CONTROLS ASSOCIATED WITH FISHLADDER
CANYON [SOLID WASTE MANAGEMENT UNIT 16-003(O)]
EPA ID #NM0890010515
HWB-LANL-15-062**

Dear Messrs. Hintze and Brandt:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, the Permittees) *Submittal of the Inspection and Maintenance of Erosion Controls Associated with Fishladder Canyon [Solid Waste Management Unit (SWMU)16-003[o]* (Report) dated and received December 4, 2015, and referenced by ADESH-15-173/LA-UR-15-29176.

The Permittees are required to conduct annual inspection of the erosion controls installed in the drainages and slopes of Fishladder Canyon (see Approval with Modifications for the Phase II Investigation Report for TA-16-340, February 9, 2009). SWMU 16-003[o] is included on the Permittees' National Pollution Discharge Elimination System (NPDES) permit and storm water controls inspections are conducted under the Individual Permit (IP).

The Permittees report that six inspections were conducted between July 9, and November 4, 2015, following four separate rain events. During the rain event inspection conducted on July 27, 2015, the

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Permittees recommended replacing the straw wattle (-0023) and removal of rock check dam-0025. The straw wattle was replaced with wattle (-0030), and the rock check dam was removed on August 1, 2015. During the IP annual inspection on October 28, 2015, the Permittees recommended replacing straw wattle-0028. During the follow-up inspection on November 4, 2015, the Permittees determined that the area below the straw wattle was stable and well vegetated and the straw wattle-0028 did not require replacement.

NMED has reviewed this Report, and has the following comments:

- The Permittees follow-up inspection on November 4, 2015, “determined the area below straw wattle-0028 is stable and well vegetated. No additional action needs to be completed” is not supported by the documentation and figures provided, for example the straw wattle described is not visible in the photograph and the Permittees did not provide additional photos of the area demonstrating vegetative health. Provide additional photographs of the area below the wattle demonstrating vegetative health, as well as a summary of the criterion used to determine slope stability in the area.
- Previous reports have included text describing the conditions of the erosional controls, and their relative location within the image (*e.g., middle of photo*) for each figure. This information is critical to the expedited review of the report, but was unfortunately, excluded from this Report. Please include this text in future revisions of this Report.
- The text for Figure 3 describes the view looking up slope of the straw wattle-0028 as being in the middle of the photo, but it is not observable in the photo. Please describe this image to clarify the previous location of straw wattle-0028 or explain that the straw wattle is no longer visible due to damages originally observed during the October 28, 2015, inspection.

The Permittees must provide a response to these comments, and replacement pages by no later than **March 15, 2016**.

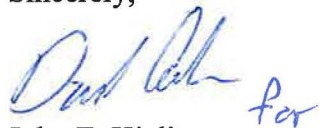
The Permittees must continue to conduct annual inspection of the erosional controls required by the Approval with Modification letter issued February 9, 2009, under the Consent Order. The 2016 inspection report documenting the proof of maintenance of erosion controls must be submitted no later than **December 31, 2016**, and annually for each subsequent year by December 31st.

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Should you have any questions or comments, please contact Siona Briley at (505)-476-6049.

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Kielling" with a stylized flourish at the end.

John E. Kielling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
S. Briley, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
D. Rhodes, DOE-EM-LA, MS-A316
S. Veenis, ADEP ER Program, MS M992

File: Reading and LANL 2015 SWMU 16-003(o) Inspections

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