

EX-10 251706



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE, NM 87109-3435



September 5, 2013

Regulatory Division

SUBJECT: Potential Violation – Action No. SPA-2012-00050-ABQ, McCann, LANL, Sandia Canyon, Wetland, Los Alamos County, NM

Mr. Gene Turner  
US Department of Energy  
National Nuclear Security Administration  
3747 W. Jemez Road, MS-A316  
Los Alamos, NM 87545-2690

Mr. Anthony R. Grieggs  
Environmental Protection Division  
Environmental Compliance Programs (ENV-CP)  
PO Box 1663, K490  
Los Alamos, NM 87545

Dear Mr. Turner and Mr. Grieggs:

I am writing this letter in response to your September 4, 2013 letter regarding removal and replacement of sediments at Sandia Canyon. This project was previously permitted under Department of the Army Nationwide Permit (NWP) 38 for Cleanup of Hazardous and Toxic Wastes. The project site is located at approximately latitude 35.8745N, longitude -106.3119W, in Los Alamos County, New Mexico. We have assigned Action No. SPA-2012-00050-ABQ to this project. Please reference this number in all future correspondence concerning the project.

As your September 4, 2013 letter requests, this letter reiterates that NWP 38 General Condition 6 would be violated by the placement of sediments that contain toxic pollutants in toxic amounts into jurisdictional waters. General Condition 6 states:

**“Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).”



We concur with your decision to eliminate the use of post-1942 sediments that contain toxic pollutants in construction of grade control structure number 1. We further understand that excavated sediments that contain toxic pollutants will be disposed of at an appropriate location.

I am forwarding a copy of this letter to R. Gallegos, LANL and N. Schaeffer, NMED. If you have any questions concerning our regulatory program, please contact me at 505-342-3284 or by e-mail at [William.M.Oberle@usace.army.mil](mailto:William.M.Oberle@usace.army.mil). At your convenience, please complete a Customer Service Survey on-line available at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in cursive script that reads "William M. Oberle".

William M. Oberle  
Project Manager