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CERTIFIED LETTER
RETURN RECEIPT REQUESTED
P 332 409 129



November 20, 1997

Mr. Thomas Todd, Area Manager
Los Alamos Area Office
Department of Energy
528 35th Street
Los Alamos, NM 87544

RE: Report on an Inspection of the Johnson Controls, Inc. (JCI) Fire Break Project Located Above An Environmental Restoration (ER) Site (Hillside 140) by NMED-Surface Water Quality Bureau (NMED-SWQB)

Dear Mr. Todd:

On October 21, 1997, the NMED-DOE/OB received a citizens complaint concerning the JCI Fire Break Project located above Hillside 140. NMED-DOE/OB representative, Ms. Alice Mayer, called NMED-SWQB for consultation and evaluation of the site.

NMED-SWQB representative, Ms. Barbara Hoditschek, inspected the site on November 12, 1997. Also present during the inspection were NMED-DOE/OB representatives Ms. Alice Mayer, and Mr. Ralph-Ford Schmid, the Project Manager for the ER Site, Mr. Lloyd Smith (DOE/LAAO) and the subcontractor to JCI who completed the project, Mr. Al Robert (Geyer Tree Service).

NMED representatives explained the purpose of their visit and discussed their findings. The following information is provided for your evaluation:

- 1) On behalf of DOE, JCI subcontracted Geyer Tree Service (GTS) to create a fire

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break. Part of the firebreak project ran above an ER site (Hillside 140). The LANL ER Group was aware of the activity and indicated with post markers to what extent the firebreak could approach the ER site.

- 2) Before the firebreak was created, several qualified groups (i.e., NMED-DOE/OB and LANL ESH-18) met with the entities involved with this project and supplied recommendations concerning erosion control, minimization of environmental impact, and regulatory concerns. These discussions and recommendations also involved the citizen group representing the condominiums located above the firebreak.
- 3) The ER Site (Hillside 140) is located on a slope below the newly created firebreak and a culvert which drains the condominium area. In addition, a tributary to a watercourse is located immediately below the ER site.
- 4) The ER site has undergone RCRA voluntary creative action (VCA). The VCA report for this activity has not as yet been approved by NMED Hazardous and Radioactive Material Bureau (NMED-HRMB). The VCA activity left a certain amount of exposed contaminants at the site. The site was stabilized to some extent with Best Management Practices (BMPs) (e.g., haybales) to prevent run-off of contaminants down the slope into the watercourse.
- 5) Creating the firebreak involved cutting down of trees and to some extent removal of brush. The firebreak activity resulted in an erosional potential which would have a negative impact on the stabilization of the ER site. A futile attempt to stabilize the firebreak area above the ER site was made by GTS although it apparently was not part of their contract.

Based on the November 12, 1997 inspection, it is NMED-SWQB's opinion that the firebreak area above the ER site has not been sufficiently stabilized to prevent potential impact to the ER site from run-on of stormwater and/or water emanating from the culvert located above the site. Without sufficient stabilization, the potential exists for detrimental impact to the ER site and threat to the watercourse located below the site. Release of ER contaminants or refuse to the watercourse would result in violation of Section 2201 (and possibly 1201) of the Water Quality Control Commission (WQCC) Regulations.

NMED-SWQB is requesting that DOE review the aforementioned recommendations and Storm

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Water Pollution Prevention Plan (SWPP) prepared by ESH-18 provided to the firebreak project group previous to the construction of the firebreak to determine the appropriate action needed for this situation.

Your cooperation is appreciated. If you have any questions concerning this letter, you may contact Ms. Barbara Hoditschek of my staff at (505) 827-0596.

Sincerely,



Ed Kelley, Ph.D.
Director WWMD and
Acting Bureau Chief
NMED-SWQB

cc: G. Saums, Mgr., NMED-SWQB
S. Dinwiddie, Ph.D., Mgr., NMED-HRMB
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File: LANL: Hillside 140: firebreak