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Mr. William M. Oberle
Regulatory Division
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435

Dear Mr. Oberle:

Subject: Action No. SPA-2012-00050-ABQ Potential Removal and Placement of Sediments at Sandia Canyon Wetland

This letter follows our email exchange on June 27, 2013 and subsequent conversation on July 23, 2013 (with Marcy Leavitt) with regard to the potential removal of approximately 20 cubic yards of alluvial sediments from the floodplain along the Sandia Canyon stream channel immediately below a grade-control structure and placement of those sediments above grade-control structure number 1. At that time we indicated the sediments contained post-1942 alluvial sediments with toxic pollutants.

During these communications, your email of June 27th indicated that a letter of request should address and document that the excavated sediments do not contain toxic pollutants in toxic amounts. Further, if the sediments contain toxic pollutants in toxic amounts and were used in construction, DOE/LANS would be deemed to be in violation of General Condition 6 (*Suitable Material*) of the USACE 2012 Nationwide Permit. General Condition 6 states that material used for construction or discharged must be free from toxic pollutants in toxic amounts.

Based on this information, we will not proceed with the use of these materials as fill material above the grade-control structure. The final disposition of the sediments has not been determined, however, the materials will be fully characterized and the appropriate regulatory pathway will be determined.



However, as you are aware, the removal and placement of sediments at issue has been required by NMED. In January 2011, June 2011 and November 2011 the NMED approved, with modifications, the *Phase II Investigation Work Plan for Sandia Canyon*, *Interim Measures Work Plan for Stabilization of the Sandia Canyon Wetland* and *Work Plan and Final Design for Stabilization of the Sandia Canyon Wetland*. A key condition, in NMED's June 2011 approval, was a requirement to remove all post-1942 alluvial sediments present below the grade-control structure and above the gage E123. These sediments were to be placed, within fill material, into the temporary sump excavation site.

Because this activity was based on a requirement placed on the project by NMED, and in order to complete the administrative record, we request the USACE provide a letter stating that if the placement of sediments involves toxic pollutants in toxic amounts, General Condition 6 will be violated.

Please contact Robert Gallegos by telephone at (505)-665-0450 or by email at rgallegos@lanl.gov if you have any questions regarding this information.

Sincerely,



Anthony R. Grieggs
Group Leader
Environmental Protection Division
Environmental Compliance Programs
Los Alamos National Security LLC

Sincerely,



Gene E. Turner
Environmental Permitting Manager
Environmental Projects Office
Los Alamos Field Office
U.S. Department of Energy

ARG:GET:RMG/lm

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