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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 25, 2014

Peter Maggiore
Assistant Manager, Env. Projects Office
Los Alamos Field Office, DOE
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau, Associate Director
Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: REVIEW
THE 2013 REPORT FOR EROSION CONTROLS ASSOCIATED WITH
FISHLADDER CANYON [SOLID WASTE MANAGEMENT UNIT 16-003(o)]
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-13-066**

Dear Messrs. Maggiore and Mousseau:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Permittees) *The 2013 Report for Erosion Controls Associated with Fishladder Canyon [Solid Waste Management Unit 16-003(o)]* dated and received December 9, 2013, and referenced by EP2013-0299.

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

The Permittees report that seven inspections were conducted between July 1, and September 20, 2013, following eight separate rain events. During the rain event



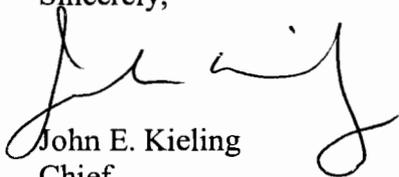
Messrs. Maggiore and Mousseau
April 25, 2014
Page 2

inspection conducted on September 19, 2013, the Permittees noted that two wattles and one rock check dam were damaged. The Permittees report that the wattles were repaired on November 13, 2013 and rock check dam was repaired on November 18, 2013. In addition, two annual inspections were conducted on May 3, 2013 and November 18, 2013. During the November 18 inspection, the Permittees noted flow around a gabion. The Permittees report that the gabion was repaired on November 18, 2013.

In the report, the Permittees state, "The erosion control inspection, maintenance, and reporting requirements contained in NMED's February 9, 2009, approval letter are now duplicative of the requirements contained in the IP. Therefore the U.S. Department of Energy and Los Alamos National Security, LLC, requests that the requirement to submit a summary report by December 31 each year be terminated effective December 31, 2013." NMED has reviewed the Permittees' request and has determined that the inspection and maintenance of storm water controls is not duplicative of the Individual Permit (IP) and performs an essential role in mitigating the transport of contamination by control of erosional runoff, as demonstrated in the 2013 annual inspections in which the Permittees had to perform repairs on the gabion, wattles and rock check dam. The Permittees must continue to conduct annual inspections of the erosional controls required by the Approval with Modification letter issued February 9, 2009 under the Consent Order. The 2014 inspection report documenting the proof of maintenance of erosion controls must be submitted no later than December 31, 2014, and annually for each subsequent year by December 31st.

Should you have any questions or comments, please contact Siona Briley at (505) 476-6049 or Ben Wear at (505) 476-6041.

Sincerely,



John E. Kielling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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File: Reading and LANL 2013 SWMU 16-003(o)