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RYAN FLYNN
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BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 3, 2015

Peter Maggiore, Assistant Manager
Environmental Projects Office
Los Alamos Field Office, DOE
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

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

U1500872

RE: DISAPPROVAL
2013 EXCAVATION OF THE LOS ALAMOS CANYON LOW-HEAD WEIR
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-13-068

Dear Messrs. Maggiore 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) *2013 Excavation of the Los Alamos Canyon Low-Head Weir* (Report) dated and received December 19, 2013 (referenced by LA-UR-13-28493 and EP2013-0258).

The Permittees report that the excavation of the sediment retention basin behind the Los Alamos Canyon low-head weir began on April 1, 2013, and was completed on May 6, 2013. The Permittees estimate that 6,000 cubic yards were removed from the retention basin and relocated approximately 0.5 mile upstream in the Los Alamos Canyon and stockpiled in a former borrow pit as shown in Figures 1 and 2 of the Report. The Permittees report that prior to excavation, depth-integrated samples were collected to characterize the material. NMED has reviewed the Report and has the following comments:

Comments:

1. The Permittees did not provide sufficient information regarding the total number of samples collected, the locations within the excavation area where samples were collected, or the concentration ranges of detected constituents. It is also unclear if the maximum detections are from a single sample location or are uniform throughout the excavated area. Provide a map depicting the sampling locations and depths, as well as a table of all sampling locations and their respective analytical results. In addition, provide an electronic copy of the analytical laboratory report.

2. In the Report, the Permittees state that hazard quotients (HQ) for barium, cyanide, lead and manganese all exceed the threshold value of 1. The information provided in the Report does not support the Permittees statement that there is no potential ecological risk from barium, cyanide, lead, or manganese when the list L-ESL HQ is greater than 1. Either remove the statements from the Report or provide an explanation to support the statements.

3. NMED is concerned with the final disposition of the excavated and stockpiled material since the soil stockpile was assumed to be temporary. The Permittees appear to have stockpiled the excavated material into an area both sloped and upstream of the sediment retention basin above the weir. Document in the Report the erosion controls that were implemented to prevent the sediment from being eroded and mobilized downstream and specify the type of flood event the erosion controls are designed to withstand. Describe practices that would be implemented in the event of a significant rainfall event. Provide information regarding whether or not the location of the stockpiled material is intended to be permanent. If the location is intended as a disposal site, provide the proposed plan to construct permanent storm water flow and erosion controls and prevent infiltration of rainwater and snowmelt into the soil stockpile.

The Permittees must address all comments and submit a revised Report by **June 30, 2015**. All submittals (including maps and tables) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order. In addition, the Permittees must submit a redline-strikeout version (electronic copy) that includes all changes and edits to the Report (replacement pages) with the response to this disapproval.

Please contact Siona Briley of my staff, at (505) 476-6049, should you have any questions or concerns.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

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cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
S. Briley, NMED HWB
E. Trujillo, NMED-SWQB
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L. King, EPA 6PD-N
W. Woodworth, DOE-LASO, MS A316
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File: LANL, Los Alamos Canyon Low Head Weir, December 2013

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