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**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

***Hazardous Waste Bureau***

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DAVE MARTIN  
Cabinet Secretary

BUTCH TONGATE  
Deputy Secretary

EP2011-5570

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

December 28, 2011

George J. Rael, Assistant Manager  
Environmental Projects Office  
Department of Energy/National  
Nuclear Security Administration  
Los Alamos Site Office  
3747 West Jemez Road, Mail Stop A316  
Los Alamos, NM 87544

Michael J. Graham, Associate Director  
Environmental Programs  
Los Alamos National Security, LLC  
P.O. Box 1663, MS M991  
Los Alamos, NM 87545

**RE: REVIEW  
EROSION CONTROLS ASSOCIATED WITH FISHLADDER CANYON  
SOLID WASTE MANAGEMENT UNIT (SWMU) 16-003(O)  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID #NM0890010515  
HWB-LANL-11-094**

Dear Messrs. Rael and Graham:

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) *Erosion Controls Associated with Fishladder Canyon [Solid Waste Management Unit 16-003(o)]*, dated December 14, 2011 and referenced by EP2011-0407.

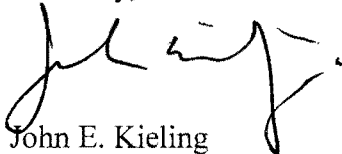
The Permittees are required to conduct annual inspections of the erosion controls installed in the drainages and slopes of Fishladder Canyon (*see* Approval with Modifications for the Phase II Investigation Report for TA-16-340 Complex, February 9, 2009). SWMU 16-003(o) is included in the Permittees'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

The Permittees report that four inspections were conducted between July 14 and September 26, 2011, following four separate rain events. In addition an annual inspection was conducted on September 22, 2011. Any maintenance issues that were identified were resolved promptly. The report did not explain the nature of maintenance issues and the measures taken to resolve them. The Permittees were directed by NMED (*See* January 13, 2011 letter) to include a description of observations made during inspections and steps taken to correct them in annual reports. In response to NMED's direction, the Permittees provided the required information for year 2010 on February 11, 2011, but failed to include it in this report. The Permittees must submit the revised report by **January 28, 2012**.

The Permittees must continue to conduct annual inspections of the erosion controls. The 2012 inspection report documenting the proof of maintenance of erosion controls must be submitted no later than December 31, 2012, and annually for each subsequent year by the December 31<sup>st</sup> thereafter.

Please contact Neelam Dhawan of my staff at (505) 476-6042 should you have any questions.

Sincerely,



John E. Kieling  
Acting Bureau Chief  
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB  
D. Cobrain, NMED HWB  
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File: LANL, Fishladder Canyon, SWMU 16-003(o), 2011

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