

DEPARTMENT OF ENERGY Environmental Management Los Alamos Field Office (EM-LA) Los Alamos, New Mexico 87544

EMLA-2021-0019-02-001

December 10, 2020

Mr. Kevin Pierard Bureau Chief Hazardous Waste Bureau New Mexico Environment Department 2905 Rodeo Park Drive East, Building 1 Santa Fe, NM 87505-6313

Subject:Biennial Inspection and Maintenance Report on Erosion Controls Associated with Solid
Waste Management Unit 16-003(o) within Fishladder Canyon

Dear Mr. Pierard:

This letter documents the annual inspection and maintenance of erosion control measures associated with Solid Waste Management Unit (SWMU) 16-003(o) within Fishladder Canyon for calendar years 2019 and 2020. This letter is required under the New Mexico Environment Department's (NMED's) approval with modifications for the Phase II Investigation Report for the Technical Area 16 (TA-16) 340 Complex, Revision 1, dated February 9, 2009.

Erosion controls for SWMU 16-003(o) in Fishladder Canyon were installed during Phase II investigation activities in July 2008. The controls included straw wattles, geotextile, and jute matting at the former fishladder location; a silt fence along the access road; and a gabion/rock check dam at the access road crossing.

Following NMED's February 9, 2009, approval letter requiring the annual inspection of and reporting on the erosion controls, the U.S. Environmental Protection Agency issued Los Alamos National Laboratory's National Pollutant Discharge Elimination System Storm Water Individual Permit (Permit No. NM0030759) (hereafter the Individual Permit). The Individual Permit, which became effective November 1, 2010, regulates storm water discharges from SWMUs, including SWMU 16-003(o), and areas of concern. The erosion controls installed during the Phase II investigation were incorporated into the Individual Permit, and inspection and maintenance activities performed each year are reported in the Site Discharge Pollution Prevention Plan (SDPPP) under site monitoring area (SMA) CDV-SMA-2.3. The most recent SDPPP can be found on the Individual Permit website at https://ext.em-la.doe.gov/ips.

Since completion of the 2009 Phase II investigation, erosion controls have been modified to meet the needs of the site. The Phase II wattles and matting have been retired in place, and the silt fence was removed once the hillside and access road were stabilized. The gabion/rock check dam at the access road crossing continues to be inspected under the Individual Permit. Additional controls have been installed per requirements for SWMU 16-003(o) under the Individual Permit, as shown in Figure 1. (Figures 1–19 are included in Enclosure 1.)

Figure 1 also shows the Individual Permit sampler location as well as erosion and sedimentation controls for other SWMUs associated with the SMA. Controls specifically associated with SWMU 16-003(o) consist of a rock berm (-0026), an earthen berm (-0027), straw wattles (-0028 and -0030), rock check dams (-0024 and -0025), and the small gabion structure (-0002) installed during the Phase II investigation. The photographs in Figures 2 through 19, taken in 2019 and 2020, show these controls as well as general site conditions. Other controls in this SMA are associated with SWMU 16-003(n) and are not evaluated as part of this submittal.

On December 13, 2016, the annual "Inspection and Maintenance of Erosion Controls Associated with Solid Waste Management Unit 16-003(o) within Fishladder Canyon" was submitted to NMED. In that report, a request was made to reduce the report submittal schedule to once every two years and no later than December 31 of the reporting year. On January 5, 2017, NMED approved the annual inspection report and the request to submit reports biennially. The biennial inspection and maintenance report for calendar years 2017 and 2018 was submitted on December 17, 2018. This inspection report covers activities performed during calendar years 2019 and 2020.

Under the Individual Permit, controls are inspected at least once per year; after a rainfall event equal to or greater than 0.25 in. of rain within 30 min; and in the event that storm water sampling results at the SMA exceed Individual Permit target action levels. Six rainfall events occurred in 2019, and three occurred in 2020.

On April 17, 2020, the U.S. Department of Energy Environmental Management Los Alamos Field Office (EM-LA) and Newport News Nuclear BWXT-Los Alamos, LLC (N3B) submitted the "Notification of Force Majeure and Anticipated Noncompliance due to Partial Stop-Work Order for Activities under National Pollutant Discharge Elimination System Permit Number NM0030759." On July 22, 2020, N3B submitted the "Notification of Resumption of Operations for Activities under National Pollutant Discharge Permit Number NM0030759." One rainfall event in 2020 occurred during the force majeure status.

Controls at SWMU 16-003(o) were inspected seven times during 2019:

- The first inspection was completed on March 19, 2019, for the March 12, 2019, rain event (maximum intensity of 0.27 in. within 30 min). There were no findings or maintenance items.
- The second inspection was completed on July 11, 2019, for the July 7, 2019, rain event (maximum intensity of 0.31 in. within 30 min). There were no findings or maintenance items.
- The third inspection was completed on July 23, 2019, for the July 15, 2019, rain event (maximum intensity of 0.4 in. within 30 min). There were no findings or maintenance items.
- The fourth inspection was completed on August 5, 2019, for the July 25, 2019, rain event (maximum intensity of 0.38 in. within 30 min). There were no findings or maintenance items.
- The fifth inspection was completed on September 10, 2019, for the September 1, 2019, rain event (maximum intensity of 0.37 in. within 30 min). There were no findings or maintenance items.

- The sixth inspection was completed on September 16, 2019, for the required annual inspection. There were no findings or maintenance items.
- The seventh inspection was completed on October 17, 2019, for the October 3, 2019, rain event (maximum intensity of 0.26 in. within 30 min). There were no findings or maintenance items.

Controls at SWMU 16-003(o) were inspected three times during 2020:

- The first inspection was completed on August 21, 2020, for the June 23, 2020, rain event (maximum intensity of 0.26 in. within 30 min). There were no findings or maintenance items.
- The second inspection was completed on September 4, 2020, for the August 27 and August 28, 2020, rain events (maximum intensity of 0.27 in. on both dates within 30 min). There were no findings or maintenance items.
- The third inspection was completed on September 17, 2020, for the required annual inspection. There were no findings or maintenance items.

The area has remained in stable condition with only minor maintenance activities required in over 11 years. Given the well-documented stability of the site, and the fact that it will continue to be monitored and inspected as part of the Individual Permit, EM-LA and N3B request that hereafter, the annual inspection and biennial reporting of erosion controls associated with 16-003(o) within Fishladder Canyon be discontinued and removed as a requirement from NMED's approval with modifications for the Phase II Investigation Report for the Technical Area 16 (TA-16) 340 Complex, Revision 1, dated February 9, 2009.

If you have any questions, please contact Steve Veenis at (505) 309-1362 (steve.veenis@em-la.doe.gov) or Cheryl Rodriguez at (505) 414-0450 (cheryl.rodriguez@em.doe.gov).

Sincerely,

arturo q duran Digitally signed by arturo q duran Date: 2020.12.01 11:22:02 -07'00'

Arturo Q. Duran Compliance and Permitting Manager Environmental Management Los Alamos Field Office

Enclosure(s):

- 1. Two hard copies with electronic files:
 - Figures for the Biennial Inspection and Maintenance Report on Erosion Controls Associated with Solid Waste Management Unit 16-003(o) within Fishladder Canyon (EM2020-0574)

CC (letter and enclosure[s] emailed): Laurie King, EPA Region 6, Dallas, TX Raymond Martinez, San Ildefonso Pueblo, NM Dino Chavarria, Santa Clara Pueblo, NM Chris Catechis, NMED-DOE-OB Steve Yanicak, NMED-DOE-OB Braidon Waggoner, LANL Felicia Aguilar, N3B William Alexander, N3B Don Carlson, N3B Emily Day, N3B Jeff Holland, N3B Kim Lebak, N3B Joseph Legare, N3B Dana Lindsay, N3B Pamela Maestas, N3B Glenn Morgan, N3B Joseph Murdock, N3B Steve Veenis, N3B Amanda White, N3B M. Lee Bishop, EM-LA Stephen Hoffman, EM-LA Kirk D. Lachman, EM-LA David Nickless, EM-LA Cheryl Rodriguez, EM-LA emla.docs@em.doe.gov n3brecords@em-la.doe.gov Public Reading Room (EPRR) PRS website

Pamela T. Maestas

From:	Martinez, Cynthia, NMENV < cynthia.martinez1@state.nm.us>
Sent:	Thursday, December 10, 2020 9:43 AM
То:	Pamela T. Maestas
Subject:	RE: Submittal to NMED on 12/10/2020 of Biennial Insp and Maint Rpt 16-003(o) in Fishladder Cyn

Received

From: Pamela T. Maestas <pamela.maestas@em-la.doe.gov> Sent: Thursday, December 10, 2020 9:16 AM To: Pierard, Kevin, NMENV <Kevin.Pierard@state.nm.us> Cc: Dhawan, Neelam, NMENV <neelam.dhawan@state.nm.us>; Krambis, Christopher, NMENV <Christopher.Krambis@state.nm.us>; Catechis, Chris, NMENV <Chris.Catechis@state.nm.us>; Briley, Siona, NMENV <Siona.Briley@state.nm.us>; Martinez, Cynthia, NMENV <cynthia.martinez1@state.nm.us>; Emily M. Day <Emily.Day@em-la.doe.gov>; Regulatory Documentation <RegDocs@EM-LA.DOE.GOV>; Shannon M. Smith <Shannon.Smith@em-la.doe.gov>

Subject: [EXT] Submittal to NMED on 12/10/2020 of Biennial Insp and Maint Rpt 16-003(o) in Fishladder Cyn

Mr. Pierard,

Attached for submittal is a pdf of the following:

• Biennial Inspection and Maintenance Report on Erosion Controls Associated with Solid Waste Management Unit 16-003(o) within Fishladder Canyon (EMLA-2021-0019-02-001, letter and enclosure)

Please acknowledge receipt of this submittal by responding to this email. Let me know if you have any questions. Thank you.

Pamela T. Maestas Regulatory Documentation Manager Newport News Nuclear BWXT-Los Alamos, LLC c. 505-927-7882 regdocs@em-la.doe.gov





Figures for the Biennial Inspection and Maintenance Report on Erosion Controls Associated with Solid Waste Management Unit 16-003(o) within Fishladder Canyon

Figure 1 Individual Permit sample locations and storm water controls as well as SWMUs associated with CDV-SMA-2.3A

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Figure 2 Rock berm (V00703120026, center of photo) at the top of drainage leading into Fishladder Canyon (September 2019). Note established vegetation. Condition of control: excellent.



Figure 3 Rock berm (V00703120026, center of photo) at the top of drainage leading into Fishladder Canyon (September 2020). Note established vegetation. Condition of control: excellent.



Figure 4 Earthen berm V00703010027, center of photo) at the top of drainage leading into Fishladder Canyon (September 2019). Note established vegetation. Condition of control: excellent.



Figure 5 Earthen berm (V00703010027, center of photo) at the top of drainage leading into Fishladder Canyon (September 2020). Note established vegetation. Condition of control: excellent.



Figure 6 View downslope of the former fishladder location (September 2019). Note established vegetation above and below straw wattle (V00703060028, center of photo). Condition of control: good.



Figure 7 View downslope of the former fishladder location (September 2020). Note established vegetation above and below retired straw wattle. No active controls visible in photo.



Figure 8 View upslope of the former fishladder location from the canyon bottom (September 2019). Note established vegetative cover and lack of erosional features. Control not visible in photo.



Figure 9 View upslope of the former fishladder location from the canyon bottom (September 2020). Note established vegetative cover and lack of erosional features. Control not visible in photo.



Figure 10 View west of former access road (photo taken at V00703060028, September 2019). Note established vegetation.



Figure 11 View east of former access road and straw wattle (V00703060028, center of photo, September 2020). Note established vegetation. Condition of control: very good.



Figure 12 Rock check dam (V00706010024, center of photo) in Fishladder Canyon primary drainage (September 2019). Condition of control: very good.



Figure 13 Rock check dam (V00706010024, center of photo) in Fishladder Canyon primary drainage (September 2020). Condition of control: very good.



Figure 14 Rock check dam (V00706010025, center of photo) in primary drainage (September 2019). Note established vegetation in channel. Condition of control: excellent.



Figure 15 Rock check dam (V00706010025, center of photo) in primary drainage (September 2020). Note established vegetation in channel. Condition of control: excellent.



Figure 16 Gabion (V00707010002, center of photo) at access road crossing in Fishladder Canyon (September 2019). Note vegetation in channel upstream of control. Condition of control: good.



Figure 17 Gabion (V00707010002, center of photo) at access road crossing in Fishladder Canyon (September 2020). Note vegetation in channel upstream of control. Condition of control: good.



Figure 18 View west of former access road in Fishladder Canyon (September 2019). Note vegetative cover, needle cast, and downed trees along the former access road.



Figure 19 View west of former access road in Fishladder Canyon (September 2020). Note vegetative cover, needle cast, and downed trees along the former access road.