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JAMES C. KENNEY
Cabinet Secretary Designate

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 4, 2019

Doug Hintze, Manager
U.S. Department of Energy
Environmental Management
Los Alamos Field Office
P.O. Box 1663, MS M984
Los Alamos, NM 87544

**RE: REVIEW AND COMMENTS
BIENNIAL INSPECTION AND MAINTENANCE REPORT ON EROSION
CONTROLS ASSOCIATED WITH SOLID WASTE MANAGEMENT
UNIT 16-003(o) WITHIN FISHLADDER CANYON
EPA ID#NM0890010515
HWB-LANL-18-066**

Dear Mr. Hintze,

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) *Biennial Inspection and Maintenance Report on Erosion Controls Associated with Solid Waste Management Unit 16-003(o) within Fishladder Canyon* (Report), dated and received December 17, 2018, and referenced by EM-LA-40AD-00374.

The DOE is required to conduct annual inspection 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, Revision 1*, February 9, 2009).

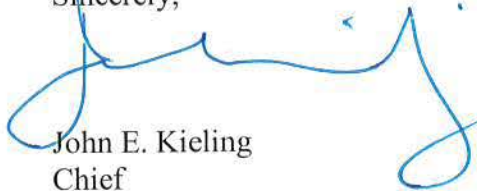
The DOE reports that five inspections were conducted in 2017 and two inspections were conducted in 2018. The Report states that the erosional controls continue to remain stable, and do not require any maintenance or repair at the unit. The Report includes photographs of the controls in the drainages and slopes of Fishladder Canyon taken in November 2018.

NMED has reviewed the Report and has the following comments:

- The DOE provided the documentation of November 29, 2018 inspection with photos but did not provide any documentation for the 2017 inspection in the Report. The DOE is required to perform annual inspections and provide documentation (e.g., photos) of each annual inspection in a biennial report (see NMED Review Letter dated January 5, 2017). The DOE must either provide documentation of the 2017 inspections or provide justification for not documenting the 2017 inspections.
- In the photos taken on November 29, 2018, the controls are not visible in Figures 5 and 6 due to snow accumulation. NMED recommend that future visual inspections documenting the status of erosional controls be performed under conditions where the view of controls is not obstructed by snow.

The DOE must respond to comments by **March 6, 2019**. If you have any questions regarding this letter, please contact Mitchell Schatz (505) 476-6051.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc:

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File: 2019 LANL, TA-16, Biennial Inspection and Maintenance Associated with
SWMU 16-003(o) Within Fishladder Canyon
LANL-18-066