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**James C. Kenney**  
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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

March 7, 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 IN DRAINAGES TO THE 90s LINE POND, CONSOLIDATED  
UNIT 16-008(a)-99 AT TA-16  
EPA ID#NM0890010515  
HWB-LANL-18-065**

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 in Drainage to the 90s Line Pond at Technical Area 16* (Report), dated and received December 17, 2018, and referenced by EM-LA-40AD-00373. On December 31, 2008, NMED issued Approval with Modification letter for the Supplemental Investigation Work Plan for consolidated units 16-007(a)-99 and 16-008(a)-99, requiring that annual inspection of the erosion controls and maintenance, be conducted and a report submitted to NMED by November 30<sup>th</sup> of each year. On December 30, 2016, NMED approved the DOE's request to submit the Report biennially (combining two annual inspections into one report), and to move the submittal date from November 30<sup>th</sup> to December 31<sup>st</sup>.

The DOE reports that inspections of the erosion controls in the drainages to the 90s Line Pond were performed on September 1, 2017 and November 29, 2018. The Report states that all controls were in good operating condition and no evidence of erosion was found in the drainages (see Figures 1-7, dated November 29, 2018).

NMED has reviewed the Report, and has the following comments:

- The DOE provided the documentation for the 2018 inspection (e.g., photos) but did not include any documentation for the September 1, 2017 inspection in the Report. The DOE is required to perform annual inspections (see NMED Approval Letter dated December 30, 2016), and provide documentation of each annual inspection. The DOE must either provide additional documentation of the 2017 inspection, or provide justification for not documenting the 2017 year's inspection.
- In the photos taken on November 29, 2018, snow is visible and partially obstructing the visual inspection of vegetation and control structures at TA-16-007(a)-99. NMED recommends that future visual inspection be performed when the view of vegetation and structures is not obstructed by snow.

The DOE must provide documentation of the inspection by no later than **April 8, 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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