



March 14, 2022

Arturo Duran, Designated Agency Manager
U.S. Department of Energy
Environmental Management
Los Alamos Field Office
3747 West Jemez Rd, MS-M984
Los Alamos, NM 87544

RE: REVIEW
BIENNIAL INSPECTION AND MAINTENANCE REPORT ON EROSION CONTROLS IN
DRAINAGES TO THE 90s LINE POND AT TECHNICAL AREA 16
EPA ID #NM0890010515
HWB-LANL-20-081

Dear Mr. Duran:

The New Mexico Department (NMED) has received the United States Department of Energy-Environmental Management Los Alamos Field Office (EM-LA) and Newport News Nuclear BWXT-Los Alamos, LLC (N3B), *Biennial Inspection and Maintenance Report on Erosion Controls in Drainages to the 90s Line Pond at Technical Area 16* (Report), dated and received December 10, 2020 and referenced by EMLA-2021-0018-02-001.

NMED's December 31, 2008, Approval with Modification letter for the Supplemental Investigation Work Plan for consolidated units 16-007(a)-99 and 16-008(a)-99, required that annual inspection of the erosion controls and repairs as needed be submitted to NMED by November 30 each year. On December 30, 2016, NMED approved the DOE's request to submit the Report biennially and move the submittal date from November 30 to December 31.

The DOE and N3B conducted an inspection of the erosion controls in the drainages to the 90s Line Pond on September 16, 2019, and September 17, 2020. The DOE reports that all the controls were in good operating condition and there was no evidence of erosion in the drainages (Figures 1-14). This Report meets DOE's obligation to conduct annual inspection and submit proof of maintenance of erosion controls in the drainages to the 90s Line Pond for 2019 and 2020.

Based on the well-documented stability of the drainages and controls for the 90s Line Pond, DOE and N3B have requested that the annual inspections and biennial reporting of erosion controls in 90s Line Pond be discontinued and removed as a requirement from NMED's

modifications for the *Phase II Investigation Report for the Technical Area 16 (TA 16 340 Complex, Revision 1*, dated February 9, 2009.

NMED notes that Comment 1 of NMED's *Notice of Approval Supplemental Investigation Report for Consolidated Units 16-007(a)-99 and 16-008(a)-99 at Technical Area 16 (NOA)*, dated February 16, 2010, states *"Results of the revised risk screening evaluations conducted for 90s Line after localized removal of chromium contaminated soil and tuff do not indicate an unacceptable risk to human health and the environment. However, the Permittees must continue to conduct inspections of the erosion controls installed in the drainages to the 90s Line Pond and submit annual reports. In addition, sediment samples must also be collected from the 90s Line Pond every five years to determine if concentrations of contaminants are increasing in the pond sediments."*

DOE has not submitted results of sediment sampling collected from the 90s Line Pond as required by NMED's NOA. Please submit these results at your earliest convenience. After conducting the review of the results of the sediment samples collected from 90s Line Pond, NMED will determine if future monitoring should be reduced in frequency or discontinued.

The next Report is due no later than December 31, 2022. If you have any questions regarding this letter, please contact Mitchell Schatz (505) 690-5910.

Sincerely,

Rick Shean

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Rick Shean
Bureau Chief
Hazardous Waste Bureau

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