



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 8, 2023

Arturo Duran
Designated Agency Manager
U.S. Department of Energy, Environmental Management
Los Alamos Field Office
1200 Trinity Drive, Suite 400
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 IS #NM0890010515
LANL-20-081

Dear Mr. Duran,

The New Mexico Environment Department (NMED) received the United States Department of Energy's (DOE) *Biennial Inspection and Maintenance Report on Erosion Controls in Drainages to the 90s Line Pond at Technical Area 16 (Biennial Report)* dated and received December 10, 2020, and referenced by EMLA-2021-0018-02-001/EM2020-0562.

The Biennial Report was submitted to fulfill the requirement in NMED's *Approval with Modifications [for the] Supplemental Investigation Work Plan for Consolidated Units 16-007(a)-99 and 16-008(a)-99* (SIR Approval) from December 31, 2008 to conduct annual inspections and submit the proof of maintenance every year by November 30th. On December 30, 2016, NMED approved DOE's request to submit the report biennially and move the submittal date to December 31st.

In the Biennial Report, DOE 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 approval with modification for the *Phase II Investigation for the Technical Area 16 (TA 16) 340 Complex, Revision 1*, dated February 9, 2009. However, DOE has not submitted results of sediment sampling collected from 90s Line Pond every five years, as required by 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. NMED received DOE's *Data Summary Report for Sediment Sampling at Solid Waste Management Unit 16-008(a) in*

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Technical Area 16 on August 31, 2023, which compares the results from sediment samples collected in 1996 and in 2006-2007 with the results from 2022. The reported results do not indicate that contaminant concentrations are increasing with time in the 90s Line Pond.

NMED notes that sediment samples were not collected between 2010 and 2022. NMED does not agree with discontinuing the required biennial reporting for 90s Line Pond, as requested by DOE. NMED will consider reducing the reporting requirement after DOE has provided documentation of non-increasing sediment results from sampling conducted for more than one five year sampling cycle, as described in the SIR Approval Letter. The next Biennial Report is due to NMED no later than December 31, 2024.

If you have any questions regarding this letter, please contact Mitchell Schatz at (505) 690-5910.

Sincerely,

Rick Shean
Digitally signed by
Rick Shean
Date: 2023.11.08
12:50:14 -07'00'

Rick Shean
Designated Agency Manager, Hazardous Waste Bureau
Director, Resource Protection Division, NMED

cc: N. Dhawan, NMED HWB
M. Schatz, NMED HWB
S. Briley, NMED HWB
S. Yanicak, NMED DOE OB
L. King, US EPA Region 6
C. Rodriguez, DOE-EM-LA
B. Bowlby, N3B
B. Harcek, DOE- EM-LA
D. Stafford, N3B
P. Maestas, N3B
W. Alexander, N3B
emla.docs@em.doe.gov
n3brecords@EM-LA.DOE.GOV

Arturo Duran

Page 3

File: LANL 2023, TA 16, Review, Biennial Inspection and Maintenance on Erosion Controls in Drainages to the 90s Line Pond and TA 16
LANL-20-081

