NEW MEXICO
ENVIRONMENT DEPARTMENT

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Lieutenant Governor

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Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 17, 2015

Charles F. McMillan, Director
Los Alamos National Laboratory
P.O. Box 1663, MS K499
Los Alamos, NM 87545

Kimberly Davis Lebak, Manager
Los Alamos Field Office
U.S. Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

RE: REQUEST FOR INFORMATION
MANAGEMENT OF NITRATE SALT-BEARING WASTE
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515

Dear Mr. McMillan and Ms. Davis Lebak:

Pursuant to NMSA 1978, Section 74-4-4.3(A) of the New Mexico Hazardous Waste Act ("HWA"), the New Mexico Environment Department ("NMED") hereby requests that the United States Department of Energy ("DOE") and Los Alamos National Security, LLC ("LANS"; collectively, with DOE, the "Permittees") provide NMED the below-listed information concerning activities associated with nitrate salt-bearing waste containers at the Los Alamos National Laboratory ("LANL").

Section 74-4-4.3(A)(1) of the HWA provides that "[f]or the purposes of developing or assisting in the development of any rules, conducting any study, taking any corrective action or enforcing the provisions of the Hazardous Waste Act, upon request of the secretary or his authorized representatives: any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes...."

In a document titled, "Summary of Evaluation and Identification of LANL Nitrate Salt Containers," ("Evaluation") submitted to NMED on May 29, 2014, the Permittees provided a summary of the processes used to identify 267 parent containers generated at LANL that contained or were suspected to contain unconsolidated nitrate salts. The Evaluation concludes: "The processes of waste sorting, neutralization, absorption of liquids, and waste repackaging

U1500738

created remediation daughters that expanded the population [of] nitrate or suspected nitrate salts to seven hundred and seven (707) containers, as summarized in Table 4."

The Permittees shall furnish the following information:

1. Provide all internal reviews of waste management practices regarding nitrate salt-bearing waste streams from 2006 to present, e.g., waste characterization, waste labeling, waste sorting, waste neutralization, the absorption of liquids in the waste, and waste repackaging.
2. Provide all documentation the Permittees reviewed to reach the conclusions in the Evaluation.
3. Provide all documentation that was generated as a result of the Evaluation (*e.g.*, internal memoranda; communication between the Permittees and external organizations, such as the Central Characterization Project ("CCP"), the Waste Isolation Pilot Plan ("WIPP"), and the LANL Carlsbad Office Difficult Waste Team ("DWT")).
4. Provide all documentation that has been generated as a result of subsequent reviews or evaluations regarding the total number of nitrate salt-bearing waste containers (*e.g.*, internal memoranda; communication between the Permittees and external organizations, such as CCP, WIPP and DWT).

Your compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or adequately justify such failure to respond, may result in an enforcement action by NMED pursuant to Section 74-4-10 of the HWA. The HWA provides for the imposition of civil penalties for noncompliance. Section 74-4-12 of the HWA provides that any person who violates any provision of HWA "may be assessed a civil penalty not to exceed ten thousand dollars ($10,000) for each day during any portion of which a violation occurs." *See also* §§ 74-4-10(A) and (B). The HWA also provides for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with Section 74-4-11(A)(3).

The Permittees may claim confidentiality for any information required by this information request pursuant to the requirements of sections 74-4-4.3(D) and (F) of the HWA, and 20.4.1.100 NMAC (incorporating 40 CFR 260.2).

U1500738

The Permittees must submit their response to me at the address on the letterhead by March 9, 2015. If you have any questions regarding the information request, please contact NMED at (505) 476-6035.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

cc: K. Roberts, Director NMED RPD
J. Kieling, NMED HWB
D. Cobrain, NMED HWB
S. Pullen, NMED HWB
T. Hall, NMED HWB
L. King, EPA Region 6
P. Maggiore, NNSA
M. Brandt, LANS
R. Erickson, LANS

File: Reading and LANL 2015 – RCRA Info Request, Management of Nitrate-Salt Bearing Waste.

U1500738

From:	Gallegos, Anita M
To:	locatesteam
Subject:	FW: Letter to Mr. McMillan and Ms. Davis Lebak
Date:	Tuesday, February 17, 2015 2:38:06 PM
Attachments:	LANL 2015 RCRA Info.Rqst. Management of Nitrate-Salt Bearing Waste.pdf

Per Director McMillan. Please assign to Randy Erickson and Dave Sosinksi with copy to Paul Henry, Rich Marquez, Craig Leasure, Terry Wallace, Mike Lansing, and Alan Bishop.

Due date is March 9.

Thank you,
Anita
5-8142

From: Martinez, Cynthia, NMENV [mailto:cynthia.martinez1@state.nm.us]
Sent: Tuesday, February 17, 2015 2:05 PM
To: McMillan, Charlie; kimdavis.lebak@nnsa.doe.gov
Cc: Roberts, Kathryn, NMENV; king.laurie@epa.gov; Cobrain, Dave, NMENV; Pullen, Steve, NMENV; Hall, Timothy, NMENV; king.laurie@epa.gov; pmaggiore@doeal.gov; Brandt, Michael Thomas; Erickson, Randy
Subject: Letter to Mr. McMillan and Ms. Davis Lebak

Good Afternoon All,
Please see attachment.

Cynthia Martinez
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg.1
Santa Fe, New Mexico 87505
Phone 505-476-6000

U1500738