NEW MEXICO
ENVIRONMENT DEPARTMENT

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us

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Governor
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Lieutenant Governor

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Cabinet Secretary
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Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 24, 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
CHARACTERIZATION AND MANAGEMENT OF NITRATE SALT WASTE
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515

U1500781

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") no later than March 17, 2015.

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...."

On October 21, 2014, the Permittees submitted to NMED a Second Addendum, Reporting Additional Instances of Noncompliance with Hazardous waste Facility Permit and Generator Requirements, Los Alamos National Laboratory ("Second Addendum"). In the Second Addendum, the Permittees identified several instances of noncompliance with the Hazardous Waste Management Regulations ("HWMR") and the LANL Hazardous Waste Facility Permit

("Permit"): 1) hazardous waste determination requirements at 20.4.1.300 NMAC, incorporating 40 CFR § 262.11; 2) Permit requirements regarding managing ignitable and incompatible wastes and labeling hazardous waste containers; and 3) pre-transport requirements at 20.4.1.300 NMAC, incorporating 40 CFR §§ 262.30-31.

Pursuant to Section 74-4-4.3, NMED hereby requires the Permittees to provide the following information:

1. Provide a copy of the December 2014 Independent Review Team Report Regarding Uncemented Nitrate Waste At Los Alamos National Laboratory, submitted by Longenecker & Associates, Inc.

2. Provide a complete, current list of containers which contain or which may contain nitrate salts.

3. 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 concluded, "The processes of waste sorting, neutralization, absorption of liquids, and waste repackaging 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." For each and every instance wherein the Permittees have determined that a container from the list of 707 containers does not contain nitrate salt(s), provide a written, detailed explanation specifying the factual bases upon which Permittees have relied to make such a determination.

4. Provide the following for each of the 707 waste containers known or otherwise suspected to contain nitrate salt(s):
   A. Any and all documentation associated with the characterization of the waste in each container, including but not limited to the initial waste characterization (40 CFR 262.11), annual waste stream reevaluation (Permit Condition 2.4.7(1)), and waste reevaluation resulting from a change in waste stream generation processes (Permit Conditions 2.4.7(1) and (2));
   B. the date the waste was generated;
   C. the specific location where the waste was generated, including the technical area, building, room, glove box, etc.;
   D. the date the container was first placed into permitted storage at LANL;
   E. all specific location(s) where the container was stored at LANL;
   F. the dates the container was stored at each location;

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G. as applicable, the date that the container was labeled with HWNs D001, D007, D008, and D009, and any and all documentation of such activity that was entered into the Facility Operating Record;
H. documentation that the container was characterized and labeled in compliance with Permit Condition C.5.1;
I. documentation the Permittees entered into the Facility Operating Record describing the waste, as required by Permit Condition 2.12.2(1);
J. all documentation the Permittees entered into the Facility Operating Record demonstrating compliance with the special requirements for ignitable waste at Permit Conditions 2.8 and 2.8.1;
K. if organic neutralizer was added, for each such container provide the following:
    i. Any and all documentation the Permittees entered into the Facility Operating Record demonstrating compliance with the special requirements for incompatible waste at Permit Conditions 2.8 and 2.8.2; and
    ii. Any and all documentation the Permittees entered into the Facility Operating Record describing the methods and dates of treatment, as required by Permit Condition 2.12.2(1);
L. If organic absorbent was added, for each such container provide the following:
    i. Any and all documentation the Permittees entered into the Facility Operating Record demonstrating compliance with the special requirements for incompatible waste at Permit Conditions 2.8 and 2.8.2; and
    ii. Any and all documentation the Permittees entered into the Facility Operating Record describing the methods and dates of treatment, as required by Permit Condition 2.12.2(1);
M. For each instance in which a container was determined to hold free liquids, provide the following:
    i. The date the Permittees determined that the container had free liquids;
    ii. Any and all documentation the Permittees entered into the Facility Operating Record regarding the presence of and the characterization of any free liquids;
    iii. Any and all documentation that the container was labeled with HWN D002 whether the liquid was or suspected to be corrosive;
    iv. Any and all documentation that the container was labeled with a "free liquids" label; and
    v. Any and all documentation indicating that the container was stored in a location that provided adequate secondary containment;

5. Provide any and all written procedures addressing the use of non-sparking tools for any and all locations wherein nitrate salt-bearing waste containers were stored at LANL.

6. Provide the manifest for each shipment to WIPP or WCS that included one (1) or more nitrate salt-bearing waste containers.

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7. If any documentation responsive to this request has been provided to NMED already, identify any and all such documentation and specify the date and manner the documentation was provided.

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).

The Permittees must submit their response to me at the address on the letterhead by March 17, 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. Kendall, NMED OGC
J. Kieling, NMED HWB
D. Cobrain, NMED HWB
S. Pullen, NMED HWB
T. Hall, NMED HWB
L. King, EPA Region 6
P. Maggiore, NNSA
R. Erickson, LANS

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

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From:	Gallegos, Anita M on behalf of McMillan, Charlie
To:	locatesteam
Subject:	FW: Letter to Mr. McMillan and Ms. Davis Lebak
Date:	Wednesday, February 25, 2015 10:22:06 AM
Attachments:	LANL 2015 RCRA Info Request, Characterization and Management of Nitrate Salt Waste.pdf
Importance:	High

Good Morning:
Please assigned the attached action to Randy Erickson and David Sosinksi with copies to Paul Henry, Rich Marquez, and Deb Woitte.

Due date- March 17, 2015.

Thanks,
Anita

Anita M. Gallegos
Executive Office Manager
Office of the Laboratory Director
(505)665-8142

From: Martinez, Cynthia, NMENV [mailto:cynthia.martinez1@state.nm.us]
Sent: Wednesday, February 25, 2015 7:34 AM
To: McMillan, Charlie; kimdavis.lebak@nnsa.doe.gov
Cc: Roberts, Kathryn, NMENV; Kendall, Jeff, NMENV; Kieling, John, NMENV; Cobrain, Dave, NMENV; Hall, Timothy, NMENV; Pullen, Steve, NMENV; king.laurie@epa.gov; pmaggiore@doeal.gov; Erickson, Randy
Subject: Letter to Mr. McMillan and Ms. Davis Lebak

Good Morning 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

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