

**NEW MEXICO ENVIRONMENT
DEPARTMENT,
Complainant,**

v.

**NEWPORT NEWS NUCLEAR BWXT-
LOS ALAMOS, LLC.,
AND TRIAD NATIONAL SECURITY, LLC,
EPA ID #: NM0890010515**

Respondents.

HWB 25-03

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- B. The Department issued a Hazardous Waste Facility Treatment and Storage Permit, EPA I.D. Number NM0890010515 (“Permit”), to DOE, Triad and N3B. Permit Section 1.2 addresses the permittees and the permitted activities.
- C. Pursuant to contracts with DOE, Respondents manage, operate and control certain hazardous waste management units at the Los Alamos National Laboratory (“LANL”), located at Bikini Atoll Road, SM-30, Los Alamos, New Mexico (“Facility”).
- D. Beginning on November 14, 2022, NMED conducted a hazardous waste compliance evaluation inspection (“Inspection”) at the Facility. During the Inspection, the Department observed potential violations of the HWA, the HWMR and the Permit.
- E. As a result of the Inspection and in consideration of the documentation and information provided, on February 13, 2024, the Department issued a NOV and addressed the NOV to the DOE/National Nuclear Security Administration-Los Alamos Field Office and the DOE/Office of Environmental Management-Los Alamos Field Office.

II. ALLEGED VIOLATIONS

- A. The Department alleged the following violations in the February 13, 2024, NOV:
 - 1. Failure to ensure that containers of hazardous waste that are stored outdoors and are not being actively managed are protected from precipitation using weather protective equipment (e.g., containment shell, secured tarp) or are protected by the design of the equipment, which is a violation of Permit Condition (“PC”) 3.5.1(5).
 - 2. Failure to ensure that all containers used to store hazardous waste are in good condition (e.g. no severe rusting or apparent structural defects), which is a violation of PC 3.2.
 - 3. Failure to perform necessary repairs to prevent run-on or run-off of stormwater at areas where hazardous wastes are stored, which is a violation of PC 3.12.2.1.

4. Failure to provide secondary containment for containers of hazardous waste with free liquids, which is a violation of PC 3.7.1(1).
5. Failure to label satellite containers of hazardous waste with an indication of the relevant hazard(s), which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(5)(ii).
6. Failure to prepare and complete hazardous waste manifests to accompany off-site shipments of hazardous waste, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.20(a).

III. COMPROMISE AND SETTLEMENT

- A. All actions required to maintain or restore Respondents' compliance have been completed. The Department agrees to rescind and replace Violation #1 of the February 13, 2024, NOV, such that Violation #1 now is determined to be the failure to maintain the facility to minimize the possibility of a sudden or non-sudden release of hazardous waste and/or hazardous waste constituent, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.251. No changes are made to the remaining violations.
- B. Respondents admit to the jurisdictional allegations of this SFO. While not admitting to the allegations or violations described in the NOV, Respondents consent to the relief specified in the SFO, including the payment of civil penalties to resolve the violations alleged in the NOV. Nothing in this Order shall be construed as an admission of any fact, liability or violation of law.
- C. In compromise and settlement of the violations alleged in the NOV, N3B and Triad agree to pay civil penalties as follows:

1. N3B will pay three hundred fifty-eight thousand eight hundred ninety-five dollars (\$358,895.00);
2. Triad will pay six hundred thirty dollars (\$630.00);
3. The payments are due within thirty (30) days of the effective date of this Stipulated Final Order;
4. Payment shall be made to the “New Mexico Environment Department” via ACH or EFT deposit using this account and deposit information:

Wells Fargo Bank, N.A.
100 W Washington Street, Floor 20
Phoenix, AZ 85003

Routing Transit Number: 121000248
Deposit Account Number: 4123107799
Descriptor: NMED-HWB 25-03

5. On the date(s) that the deposits of funds are initiated, N3B and Triad shall email Hazardous Waste Bureau Financial Manager Jessi Sanchez at Jessi.sanchez@env.nm.gov, listing the date and dollar amount of deposit and attaching the executed Stipulated Final Order.
- D. If Respondents fail to make timely and complete payment of their respective civil penalties as provided for in Section III(C), N3B or Triad shall pay interest on the outstanding balance of their respective penalties at the rate established for judgements and decrees under NMSA 1978, § 56-8-4.
- E. Respondents acknowledge that LANL, DOE, and/or Respondents will not be removed from the Department’s Enforcement Watch webpage until after Respondents fully perform the actions required for compromise and settlement of the alleged violations in this SFO.

IV. ENFORCEMENT

- A. Except as provided in Section V, titled “Covenants Not to Sue”, below, the Department reserves all of the powers, authorities, rights, and remedies, whether administrative or judicial, civil or criminal, legal or equitable, to enforce the requirements of the HWA, HWMR and/or Permit, for any past, present or future violations not addressed in the February 13, 2024, NOV. In any such action, Respondents reserve the right to assert any defenses that they may have.
- B. The Department retains its right to enforce this SFO by administrative or judicial action, and Respondents reserve the right to assert any defenses that they may have.
- C. In the event that the Department elects to file a judicial action to enforce this SFO, the Department shall file such action in the First Judicial District Court of Santa Fe County, New Mexico. Respondents will not challenge that jurisdiction or that the venue lies with the First Judicial Court of Santa Fe County, New Mexico.

V. COVENANTS NOT TO SUE

- A. Upon Respondents’ satisfaction of the terms of this SFO, the Department covenants not to sue or take any administrative or civil action against Respondents under the HWA, HWMR, and Permit, for any of the facts or violations alleged in the NOV or this SFO. The covenant does not extend to violations of the HWA, HWMR and/or Permit not detailed in the February 13, 2024, NOV or violations of this SFO.
- B. Respondents covenant not to sue the Department and/or the State of New Mexico for any claims deriving from the NOV or this SFO.

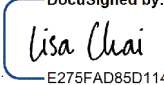
VI. OTHER TERMS AND CONDITIONS

- A. This SFO shall become effective on the date it is approved and signed by the Secretary of Environment.
- B. This SFO merges all prior written and oral communications between the Department and Respondents concerning the subject matter of the SFO and contains the entire agreement between the Department and Respondents.
- C. This SFO shall be binding upon the Department and its successor agencies and shall be binding upon Respondents and on their successors.
- D. The persons executing this SFO represent that they have the requisite authority, and such representation shall be legally sufficient evidence of actual or apparent authority, to bind the Department or Respondents, respectively, to this SFO.
- E. The Hazardous Waste Bureau Chief signs pursuant to the authority granted by the November 26, 2025, Delegation Order.

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For: **NEW MEXICO ENVIRONMENT DEPARTMENT**

By:  Date: 4/21/2025
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JOHN DAVID NANCE, BUREAU CHIEF
HAZARDOUS WASTE BUREAU
NEW MEXICO ENVIRONMENT DEPARTMENT

By:  Date: 4/21/2025
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OFFICE OF GENERAL COUNSEL
(Certifying Legal Sufficiency)
NEW MEXICO ENVIRONMENT DEPARTMENT

For: **NEWPORT NEWS NUCLEAR BWXT- LOS ALAMOS, LLC.**

By:  Date: 4/21/2025
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BRADLEY SMITH, PRESIDENT AND GENERAL MANAGER
NEWPORT NEWS NUCLEAR BWXT- LOS ALAMOS, LLC.

For: **TRIAD NATIONAL SECURITY, LLC**

By:  Date: 4/21/2025
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MAXINE MCREYNOLDS, ASSOCIATE GENERAL COUNSEL
ENVIRONMENT, SAFETY & HEALTH LAW
OFFICE OF GENERAL COUNSEL
TRIAD NATIONAL SECURITY, LLC

APPROVAL OF STIPULATED FINAL ORDER

Pursuant to 20.1.5.600.B(2) NMAC, this Stipulated Final Order, agreed to by the Department and Respondents, is hereby APPROVED as a FINAL ORDER.

DocuSigned by:

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JAMES C. KENNEY
SECRETARY OF ENVIRONMENT

Date: 4/28/2025