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**COPY**

*Date: NOV 27 2013  
Refer To: WM-DO-13-0085  
LAUR: 13-28939*

Mr. John E. Kieling  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505

Dear Mr. Kieling:

**SUBJECT: LOS ALAMOS NATIONAL LABORATORY HAZARDOUS WASTE FACILITY PERMIT INSTANCES OF NONCOMPLIANCE AND RELEASES FOR FISCAL YEAR 2013**

The purpose of this letter is to transmit to the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) a report required by Section 1.9.14 of the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit (the Permit). The report lists instances of noncompliance with the Permit and any releases at or from a permitted unit that did not pose a threat to human health or the environment. From October 1, 2012 through September 30, 2013 there were no releases within or from a permitted unit. The enclosed report provides information on one hundred ninety three instances of noncompliance that were recorded throughout fiscal year 2013.

The Permittees would like to meet with the NMED- HWB to discuss the processes LANL has implemented to ensure compliance and prevent reoccurrence of non-compliances.



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Mr. John E. Kieling  
WM-DO-13-0085

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If you have questions about the report or would like to discuss any of the contents further, please contact Mark Haagenstad at (505) 665-2014 of Waste Management Programs (WM-PROG), or Gene Turner, Los Alamos Field Office at (505) 667-5794.

Sincerely,



Michelle L. Coriz  
Acting Group Leader  
Waste Management Programs (WM-PROG)  
Los Alamos National Security, LLC

Sincerely,



Gene E. Turner  
Environmental Permitting Manager  
Los Alamos Field Office  
U.S. Department of Energy  
National Nuclear Security Administration

CJ:MLC:GET/lm

Enclosure: 1. Fiscal Year 2013 Reporting of Instances of Noncompliance and Releases, Los Alamos National Laboratory Hazardous Waste Facility Permit

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### CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

*Robert L. Dodge*

**Robert L. Dodge**  
Division Leader  
Waste Management Division  
Los Alamos National Laboratory  
Operator

*11/26/13*

**Date Signed**

*Gene E. Turner*

**Gene E. Turner**  
Environmental Permitting Manager, Los Alamos Field Office  
National Nuclear Security Administration  
U.S. Department of Energy  
Owner/Operator

*11/27/13*

**Date Signed**

# **ENCLOSURE 1**

**FISCAL YEAR 2013 REPORTING OF INSTANCES OF  
NONCOMPLIANCE AND RELEASES LOS ALAMOS  
NATIONAL LABORATORY HAZARDOUS WASTE FACILITY  
PERMIT**

**WM-DO-13-0085**

**LAUR-13-28939**

**Date:** NOV 27 2013



**Fiscal Year 2013 Reporting of Instances of Noncompliance and Releases**  
**Los Alamos National Laboratory Hazardous Waste Facility Permit**

Introduction

This report has been prepared by the US Department of Energy and Los Alamos National Security, LLC (DOE/LANS), collectively the Permittees, to meet a reporting requirement of the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit (the Permit). Permit Sections 1.9.13 and 1.9.14 require reporting of any non-threatening release of hazardous waste or constituents from or at a permitted unit, and all instances of noncompliance with the Permit. This report must be submitted by December 1 of each year, and addresses information from October 1, 2012 through September 30, 2013. None of the releases or incidents of noncompliance detailed within this report posed a potential threat to human health or the environment.

Facility Information

Owner and Operator:

United States Department of Energy  
3747 West Jemez Road  
Los Alamos, NM 87544

Co-Operator:

Los Alamos National Security, LLC.  
Po Box 1663  
Los Alamos, NM 87545

Facility:

Los Alamos National Laboratory  
PO Box 1663  
Los Alamos, NM 87545

Releases from or at a Permitted Unit

During this time frame (October 1, 2012 through September 30, 2013), there were no releases at or from a permitted unit.

Instances of Noncompliance with the Permit

From October 1, 2012 through September 30, 2013, there were 193 instances of noncompliance with the Permit. Table 1 provides detailed information for the occurrences of noncompliance. The majority of these are associated with physical permit conditions such as aisle spacing, secondary containment requirements, and container labeling issues. The remaining occurrences of noncompliance were in documentation and record keeping requirements such as missing information on inspection record forms or a delayed email notification.

Most of the issues listed within Table 1 were discovered during daily or weekly inspections and resolved

appropriately and in a timely fashion. The discovery and tracking of these occurrences of noncompliance is evidence that regular inspections are important in preventing, detecting, and responding to hazards associated with waste containers that may cause or lead to a release of hazardous constituents to the environment or a threat to human health.

There have been 130 instances of noncompliance associated with the container labeling requirements and 24 associated with recordkeeping and reporting requirements. As training and awareness of the permit requirements are communicated throughout the twenty-four permitted units at LANL, a greater focus on these types of issues develops and more instances are found and corrected, resulting in a better compliance program. All of the occurrences of noncompliance listed within Table 1 have been corrected.

In the case of noncompliance with labeling requirements, each of the instances reported were not unknown wastes. Although some labels were found to have illegible information, missing information, or a hazardous waste label was missing from the container, the container still listed enough information that operators/owners at the facility could identify the waste within the container within a reasonable amount of time. Additionally, no further management of the container could be conducted until the container was properly labeled.

For most of the instances noted in Table 1, the personnel responsible for ensuring compliance with the requirements are developing processes to facilitate compliance and prevent reoccurrence of noncompliance. Where other actions that will help prevent reoccurrences were implemented, Table 1 specifically discusses those activities.



Table 1: Fiscal Year 2013 Instances of Noncompliance with the Los Alamos National Laboratory Hazardous Waste Facility Permit

Date of Discovery	Permitted Unit Location	Noncompliance	Quantity of Material	Period of Noncompliance	Steps Taken to Resolve
15-Nov-12	TA-54, Area G Pad 6 (2 instances)	Aisle spacing requirements of 24 inches was not met.	Two containers.	11/15/2012 - 11/27/2012	Containers were configured so that adequate aisle spacing of 24 inches was achieved.
11-Dec-12	Outside Storage Unit	A single container was left out of compliant storage for several days due to a malfunction of the high energy real time radiography (HERTR) at TA-54-577.	A single container.	12/07/12- 12/11/12	The HERTR malfunction could not be immediately fixed and it was deemed safer to leave the container in the HERTR until repairs were made, or the container could be safely moved. The container was placed back in compliant permitted storage at TA-54 Area G as soon as possible on 12/11/12.
20-Dec-12	TA-54, Area G Pad 3	One instance of a frozen eyewash station in need of refill or replacement.	Not applicable	12/20/2012 - 01/07/2013	The eyewash was replaced.
07-Jan-13	TA-54, Area G Pad 9	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	01/07/2013- 01/09/2013	The container was placed on secondary containment.
07-Jan-13	TA-54, Area G Pad 9	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	01/07/2013 - 01/09/2013	The container was placed on secondary containment.
09-Jan-13	TA-55-PF-4	Daily Hazardous Waste Inspections were not conducted on the PF-4 Tank System for the days of January 2, 2013 and January 3, 2013.	Tank and Cementation Unit	01/02/2013- 01/03/2013	During holidays and weekends, Facility Operations covers inspections. However, January 2nd and 3rd were normal work days and Tank System, TSDF Personnel were to conduct the inspections on these days, which were missed. New personnel were trained on conducting the inspections and inspections will be conducted daily regardless of waste operations.
09-Jan-13	TA-50-69	Annual inspection of drainage swales was not conducted.	Not applicable	09/2011-01/2013	Inspection was conducted when information regarding 2012 inspection could not be located.
09-Jan-13	TA-54, Area G Pad 5	One container did not meet adequate aisle spacing requirements of 24 inches.	A single container.	01/09/2013 - 1/24/2013	The container was moved and adequate aisle spacing was re-established.
11-Feb-13	TA-54, Area G Pad 6	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	02/11/2013 -02/19/2013	The container was placed on secondary containment.

Table 1: Fiscal Year 2013 Instances of Noncompliance with the Los Alamos National Laboratory Hazardous Waste Facility Permit

Date of Discovery	Permitted Unit Location	Noncompliance	Quantity of Material	Period of Noncompliance	Steps Taken to Resolve
14-Feb-13	TA-54, Area G Pad 10	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	02/14/2013 - 02/19/2013	The container was placed on secondary containment.
20-Feb-13	TA-55-B40	Aisle spacing was less than the required 24 inches.	A single container.	2/20/2013	Storage operations personnel promptly removed the container from the unit and proper aisle space was restored. Personnel were reminded that adequate aisle space must be maintained at all times.
20-Feb-13	TA-54, Area G Pad 5	One instance of a missing eyewash station.	Not applicable	02/20/2013- 02/26/2013	The eyewash was replaced.
21-Feb-13	TA-54, Area G Pad 9	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	02/21/2013 - 02/28/2013	The container was placed on secondary containment.
12-Mar-13	TA-54, Area G Pad 9	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	03/12/2013 - 03/18/2013	The container was placed on secondary containment.
15-Apr-13	TA-54, Area G Pad 10	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	04/15/2013 - 04/17/2013	The container was placed on secondary containment.
15-May-13	TA-54, Area G Pad 3	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	05/15/2013 - 05/17/2013	The container was placed on secondary containment.
15-May-13	TA-54, Area G Pad 3	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	05/15/2013 - 05/17/2013	The container was placed on secondary containment.
28-May-13	TA-54, Area G Pad 3	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	05/28/2013 - 05/31/2013	The container was placed on secondary containment.
17-Jun-13	TA-54, Area G Pad 10	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	06/17/2013 - 06/19/2013	The container was placed on secondary containment.
18-Jun-13	TA-54, Area G Pad 6	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	06/18/2013 - 06/21/2013	The container was placed on secondary containment.
10-Jul-13	TA-54, Area G Pad 3	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	07/10/2013 - 07/12/2013	The container was placed on secondary containment.

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Date of Discovery	Permitted Unit Location	Noncompliance	Quantity of Material	Period of Noncompliance	Steps Taken to Resolve
10-Jul-13	TA-54, Area G Pad 5	A weekly hazardous waste inspection was not performed for the week of July 8, 2013	Not applicable	07/10/2013 - 07/14/2013	An addendum was drafted and signed by personnel responsible for the weekly inspection to document the inspection was not conducted.
17-Jul-13	Outside Storage Unit	A single container was left out of compliant storage for several days because shipment of the container was delayed to the receiving facility because of material-at-risk issues.	A single container.	07/17/2013- 07/24/2013	The container of MLLW (L13226941) was loaded and staged outside of a RCRA permitted area (Pad 56) and inspected daily while in temporary storage and shipped as soon as possible.
24-Jul-13	TA-54, Area G Pad 3	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	07/24/2013 - 07/28/2013	The container was placed on secondary containment.
23-Sep-13	TA-54, Area G Pad 9	A single container identified as containing liquids was not placed on secondary containment within 24 hours.	A single container.	09/23/2013 - 09/25/2013	The container was placed on secondary containment.
05-Nov-13	Not applicable	An email notification with a link to the submittal of a Class 1 Permit Modification to the LANL Hazardous Waste Facility Permit was not complete within 7 days of submittal to the New Mexico Environment Department - Hazardous waste Bureau as required by the Permit. The email was sent to the mailing list on 9/05/2013 instead of on or before 9/02/2013.	Not applicable	09/02/2013-09/05/2013	The automated email notification system was delayed due to the holiday weekend. The email notification was sent out with the following list.
Various	TA-54, Area G Pad 10 (5 instances) TA-54, Area G Pad 1 (1 instance) TA-54, Area G Pad 5 (13 instances) TA-54, Area G Pad 3 (8 instances) TA-54, Area G Pad 11 (1 instance) TA-54, Area G Pad 9 (4 instances) TA-54, Area G Pad 6 (3 instances)	Thirty-five instances where the label of a single container contained information that was no longer legible.	A single container (X 35)	Various periods of noncompliance ranging from 2 days to 8 days.	In each instance the label was replaced with a legible label. Longest delay was due to software outage during which labels could not be printed and movements of containers of waste could not be conducted.
Various	TA-54, Area L Outdoor Pad (3 instances) TA-54, Area G Pad 5 (2 instances) TA-54, Area G Pad 1 (2 instances) TA-54, Area G Pad 3 (1 instance) TA-54, Area G Pad 6 (3 instances) TA-54, Area G Pad 9 (9 instances) TA-54, Area G Pad 10 (1 instance) TA-54, Area G Pad 11 (3 instances)	Twenty-four instances where the label of a single container was missing required information.	A single container (X 24)	Various periods of noncompliance ranging from 2 days to 30 days.	In each instance the label was replaced with a label that contained all of the required information. Longest delay was due to software outage during which labels could not be printed and movements of containers of waste could not be conducted.

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Date of Discovery	Permitted Unit Location	Noncompliance	Quantity of Material	Period of Noncompliance	Steps Taken to Resolve
Various	TA-54, Area G Pad 1 (16 instances) TA-54, Area G Pad 5 (2 instances) TA-54, Area G Pad 6 (7 instances) TA-54, Area G Pad 9 (32 instances) TA-54, Area G Pad 11 (4 instances)	Sixty-one instances where a single container or multiple containers were missing a label.	A single container (X 54) Two containers (X 1) Three containers (X 2) Four containers (X 1) Multiple containers (X 3)	Various periods of noncompliance ranging from 2 days to 30 days.	In each instance a label was applied to the container(s) that contained all of the required information. Longest delay was due to software outage during which labels could not be printed and movements of waste containers could not be conducted.
Various	TA-54, Area G Pad 3 (1 instance) TA-54, Area G Pad 5 (2 instances) TA-54, Area G Pad 9 (5 instances) TA-54, Area G Pad 10 (1 instance) TA-54, Area G Pad 11 (1 instance)	Ten instances where a single container or multiple containers were labeled in a location that was not fully visible without moving the container.	A single container (X 9) Multiple containers (X 1)	Various periods of noncompliance ranging from 2 days to 11 days.	In each instance the container(s) was either moved so that the label was fully visible or the container(s) was relabeled in a location that was fully visible.
Various	TA-54, Area G Pad 9 (2 instances) TA-54, Area G Pad 6 (2 instances) TA-54, Area G Pad 10 (4 instances)	Eight instances of empty eyewash stations in need of refill or replacement.	Not applicable	Various periods of noncompliance ranging from 9 days to 28 days.	In each instance the eyewash was refilled or replaced.
Various	TA-54, Area L Outdoor Pad (1 instance) TA-54, Area G Pad 6 (2 instances) TA-54, Area G Pad 11 (1 instance) TA-54, Area G Pad 10 (2 instances)	Six instances of eyewash stations in need of inspection.	Not applicable	Various periods of noncompliance ranging from 19 days to over 70 days.	In all but one instance the eyewash was inspected.
Various	TA-50-69 (4 instances) TA-54, Area L Outdoor Pad (2 instances) TA-54, Area G overall inspection (3 instances) TA-54, Area G Pad 1 (1 instance) TA-54-8 (1 instance) TA-54, Area G Pad 3 (1 instance) TA-54, Area G Pad 5 (4 instances) TA-54, Area G Pad 6 (1 instance) TA-54, Area G Pad 9 (5 instances)	Twenty two inspection record forms for various dates were found to be missing information.	Not applicable	Various periods of noncompliance. Addendums were drafted and signed as soon as the missing information was discovered.	An addendum was drafted and signed by personnel responsible for the weekly inspection to correct the missing information.