



NEW MEXICO
ENVIRONMENT DEPARTMENT

ERID-522233



Hazardous Waste Bureau

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

JOHN A. SANCHEZ
Lieutenant Governor

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Secretary

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Deputy Secretary

THOMAS SKIBITSKI
Acting Director
Resource Protection Division

EP2013-5066

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 20, 2013

Juan Griego, Acting Manager
Los Alamos Site Office
Department of Energy
3747 W. Jemez Rd., MS-A316
Los Alamos, NM 87544

Michael T. Brandt, Associate Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
Los Alamos Research Park
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: NOTICE OF VIOLATION WITH PROPOSED PENALTIES
LOS ALAMOS NATIONAL LABORATORIES
EPA ID# NM0890010515**

Dear Messrs. Griego & Brandt:

On April 10, 2012, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Los Alamos National Laboratories (LANL), located at Bikini Atoll Road, SM-30, Los Alamos. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Large Quantity Generator, a permitted treatment/storage/disposal facility, and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) and the facility's Hazardous Waste Permit as specified below. NMED is in receipt of two LANL documents dated June 15, 2012 and August 23, 2012 providing additional information associated with the inspection.

The NMED observed the following violations:

1. Failure to complete a weekly inspection form. This violation is associated with the weekly inspection form for Friday, July 22, 2011, associated with TA-54 – 231, Pad 9 CSU, Site ID # 1988, and LANL's failure to complete boxes # 15-22 for the subject date. The boxes are required to be completed during each daily inspection when waste is being

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handled. This is a violation of LANL Permit Condition (PC) 2.6, Attachment Condition (AC) E.1, and AC E.1 Part I - Instructions for Hazardous Waste Facility Inspection Record Form (Figure E-1).

2. Failure to appropriately complete weekly inspection forms. This violation is associated with two weekly inspection forms for the weeks of June 3 and December 28, 2011. The time of inspection was not entered in Box # 30 for either form per the permit condition. This is a violation of LANL Permit Condition (PC) 2.6, Attachment Condition (AC) E.1, and AC E.1 Part I - Instructions for Hazardous Waste Facility Inspection Record Form (Figure E-1).
3. Failure to make a hazardous waste determination. This violation is associated with thirteen unlabeled 85-gallon overpack drums located at TA-54, Area G, west of Dome 375, outdoors. This is a violation of Permit Condition (PC) 2.4.1 and Attachment Condition (AC) C.2.2, and 20 NMAC 4.1.300, incorporating 40 CFR 262.11.
4. Failure to make a hazardous waste determination. This violation is associated with the fact that pharmaceutical wastes were not undergoing a hazardous waste determination at the Occupational Medicine Facility and were instead being recycled by EXP. This is a violation of 20 NMAC 4.1.300, incorporating 40 CFR 262.11.

In accordance with 74-4-10 NMSA 1978, the NMED may: (1) issue a Compliance Order requiring compliance immediately or within a specified time period, or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance for each violation, or both; or (2) commence a civil action in District Court for appropriate relief, including a temporary or permanent injunction. Any such order may include a suspension or revocation of any permit issued by the NMED.

Due to the nature of the violations listed above and LANL's past history of noncompliance with 20.4.1 NMAC, the NMED will propose a civil penalty for these violations in a settlement offer, which I am sending you by separate letter. The NMED requests a meeting with appropriate LANL representatives for the purpose of negotiating a settlement relating to this Notice of Violation.

The NMED requires that LANL provide to the agency within 30 days of receipt of this letter a written description of any additional actions not described in the above referenced LANL documents and taken by LANL to address the violations described above and a schedule for implementation of corrective actions not yet completed.

Any action taken in response to this letter does not relieve LANL of its obligation to comply with any other applicable laws and regulations.

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Messrs. Griego & Brandt
March 20, 2013
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If you have any questions regarding this letter, please contact Steve Pullen of my staff at (505) 476-6044 or at steve.pullen@state.nm.us. Please address your written response to the attention of Mr. Pullen at the address on the letterhead.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:mc

cc: Steve Pullen, NMED HWB
Sandra Martin, NMED HWB
Mark Coffman, NMED HWB
Robert Italiano, NMED District II Manager

file: Library #2390

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03-22-13 P01:22 RCVD

NAME Elaine L. Ricci
Z# 113017
DATE 3.22.13

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

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