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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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ESHID-603571

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 28, 2020

Doug Hintze, Manager
Environmental Management
U.S. Department of Energy
Los Alamos Field Office
P.O. Box 1663 MS M984
Los Alamos, NM 87545

Michael Weis, Manager
National Nuclear Security Administration
Los Alamos Field Office
LANL MS-A316
3747 West Jemez Road
Los Alamos, NM 87544

**RE: REQUEST FOR INFORMATION
POTENTIAL NEWLY DISCOVERED SOLID WASTE MANAGEMENT UNIT OR AREA OF CONCERN
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-MISC-CO**

Dear Messrs. Hintze and Weis:

The New Mexico Environment Department (“NMED”) is extremely concerned with the discovery of radiological contamination and potentially hazardous waste unearthed at a location off DP Road near the townsite, and the potential threat to human health and the environment.

Pursuant to NMSA 1978, Section 74-4-4.3(A) of the New Mexico Hazardous Waste Act (“HWA”), NMED hereby requests that the United States Department of Energy (“DOE”), Newport News Nuclear BWXT-Los Alamos, LLC, (“N3B”), and Triad National Security, LLC (“Triad”), collectively referred to as the Permittees, provide the Department with the below-listed information concerning potentially hazardous debris that was discovered by Los Alamos County on February 14, 2020.

Section 74-4-4.3(A) 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 representative, any person who generates, stores, treats, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes...”

On February 20, 2020, NMED was notified via phone call with DOE that on February 14, 2020, Los Alamos County utility workers found debris and an old crucible while digging a utility trench on property

previously owned by DOE. The Los Alamos County Fire Department and the Hazardous Materials ("Haz Mat") team were deployed to the scene and took preliminary readings and determined that there was no imminent and immediate threat to human health or the environment, but the Haz Mat team found that radiologic values were greater than the background threshold. Subsequently, the DOE deployed a Radiological Assistance Program ("RAP") Team to conduct additional assessments of the area and notified NMED that uranium contamination was confirmed at the site, and that access to the site was controlled with the use of locked fencing.

On February 24, 2020, NMED was notified that discovered waste and debris was near former material disposal areas ("MDAs"), but that the land had previously been transferred from DOE to Los Alamos County ("LAC"). DOE stated that additional radiological contamination was identified (plutonium and americium) by the RAP Team, but that the extent of contamination or presence of hazardous waste constituents had not yet been identified, and that investigations were ongoing.

To ensure that the Permittees are managing potentially hazardous waste, or newly discovered solid waste management units ("SWMU") or areas of concern ("AOC"), in compliance with the LANL 2016 Compliance Order on Consent; the HWA; and the Hazardous Waste Management Regulation, 20.4.1. NMAC, NMED hereby requires that the Permittees furnish the following information:

1. All information and documentation on: a) the potential source(s) of contamination including the known site history, b) any previous investigations at the site, and c) when the land was transferred to LAC.
2. All sampling and analytical data related to the site itself and material removed off-site.
3. A summary of any future sampling and analytical plans, including work plans based on a conceptual site model, analytical data, and risk assessments.
4. All documentation related to the management of any and all materials removed from the site, including waste determination documentation, waste management/storage documentation, waste disposal documentation.
5. A timeline of all site activities undertaken by the Permittees from the discovery by LAC (February 14, 2020) through the date of response to this Request for Information.
6. A schedule and timeframe for the investigation activities at the site, including waste characterization activities, and any potential voluntary corrective actions or remedies.
7. Weekly status emails summarizing activities and information gathered during the previous week.

The information requested in this letter is due to NMED no later than March 9, 2020. Pursuant to 40 C.F.R. § 270.11(d)(1), all documents provided by the Permittees shall include the following written certification, signed by a responsible official, stating:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to 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.

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* Sections 74-4-10(A) and (B) of the HWA. 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) of the HWA.

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 20.4.1.1 00 NMAC (incorporating 40 CFR 260.2).

If you have any questions regarding the information request, please contact Siona Briley, Environmental Scientist Advanced, at (505) (505) 476-6049 or myself at (505) 476-6035.

Sincerely,



Kevin Pierard
Chief
Hazardous Waste Bureau

cc:

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Messrs. Hintze and Weis

February 28, 2020

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File: 2020 LANL, LANL General, Information Request Regarding Newly Discovered Waste in Townsite
LANL-MISC-CO