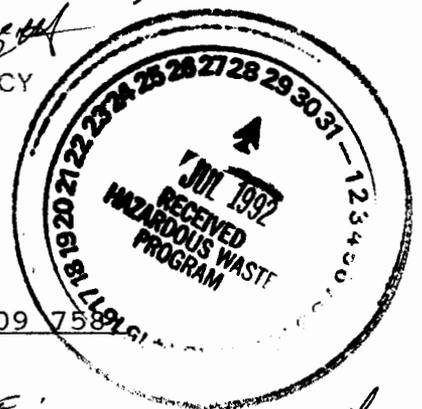




*General*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 6  
 1445 ROSS AVENUE, SUITE 1200  
 DALLAS, TX 75202-2733

*WENITO HAVE YOU  
SEEN THESE?*



JUL 24 1992

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 323 409 758)

Mr. Allen J. Tiedman  
 Assoc. Dir. of Operations  
 - University of California  
 Los Alamos National Laboratory  
 Los Alamos, New Mexico 87544

*FILE:  
LANL - ENFORCEMENT (Blue on Red)  
adit 1992*

Subject: Request for Information Pursuant to Section 3007 of RCRA, for the Los Alamos National Laboratory (LANL)

Dear Mr. Tiedman:

The United States Environmental Protection Agency, (EPA), is currently investigating the handling of mixed hazardous wastes on or about the LANL facility, (the Site). This investigation requires inquiry into the identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at, or transported to, the Site.

Pursuant to the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in Attachment A, enclosed herein.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to the Information Request, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 3008 of RCRA. Response to Information Request Nos. 1, 2, 3, 4, and 5, is required within fifteen (15) days of receipt of this letter. Response to Information Request Nos. 6, 7, and 8, is required within forty-five (45) days of receipt of this letter. This statute permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that submittal of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.



12352

Your response to this Information Request should be mailed to:

Wm. Nicholas Stone, P.E.  
U.S. Environmental Protection Agency  
RCRA Enforcement - ALONM Section (6H-CS)  
1445 Ross Avenue  
Dallas, Texas 75202

Due to the seriousness of the problem at the Site and the possible legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct legal questions to Bruce Jones of the Office of Regional Counsel at (214) 655-2120. Technical questions should be directed to Wm. Nicholas Stone, at the above address, or at (214) 655-2192.

Thank you for your cooperation in this matter.

Sincerely yours,

*for Jack D. Davis*  
Allyn M. Davis, Director  
Hazardous Waste Management Division

Enclosure

cc (w/enclosure):

J Bellows - Los Alamos Area Office  
E Horst - New Mexico Environment Department

ATTACHMENT A  
Los Alamos National Laboratory - LANL

FIRST INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Request and subpart of a Request set forth in this Information Request.
2. Precede each answer with the number of the Request to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in the statutes and regulations set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

6. Identify the person(s) answering these Requests on behalf of Respondent.
7. For each and every Request contained herein, identify all persons consulted in the preparation of the answer.
8. For each and every Request contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents.

### Definitions

The following definitions shall apply to the following words as they appear in this Attachment A:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The terms "LANL," "Los Alamos National Laboratory," or "the facility" shall mean and include the property on or about the Los Alamos National Laboratory site property in Los Alamos, New Mexico.
3. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
4. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
5. The term "mixed waste" shall mean a hazardous waste containing both a radioactive component defined under the Atomic Energy Act (AEA) as well as a hazardous component defined under the Resource Conservation and Recovery Act (RCRA).
6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or

business.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), registered agent, organization, if any, and a brief description of its business.
8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addresser, addressee and/or recipient, and the substance or the subject matter.
9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostats or other copies of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, tape, or other type of memory); and (a) copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, or notation, annotation, or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

10. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular request or requests.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in RCRA, 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

INFORMATION REQUEST

1. Provide a listing of the mixed waste streams that are in storage at the facility and those that are currently generated at the facility by EPA waste code (e.g. F005, D003, etc.). Each hazardous waste will be characterized by waste codes (as found at 40 CFR Part 261), the volume stored, the volume generated, the location, the treatment standard, and the possible treatment options.
2. Provide a listing for all non-mixed RCRA hazardous wastes stored and/or generated at the facility. Include all of the information specified in Request No. 1 above.
3. Provide a list of all storage and/or disposal areas for hazardous wastes including mixed wastes at the facility. Indicate the status of each area (e.g. permitted storage, interim status storage, less than 90 day storage, disposal) and include the waste codes applicable to each area.
4. For each waste code and/or each area containing the hazardous wastes identified in Requests Nos. 1 and 2, provide the dates that hazardous wastes were placed in storage or disposal (e.g. for Area X, waste codes F005, F027, D003, placed on Feb 3, 1987 and waste codes F027, D003 placed on Mar 23, 1991). Also provide the latest date that wastes were removed, treated, or managed in any way.
5. For the hazardous wastes listed in Request No. 1

above, provide the corresponding dates the hazardous wastes were stored after the applicable prohibition dates as set forth in 40 CFR Part 268.30, 268.31, 268.32, 268.33, 268.34, and 268.35. In other words, identify all hazardous wastes by waste code and provide the corresponding dates that they were placed in each storage or disposal area after the applicable prohibition date under the LDR (e.g. Solvents 11/8/86, Dioxins 11/8/88, California list 7/8/87, and Thirds 8/8/88, 6/8/89, 8/8/90, 5/8/92).

6. Provide all analytical data and/or descriptions of knowledge of process for which the waste codes are based.
7. Provide information and substantiating documentation demonstrating LANL's good faith efforts to find and/or develop treatment capacity for its mixed waste. Show when LANL's efforts began and the results of these efforts.
8. Provide an explanation and supporting documentation for LANL's efforts to ensure the safe handling and storage of mixed waste at the facility. In particular, actions taken above those required by the regulations at 40 CFR Part 264 and 265 as well as the Federal Register notice of August 29, 1991, in light of LANL's position of the need for long term storage beyond the May 8, 1992, capacity variance.