

General



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
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RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 1, 2007

Daniel Glenn, Acting Manager
Los Alamos Site Office-Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

Mr. Richard S. Watkins, Associate Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
Los Alamos Research Park
4200 Jemez Road, Suite 400
Los Alamos, NM 87545

**SUBJECT: NOTICE OF VIOLATION
LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID NM0890010515**

Dear Messrs. Glenn and Watkins:

The New Mexico Environment Department (Department) hereby issues this Notice of Violation (NOV) to the Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, the Respondents), for violation of the March 1, 2005 Compliance Order on Consent (Order) issued under the New Mexico Hazardous Waste Act (HWA), NMSA 1978, § 74-4-10.

Section IX.B.2.i of the Order requires that the Respondents sample “[a]ll monitoring wells within a watershed or the number of wells otherwise specified in a Department approved groundwater monitoring work plan shall be sampled within twenty-one (21) days of the start of the groundwater sampling event.” On May 31, 2007, NMED was notified by e-mail from Tina Behr-Andres that:

“LANL has exceeded the 21-day window for sampling base flow in Water Canyon. The window started on May 7th and ended on May 27th. The groundwater sampling was completed during this time. Due to access issues, we were unable to complete the base flow sampling at four sites in Water Canyon. One of the sites is on Forest Service land and will be completed today. The



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Messrs. Glenn and Watkins

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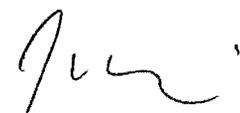
remaining three sites have controlled access due to DE (Dynamic and Energetic Materials) Division operations. They restrict access each week from Monday through Thursday, leaving only Fridays for the sampling team to gain access. With the lightening we have had in Los Alamos of late, it has not been possible to sample on many of those Fridays. DE Division will be confirming by 3pm today if we can gain access to the three remaining sites tomorrow morning."

In accordance with 74-4-10.C. 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 \$25,000 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.

The NMED requires that the Respondents provide a satisfactory resolution of the violation or a detailed plan of corrective action acceptable to the NMED within fifteen (15) days of receipt of this letter. Any action taken in response to this letter does not relieve the Respondents of its obligation to comply with any other applicable laws and regulations.

Any action the Respondents take in response to this letter does not relieve the Respondents of their obligation to comply with all applicable laws and regulations. If you have any questions regarding this letter, please contact me at (505) 476-6016.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

cc: J. Young, NMED HWB
D. Cobrain, NMED HWB
A. Vollmer, NMED HWB
C. de Saillan, OGC
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
V. George, ENVP-DO, MS J978
S. Stiger, ADEP, MS J591
C. Mangeng, ADEP, MS J591
file: Reading and LANL Permit'07