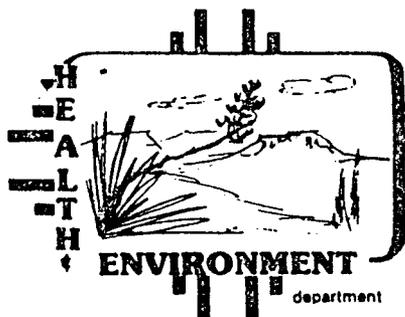


TONY ANAYA
GOVERNOR

DENISE D. FORT
DIRECTOR



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION

P.O. Box 968, Santa Fe, New Mexico 87504-0968
(505) 984-0020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 25, 1985

Mr. Harold Valencia, Manager
U.S. Department of Energy
Los Alamos Area Office
Los Alamos, New Mexico 87544

Dr. Robert Thorn, Laboratory Director
University of California
Los Alamos National Laboratory
Los Alamos, New Mexico 87544

RE: PENALTIES FOR VIOLATIONS OF COMPLIANCE ORDER

Dear Messers. Valencia and Thorn:

The May 7, 1985 Compliance Order I issued to Los Alamos National Laboratory (LANL) pursuant to the New Mexico Hazardous Waste Act, Section 74-4-10 (A) NMSA 1978, required LANL to meet a May 1, 1985 deadline. By that date, you were supposed to implement an inspection program for each hazardous waste component of the LANL facility in conformity with all provisions of Section 206.B.5. of the Hazardous Waste Management Regulations (HWMR-2).

On July 10 and 11, 1985, the New Mexico Environmental Improvement Division (EID) conducted a hazardous waste compliance inspection at LANL. Based on the inspection it was determined that LANL was in violation of the May 7th Compliance Order. EID orally notified LANL concerning a number of the violations at the end of the on-site inspection.

On August 14, 1985 I received a letter from LANL noting that violations of the Compliance Order had indeed occurred but that the violations had been rectified as of August 9, 1985. Pursuant to Section 74-4-12 NMSA 1978, LANL is potentially liable for a civil penalty of up to \$10,000 per day per violation of the Compliance Order. Assuming only one violation of the Compliance Order, LANL is potentially liable for \$1,000,000 for the 100 days LANL was admittedly out of compliance.



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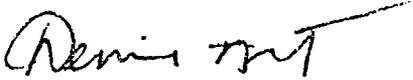
October 25, 1985

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After considering the legal options and the fact that LANL is currently in compliance with the Compliance Order, I propose a penalty of \$100,000.

I suggest a meeting between our staffs to discuss the violations and penalties. Please have someone from your staff contact Andrea L. Smith, an EID attorney, to arrange such a meeting. She can be reached at (505) 827-2986.

Sincerely,



Denise Fort
Director

cc: William Rhea, EPA Region VI
Andrea L. Smith, EID Legal
Tito Madrid, EID District II