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NEW MEXICO
HEALTH AND ENVIRONMENT
DEPARTMENT

Post Office Box 968
Santa Fe, New Mexico 87504-0968

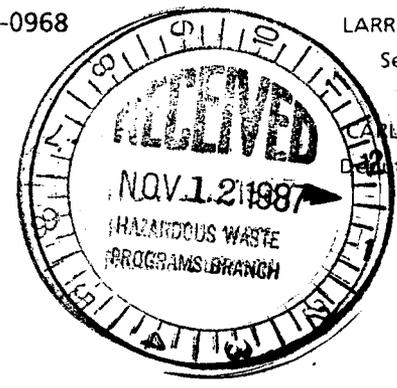
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GARREY CARUTHERS
Governor

LARRY GORDON
Secretary

APLA L. MUTH
Deputy Secretary



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

November 10, 1987

Harold E. Valencia
Area Manager
DOE Los Alamos Area Office NM 089 001 0515
Los Alamos, NM 87544

RE: NOTICE OF VIOLATION

Dear Mr. Valencia:

On July 14-16, 1987, the Environmental Protection Agency (EPA) and the Environmental Improvement Division (EID) performed a hazardous waste compliance inspection at Los Alamos National Laboratory (LANL). This letter is EID's notice that, based on our review of the information obtained, LANL has violated the New Mexico Hazardous Waste Management Regulations (HWMR-3). The purpose of this letter is to delineate in writing those areas within HWMR-3 that violations were noted, and require LANL to comply with HWMR-3.

The violations noted were:

1. The Part A certification was not dated constituting a violation of Section 302.C.1.b.
2. Manifests were not available for review for shipments of recyclable materials constituting a violation of Section 203.A.1.a.
3. There was no ground water monitoring at several locations used to treat, store, and/or dispose of hazardous waste constituting a violation of Section 206.C.
4. Containers of hazardous waste being accumulated at satellite areas were not marked constituting a violation of 204.B.3.a.
5. Containers of hazardous waste being accumulated at less than 90 day storage areas were not labeled constituting a violation of 204.B.1.c
6. The design capacity at area L had been exceeded constituting a violation of Section 302.C.2.a.



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7. Tanks being used to store hazardous waste at area L were not labeled constituting a violation of Section 204.B.1.c.
8. Detailed chemical and physical analysis have not been obtained prior to treatment, storage and/or disposal constituting a violation of Section 206.B.3.a.
9. Analyses have not been repeated as the process or operation generating a hazardous waste changes constituting a violation of Section 206.B.3.a.
10. The Contingency Plan has not been updated to identify the primary emergency coordinator constituting a violation of 206.B.10.g. and k.
11. Waste analyses are not maintained in the operating record for wastes that have not previously been burned constituting a violation of Section 206.C.11.c.
12. The following information was not available in the operating record for area P constituting a violation of Section 206.C.9.c.:
 - a. a map showing the location and dimensions of each cell.
 - b. the contents of each cell and location within the cell.
13. LANL has failed to prepare a ground water monitoring assessment outline constituting a violation of Section 206.C.1.d.
14. LANL has failed to develop a closure plan for all areas used to manage hazardous waste constituting a violation of Section 206.C.2.
15. LANL has managed hazardous waste in areas not specified on the Part A constituting a violation of Section 302.c.

In addition to the aforementioned violations, EID is also concerned in the following areas:

- a) The Part A does not identify what is being generated but rather that everything can be generated. This was not the intent of the regulations.
- b) The Part A does not identify the past hazardous waste activities which are inactive but have failed to complete closure pursuant to an approved closure plan.
- c) That manifests are being incorrectly completed. As an example, a manifest completed in July identified D008 as the hazardous waste while a June manifest containing the same basic wastes identified the waste as F001.
- d) There were 10 drums of transformer oil at TA-53, MPF-14 but no one could say if the oil was a hazardous waste or not.
- e) The 4 USMC tanks at Area L may be used to treat hazardous waste.
- f) The tanks at Area L may not be inspected as required by Section 206.C.5.

- g) That LANL has not put together an operating record in a central location that contains the information required by HWMR-3.

In accordance with Section 74-4-10 NMSA, you have thirty (30) calendar days from receipt of this notice to provide documentation that the aforementioned violations have been corrected. You are also requested to address EID's concerns within this time frame. Within this thirty day period you may request a meeting to discuss the violations, the required corrective actions and/or a compliance schedule. Such a meeting must be held within this thirty day period and will not suspend the thirty-day deadline for compliance or settlement.

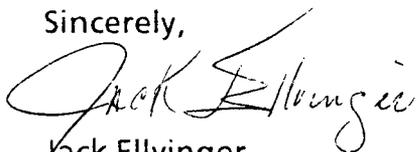
If you fail to correct the violations cited in this Notice of Violation within the specified time frame or do not arrange for a legally binding compliance schedule within the required time frame, you shall be subject to one or more of the following:

1. an order requiring compliance within a specified period, pursuant to Section 74-4-10 NMSA, 1978 (as amended, 1987), and/or an order assessing civil penalties of up to \$10,000 per violation for each day of continued noncompliance, pursuant to Sections 74-4-10 and 74-14-12 NMSA, 1978 (as amended, 1987); or
2. a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to Section 74-4-10 NMSA, 1978 (as amended, 1987) and/or the assessment of civil penalties of up to \$10,000 per violation for each day of continued noncompliance, pursuant to Sections 74-4-10 and 74-4-12 NMSA, 1978 (as amended, 1987).

Compliance with the requirements of this notice does not relieve LANL of its obligation to comply with HWMR-3 in other activities which it carries on nor does it relieve LANL of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact Boyd Hamilton at the address or telephone number above. Please also address to Mr. Hamilton's attention the information you provide in response to this letter.

Sincerely,



Jack Ellvinger
Program Manager
Hazardous Waste Section

JE/BH/aw

cc: Tanga Winkle, EPA
Neil Weber, EID District II
EID, Office of General Counsel