



NEW MEXICO  
**HEALTH AND ENVIRONMENT**  
DEPARTMENT

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CARLA L. MUTH  
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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

January 08, 1988

Harold E. Valencia  
Area Manager  
DOE Los Alamos Area Office  
Los Alamos, NM 87545

Siegfried S. Hecker, Director  
Los Alamos National Laboratory  
P.O. Box 1663  
MS K490  
Los Alamos, NM 87545

**RE: NOTICE OF VIOLATION**

Dear Mr. Valencia and Mr. Hecker:

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 This letter constitutes reissuance of EID's Notice Of Violation issued on November 10, 1987, which was rescinded on November 24, 1987.

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. This constitutes violations of Sections 202.D.1. and 202.E.
2. Manifests were not available for shipments of solvents to Safety Kleen and shipments of precious metals for recycling. These omissions constitute violations of Section 203.A.1.a.
3. There was no ground water monitoring at the Area P landfill; the surface impoundment at Area 16; or, the solvent disposal area at Area 16-Building 340. This constitutes violations of Section 206.C.1.
4. Containers of hazardous waste being accumulated at TA 33-39, TA-43, and TA-51 were not marked. These are violations of Section 204.B.3.a.



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5. Containers of hazardous waste being accumulated at TA-53 were not labeled. This constitutes a violation of Section 204.B.1.c.
6. The design capacity for storage of hazardous waste at Area L had been exceeded. This constitutes a violation of Section 302.C.2.a.(3).
7. Tanks being used to store hazardous waste at Area L for less than 90 days were not labeled. This constitutes a violation of Section 204.B.1.c.
8. LANL has not obtained detailed chemical and physical analysis from the waste streams generated on-site prior to treatment and/or storage and/or disposal. Examples are the disposal of a hazardous waste at Area 16-Building 340; the storage of wastes at Area L while waiting for laboratory results; the thermal treatment of equipment and material possibly HE contaminated at Area 16. This constitutes a violation of Section 206.B.3.a.
9. The Contingency Plan has not been updated to identify the primary emergency coordinator. This constitutes a violation of Section 206.B.10.g. and k.(4).
10. Waste analyses are not maintained in the operating record for wastes not previously burned in the thermal treatment unit at Area 16. This constitutes a violation of Section 206.C.11.c.
11. The following information was not available in the operating record for Area P. This constitutes 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.
12. LANL has failed to prepare a ground water monitoring assessment outline for those areas identified in #3 above. This constitutes a violation of Section 206.C.1.d.
13. LANL has failed to develop a closure plan for the hazardous waste management unit at Area 16-Building 340. This constitutes a violation of Section 206.C.2.
14. LANL has managed hazardous waste at Area 16-Building 340, an area not specified on the Part A. This constitutes violations of Sections 202.D., 202.E., and 302.C.2.a.(2).
15. The Part A does not specifically identify what is being treated and/or stored and/or disposed of, but rather that everything can be treated, stored and or disposed of on-site. This is not in accord with the Part A instructions and constitutes violations of Sections 202.E. and 302.A.4.a.(15).
16. The Part A does not identify all past, present, and/or future hazardous waste management activities. Examples are the hazardous waste management unit at Area 16-Building 340, and the surface impoundment at Area 16. This is not in accord with the Part A instructions and constitutes a violation of Section 202.E.

17. There are 10 drums of transformer oil at TA-53, MPF-14 for which a determination had not been made by LANL as to whether the oil is a hazardous waste. This constitutes a violation of Section 204.A.3.
18. A determination has not been made by LANL as to whether the 4 USMC tanks at Area L are being used to treat a hazardous waste. This constitutes a violation of Section 204.A.3.
19. Inspection checklists were not available for the tanks at Area L. This constitutes a violation of Section 206.B.5.b.

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. The violations cited herein are based upon a limited inspection of only a portion of LANL's facility. EID makes no representations as to whether the remainder of LANL's facility is in or out of compliance with HWMR-3 or the Hazardous Waste Act. 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.

EID acknowledges receipt of a request by the Department of Energy for a ground water monitoring waiver for Technical Area (TA)-16. This request has been reviewed and been deemed inadequate pending the submittal of additional information in February. Until a waiver is officially granted, if appropriate, LANL is required to comply with all ground water monitoring requirements as outlined in HWMR-3.

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

*Kirkland Jones*