



1190 St. Francis Drive  
Santa Fe, New Mexico 87503

*Gil*  
GARREY CARRUTHERS  
Governor

CARLA L. MUTH  
Secretary

MICHAEL J. BURKHART  
Deputy Secretary

**CERTIFIED MAIL P 456 379 853  
RETURN RECEIPT REQUESTED**

November 23, 1988

Mr. Harold Valencia  
Area Manager  
DOE Los Alamos Area Office  
Los Alamos, New Mexico 87544

**RE: NOTICE OF VIOLATION  
NM0890010515**

Dear Mr. Valencia:

On or about August 8-12, 1988 the New Mexico Environmental Improvement Division (EID) and the Environmental Protection Agency (EPA) conducted a joint hazardous waste inspection for your facility, Los Alamos National Laboratory (LANL). This letter is EID's notice that, based on our review of the information obtained, EID has determined that LANL has violated the New Mexico Hazardous Waste Management Regulations (HWMR-4). The purpose of this letter is to delineate in writing the violations and to require LANL to comply with HWMR-4.

The violations of HWMR-4 are:

1. More than 55 gallons of hazardous waste was noted at several satellite accumulation areas. These areas included TA 53-2 where a waste oil drum was mislabelled as hazardous waste, and TA 3-66 where two drums of low-level radioactive waste were labelled as hazardous waste. For determination of quantity, even drums which are incorrectly labelled as hazardous waste, must be considered to be hazardous waste. This is a violation of Section 204.B.3.
2. Two drums located at the TA 3-40 less than 90 day storage area were unlabelled, and one drum at the same location had a label which was faded and unreadable. This is a violation of Section 204.B. This violation,

EQUAL OPPORTU



16487

Mr. Valencia  
NOV  
Page Two

though at a different location, was brought to LANL's attention in the Notice of Violation issued in January 1988.

3. Inspections were not being conducted at the Area G landfill or at TA 16, Area P. These sites are considered active units and must receive the required inspections until closure has been certified and accepted. In addition, weekly inspections of the TA 50 incinerator had not been conducted since June of 1987. This is a violation of Section 206.B.5.
4. Inspection logs for inspections which were performed were, in a few cases, found to be inadequate or incomplete. Records showed inspections conducted at TA 36-8 on weekends. When questioned, LANL personnel informed the inspectors that these weekend inspections are not actually conducted. Also, no records were available showing that a daily inspection had been conducted at Area L on August 3, 1988. This is a violation of Section 206.B.5.
5. No warning sign was present at the less than 90 day storage area at TA 53-2. This is a violation of Section 206.B.4.c.
6. The TA 3-39 less than 90 day storage area did not have sufficient aisle space to allow for proper inspection. This is a violation of Section 206.B.9.g.
7. At the Area L drum storage area, and at two satellite storage areas at TA-33, building 114, incompatible wastes were stored too close together. This is violation of Section 206.C.4.g.
8. The Part A permit application has not been amended to include the lagoons at TA 35. This is a violation of Section 202.E. and 302.C.2.

This lack of an amendment to the Part A is considered by EID to be a repeat violation in that it violates the conditions of the January 8, 1988 NOV, and subsequent Compliance Order. This Compliance Order required that LANL "Identify and report to EID, all hazardous waste management sites, both active and inactive,...".

9. No groundwater monitoring system was in place at either of the lagoons at TA 35. This is a violation of Section 206.C.1.

Mr. Valencia  
NOV  
Page Three

10. Closure plans have not been submitted for the lagoons at TA 35. This is a violation of Section 206.C.2.

This violation, though at a different location, was brought to LANL's attention in the January 1988 Notice of Violation and is considered a repeat violation.

In addition to the violations mentioned above, apparent violations of the Land Disposal Restrictions (40 CFR Part 268) were noted during the inspection, regarding:

1. The Waste Analysis Plan which should be updated to include analytical requirements of the California List Land Disposal Restriction regulations, and
2. The notifications for California List restricted wastes which should be updated to include all of the information required.

The authorized State program does not include the Land Disposal Restrictions which became effective November 8, 1986. Therefore, the U.S. Environmental Protection Agency implements and enforces the regulations pertaining to the Land Disposal Restrictions (LDR). This notice is a courtesy, and does not preclude any future formal or informal enforcement action which EPA may determine to be appropriate regarding the apparent LDR violations mentioned above.

Several other concerns were noted during the inspection:

1. Shortly before the inspection, a small spill had occurred on the asphalt adjacent to the satellite storage area at TA 33-119. At the time of the facility tour, the spill had not yet been cleaned up.
2. During the facility tour, several problems related to inadequate training were noted. The storage problems at satellite storage areas indicated that personnel do not understand the difference between hazardous, and other wastes. A researcher at TA 3-40 was found to be using regulated solvents on Q-tips and kimwipes, and allowing them to air dry prior to disposing of them in the trash.
3. LANL maintains a detailed listing of all satellite accumulation areas and hazardous waste management units. It was noted during the inspection that several of the listed areas were no longer being used for

Mr. Valencia  
NOV  
Page Four

storage or waste management. It was felt by the inspectors that the list would be more useful, both internally and during inspections, if it were kept up to date.

In accordance with Section 74-4-10 NMSA, you have (30) calendar days from receipt of this notice to provide documentation that the aforementioned violations have been corrected. 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. For your information, the revised Part A permit application submitted on November 8, 1988, and closure plans for the TA 35 lagoons submitted on October 17, 1988, are considered to have resolved violations number 8 and 10, respectively.

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 74-4-12 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).

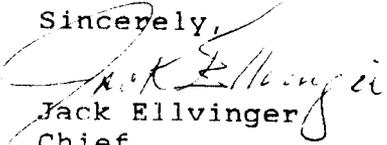
Compliance with the requirements of this notice does not relieve LANL of its obligation to comply with HWMR-4 in other activities which it carries on, nor does it relieve LANL of its obligation to comply with any other applicable laws and regulations. On October 28, 1988, HWMR-5 became effective. The violations cited against HWMR-4 have direct counterparts in HWMR-5. All future activities of LANL should be in consonance with HWMR-5.

If you have any questions regarding this notice, please

Mr. Valencia  
NOV  
Page Five

contact Mr. John Gould at (505) 827-2935 or at the above address.  
Please address to Mr. Gould's attention the information you  
provide in response to this letter.

Sincerely,



Jack Ellvinger  
Chief  
Hazardous Waste Bureau

JE/JG/aw

cc: Janie Hernandez, U.S. EPA (6H-HS)  
Michael Brown, EID District II