LANL RESPONSE
11/23/88 NOV
See violation #9
TA 35 gH2O monitoring

LA
BLUE
1989

Department of Energy
Albuquerque Operations
Los Alamos Area Office
Los Alamos, New Mexico 87544
JAN 11 1989

RECEIVED
JAN 11 1989

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jack Ellvinger, Chief
Hazardous Waste Bureau
Environmental Improvement Division
1190 St. Francis Drive
Santa Fe, New Mexico 87503

Dear Mr. Ellvinger:

Reference is made to the Notice of Violation (NOV), letter dated November 23, 1988, NM0890010515.

This letter constitutes the response of the Department of Energy (DOE) and the University of California to the NOV referenced above. In accordance with Section 74-4-10A N.M.S.A., all violations of regulations which require correction have been corrected within the thirty (30) day period allowed by statute, and the authorized extension until January 11, 1989, with the exception of the violation described in Item No. 9 of the Notice of Violation. Sufficient information exists to demonstrate a groundwater monitoring waiver for the site described in Item No. 9. DOE's response to the individual alleged violations, as well as the actions which have been taken to correct all the other violations, are set forth below.

1. Violation: More than 55 gallons accumulation at Technical Area (TA) 53-2 and TA-3-66 (satellite storage areas). Drums containing nonhazardous waste were mislabeled as "Hazardous Waste."

Response: Los Alamos National Laboratory (Laboratory) personnel at these two locations have been further instructed on how to distinguish between hazardous and nonhazardous waste. Out of an abundance of caution, the personnel handled certain items such as waste oil and machining oil as hazardous wastes under the misconception that all chemical wastes were hazardous wastes. They understandably had this impression since both types of waste are handled by the same waste management group at the Laboratory. Steps have been taken to assure that personnel properly identify the nature of the waste and that nonhazardous wastes are not labeled as hazardous waste.

2. Violation: Two drums containing hazardous waste at TA-3-40 were not labeled and one drum at the same location had a faded and unreadable label.

Response: These violations were corrected at the time of the inspection and the operators were instructed in the proper labeling of drums. An internal follow-up inspection has confirmed the operators are following correct procedures.

16492

Department of Energy
Albuquerque Operations
Los Alamos Area Office
Los Alamos, New Mexico 87544
JAN 11 1989

RECEIVED
JAN 11 1989

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jack Ellvinger, Chief
Hazardous Waste Bureau
Environmental Improvement Division
1190 St. Francis Drive
Santa Fe, New Mexico 87503

Dear Mr. Ellvinger:

Reference is made to the Notice of Violation (NOV), letter dated November 23, 1988, NM0890010515.

This letter constitutes the response of the Department of Energy (DOE) and the University of California to the NOV referenced above. In accordance with Section 74-4-10A N.M.S.A., all violations of regulations which require correction have been corrected within the thirty (30) day period allowed by statute, and the authorized extension until January 11, 1989, with the exception of the violation described in Item No. 9 of the Notice of Violation. Sufficient information exists to demonstrate a groundwater monitoring waiver for the site described in Item No. 9. DOE's response to the individual alleged violations, as well as the actions which have been taken to correct all the other violations, are set forth below.

1. Violation: More than 55 gallons accumulation at Technical Area (TA) 53-2 and TA-3-66 (satellite storage areas). Drums containing nonhazardous waste were mislabeled as "Hazardous Waste."

Response: Los Alamos National Laboratory (Laboratory) personnel at these two locations have been further instructed on how to distinguish between hazardous and nonhazardous waste. Out of an abundance of caution, the personnel handled certain items such as waste oil and machining oil as hazardous wastes under the misconception that all chemical wastes were hazardous wastes. They understandably had this impression since both types of waste are handled by the same waste management group at the Laboratory. Steps have been taken to assure that personnel properly identify the nature of the waste and that nonhazardous wastes are not labeled as hazardous waste.

2. Violation: Two drums containing hazardous waste at TA-3-40 were not labeled and one drum at the same location had a faded and unreadable label.

Response: These violations were corrected at the time of the inspection and the operators were instructed in the proper labeling of drums. An internal follow-up inspection has confirmed the operators are following correct procedures.

3. Violation: Inspections were not conducted at Areas G and P. Weekly inspections had not been conducted at the TA-50 incinerator since June of 1987.

Response: Inspections at Area G have been conducted in the past, including the period covered by the inspection, however, it appears that some inspections were incomplete. Instructions have been given to relevant personnel regarding the proper conduct of inspections and the correct manner in which inspection forms are to be completed. These actions should serve to correct this deficiency.

Area P inspections have been and were being conducted during the time of the inspection. These inspections are included with the TA-16 Burning Ground inspections and are documented on the appropriate forms. It may be that a misunderstanding was created if Laboratory personnel accompanying the EID inspectors were not aware of where these records are kept. Nonetheless, records documenting inspections of Area P are available for review at your convenience.

The TA-50 incinerator is undergoing extensive modifications and has not been in operation since June of 1987. Hazardous wastes have not been treated in the incinerator since that time. The specific regulations for inspections of incinerators found in HWMR-4, Section 206.C.10d., state that owners and operators must carry out monitoring and inspections of these units "when incinerating hazardous wastes."

HWMR-4 Section 206 B.5.a., states that, "The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to either a release of hazardous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health and the environment." Section 206 B.5.c., states, "The frequency of the inspection may vary for the items in the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human incident if the deterioration or malfunction of any operator error goes undetected between inspections..."

These regulations appear to be aimed at preventing problems from developing at active units. Because the facility is being modified and hazardous wastes are not being handled by the incinerator, deterioration and malfunction of the facility would not occur and there is no possibility of harm to health or the environment. For these reasons Laboratory personnel believed that inspections were not required during this period of shutdown. In addition, equipment checked during the

inspection would either not be operational or would not be in place. We have temporarily reinstituted these inspections, however, we believe they are unnecessary and not required under the present circumstances. We would appreciate your concurrence in the discontinuation of these inspections.

4. Violation: Inspection records for TA-36-8 indicate inspections conducted on weekends. When asked, the Los Alamos National Laboratory (LANL) personnel indicated these inspections did not take place. No inspection record was available for August 3, 1988, at Area L.

Response: In checking the Laboratory's inspection records for TA-36-8 we cannot find any indications that such records were ever filled out on a weekend. The Laboratory maintains a form documenting days when the unit(s) was not in operation. This form does in fact indicate weekends, but only to show the unit did not need to be inspected and therefore was not inspected during the weekend. We believe that during the course of EID's inspection it is possible that these forms were mistaken for Laboratory records of inspection. Inspections do not take place on weekends and Laboratory personnel were correct in responding to that effect.

After extensive review of the inspection records for TA-54, Area L, the Laboratory confirms your finding that an inspection record was not available for August 3, 1988. The Laboratory has put in place a number of administrative controls to better assure that inspections at Areas G and L are carried out on schedule and in accordance with EID regulations.

5. Violation: No warning sign was present at the less than 90 day storage area at TA-53-2 in violation of Section 206.B.4.c.

Response: Section 206.B.4.c., is part of a set of regulations governing treatment, storage and disposal facilities. Less than 90 day storage areas are governed by the generator regulations in Section 204, which do not require warning signs. The DOE, therefore, does not believe that the lack of warning sign at TA-53-2 constitutes a violation of Section 206.B.4.c. Nevertheless, as a matter of good practice, a warning sign has been posted at this area.

6. Violation: Insufficient aisle space at TA-3-39 to allow for proper inspection.

Response: The drums which gave rise to the situation described have been removed. Every effort will be made to avoid the necessity of creating corridors which can lead to violations of aisle space requirements by removing wastes to storage areas in a more timely manner. This involves implementing procedures for enhanced coordination between the waste management group and waste generators. To the extent that accumulation of waste is necessary, personnel will be apprised of aisle space requirements.

7. Violation: Incompatible wastes were stored too close together at the Area L drum storage area and at two satellite storage areas at TA-33-114.

Response: The wastes of concern in this violation have been removed, shipped off-site, or properly segregated. Appropriate Laboratory personnel have been instructed in proper storage of incompatible wastes.

8. Violation: Part A permit application has not been amended to include the TA-35 lagoons.

Response: Your November 23, Notice of Violation, letter acknowledges this violation has been resolved.

9. Violation: No groundwater monitoring at the TA-35 lagoons.

Response: Based on the hydrogeology of the area, the Laboratory and DOE believe that groundwater monitoring at the impoundments is inappropriate, is an ineffective use of compliance resources, and constitutes an unreasonable application of the regulations. Sufficient information exists to support a groundwater monitoring waiver pursuant to the New Mexico Hazardous Waste Management Regulations (HWMR-4) Section 206.C.1.a.(3). Because the geology and hydrology beneath the units would preclude movement of fluid, there is an extremely low potential for migration of hazardous waste constituents from the impoundments to the uppermost aquifer (approximately 1000 ft beneath the surface). In addition, there is an extremely low potential for hazardous waste constituents to migrate to water supply wells or to surface water via the uppermost aquifer. A demonstration in writing supporting these issues is currently available at the Laboratory (HWMR-4 Section 206.C.1.a.(3)).

Although the Laboratory and DOE believe that the above mentioned documentation is sufficient to demonstrate the inapplicability of groundwater monitoring requirements at these units, additional information will be gathered during closure activities. Boreholes will be drilled beneath the impoundments and cores will be analyzed for the hazardous waste constituents found in the impoundments. If it determined that a release to the subsurface has occurred, the extent of migration shall be determined. Core samples from these boreholes will also be analyzed for confirmation of subsurface hydrogeological characteristics. This information will be available following the completion of closure activities.

10. Violation: Closure plans have not been submitted for the TA-35 lagoons.

JAN 11 1989

Response: Your November 23, Notice of Violation, letter acknowledges this violation has been resolved.

We appreciate and have noted your concerns regarding potential violations of EPA's Land Disposal Restrictions and other general concerns. Measures have been taken to remedy these situations where appropriate.

Based on this submittal DOE believes that all issues referenced in the November 23, 1988, NOV have been resolved. If you have any questions regarding this response call Donna Lacombe at 667-5288 (FTS 843-5288).

Sincerely,

Harold E. Valencia
Area Manager

2DML-052

cc:
A. Davis, EPA, Region VI, Dallas, Texas
D. L. Krenz, OESH, AL

I hereby acknowledge receipt.

_____

_____
Date