State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 24, 1991

Mr. Siegfried S. Hecker, Director
Los Alamos National Laboratory
P.O. Box 1663
MSK 490
Los Alamos, New Mexico 87554

RE: Notice of Violation
NM0890010515

Dear Mr. Hecker:

On April 29-May 3, 1991, the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Los Alamos National Laboratory (LANL). This letter is NMED's notice that, based on our review of the information obtained, NMED has determined that LANL has violated the New Mexico Hazardous Waste Management Regulations (HWMR-6). The purpose of this letter is to delineate the violations in writing and to require LANL to comply with HWMR-6.

The violations are:

1. At the TA 35-85 less than ninety day container storage area, one container of hazardous waste was being stored in excess of the allowable storage time limit. This is a violation of HWMR-6, Part III, 40 CFR §262.34.

2. At the same TA 35-85 location, a container had no date upon which accumulation of hazardous waste began. This is a violation of HWMR-6, Pt. III, §262.34(a)(2).

3. Also at the same TA 35-85 location, a drum of rags contaminated with freon solvent was labelled "Non-Regulated Waste". This is a violation of HWMR-6, Pt. III, §262.34(a)(3). This drum contained hazardous waste and should be labelled and handled as such.

4. At the TA 50-1 less than ninety day mixed waste container storage area, several drums either had no date upon which accumulation of hazardous waste began or such dates were faded to the extent that they were

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not legible. This is a violation of HWMR-6, Pt. III, §262.34(a)(2).

5. At the same TA 50-1 location, several drums either had no hazardous waste label or labels were faded to the extent that they were not legible. This is a violation of HWMR-6, Pt. III, §262.34(a)(3).

6. At TA 3-1819, a shed outside the building is being managed as a satellite accumulation point, but it receives hazardous waste from more than one satellite point inside the building which are under the control of different operators. Therefore, this area should be managed as a less than ninety day storage area. Several containers had no dates upon which accumulation of waste began. This is a violation of HWMR-6, Pt. III, §262.34(a)(2).

7. At the same TA 3-1819 location, no evidence that the required inspections were being conducted could be provided. This is a violation of HWMR-6, Pt. III, §262.34(a)(1).

8. At a TA 21-210 satellite accumulation point, a rusted can of unknown solid waste was unsealed and unlabelled. This is a violation of HWMR-6, Pt. III, §262.34(c)(1). Until an adequate hazardous waste determination of the material is performed, it is presumed hazardous.

9. At the TA 53 mixed waste lagoon, an inspection schedule and inspection logs are not being maintained. This is a violation of HWMR-6, Pt. VI, §265.15.

In accordance with §74-4-10 NMSA 1978, you have thirty (30) calendar days from the receipt of this notice to correct the violations and provide documentation that the 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 settlement agreement. Such a meeting must be held within this thirty day period and will not suspend the thirty day deadline for compliance or settlement. Any settlement agreement made shall be signed by representatives of LANL and NMED, and formalized by issuance of a Consent Order requiring compliance with the terms of the agreement.

If you fail to correct the violations cited in this Notice of Violation (NOV) within the specified time frame, you shall be subject to one or more of the following:

1. an order requiring compliance within a specified period, pursuant to §74-4-10 NMSA 1978, and/or an order assessing civil penalties of up to $10,000 per violation for each day of noncompliance, pursuant to §§74-4-10 and 74-4-12 NMSA 1978.

2. a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to §74-4-10 NMSA 1978, and/or the assessment of civil penalties of up to $10,000 per violation for each day of noncompliance, pursuant to §§74-4-10 and 74-4-12 NMSA 1978.

In addition to the violations mentioned above, apparent violations of the land disposal restriction (LDR) regulations (40 CFR Part 268) were also found during the inspection. At the TA 54 Area G mixed waste container storage area, at least four drums were missing waste codes or other marking to identify their contents regarding the type of hazardous waste being stored. Concerning restricted waste notification, an LDR notice along with a manifest had the incorrect waste code assigned to the waste, therefore causing the incorrect constituent to be identified on the notice. Also, one manifest was missing an LDR notice, indicating that a notice did not accompany the shipment of restricted waste. Regarding the TA 53 mixed waste lagoons, which are surface impoundments, solvent contamination has been found, and F-solvents are suspected. However, these units do not meet minimum technology requirements for a hazardous waste disposal unit. The authorized State program does not include the LDR regulations which became effective November 8, 1986. Therefore, the U.S. EPA implements and enforces the LDR regulations. 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.

Also, an area of concern was noted. At least one manifest had incorrect hazardous waste codes identified on it. Such misclassification of wastes could possibly lead to improper waste management, such as inappropriate treatment of a restricted waste. If hazardous waste codes are to be identified on manifests, every attempt should be made to assign them accurately.

Compliance with the requirements of this NOV does not relieve LANL of its obligation to comply with HWMR-6 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 me at (505)827-2929 or at our address. Please also address to my attention the information you provide in response to this letter.

Sincerely,

Coby Muckelroy

Coby Muckelroy
Water Resource Specialist
Hazardous and Radioactive Waste Bureau

cc: Mickey Flowers, U.S. EPA Region VI (6H-HS)
NMED District II Office