



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

P347-153-093

JUN 23 1991

RETURN RECEIPT REQUESTED

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Coby Muckelroy
New Mexico Environment Department
Hazardous and Radioactive Waste Bureau
Harold Runnels Building
1190 St. Francis Drive, P. O. Box 26110
Santa Fe, New Mexico 87502



Dear Mr. Muckelroy:

This letter constitutes the response of the Department of Energy (DOE) and the University of California (UC) to the Notice of Violation (NOV) dated May 24, 1991. In accordance with Section 74-4-10 (A) (NMSA -1978), all alleged violations have been corrected within the 30 days allowed by statute. The violations, response, and actions taken are set forth below.

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

Response: The referenced hazardous waste storage container has been shipped to Los Alamos National Laboratory's (LANL) permitted storage facility at TA-54, Area L, for storage and off-site shipment. Additionally, on June 3, 1991, a review of the generator waste management training was given to TA-35-85 waste management personnel, on conducting inspections at their less than 90 day storage area, and on the allowable accumulation time limit requirements. Enclosure A shows the waste disposal request form used to transfer the hazardous waste container to LANL's permitted storage facility.

Violation number 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, Part III, 262.34(a)(2).

Response: The accumulation date has been placed on the container. The above referenced training review provided to TA-35-85 waste management personnel on June 3, 1991, included instructions regarding the accumulation start date requirement.

Violation number 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, Part III, 262.34(a)(3). This drum contains hazardous waste and should be labelled and handled as such.



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Response: The drum which contained freon contaminated rags has been labeled with the words "Hazardous Waste". The June 3, 1991, TA-35-85 training review included instructions on proper waste determination. Enclosure B shows that the freon solvent container is labeled properly.

Violation number 4: At 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 not legible. This is a violation of HWMR-6, Part III, 262.34(a)(2).

Response: All mixed waste container labels have been inspected to ensure that all labels are legible and all drums contain accumulation start dates. A memorandum will be distributed by HSE-8, to all waste management personnel that have noted hazardous waste deficiencies in their areas. The memorandum will reiterate proper waste management procedures.

Violation number 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, Part III, 262.34(a)(3).

Response: All hazardous waste container labels have been inspected to ensure that all labels are legible. Enclosure C, shows one of the containers in question with the label affixed properly.

Violation number 6: At TA-3-1819, a shed outside the building is being managed as a satellite accumulation point, but it received hazardous waste from more than one satellite point inside the building. These satellite points are under the control of the 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, Part III, 262.34(a)(2).

Response: The State has incorrectly identified the satellite accumulation point mentioned in the violation. The correct location is TA-3-1767. This satellite accumulation point is now closed, and will no longer receive hazardous waste. All hazardous waste at this accumulation point has been shipped to LANL's permitted storage facility at TA-54, Area L, for storage and off-site shipment. Enclosure D is a copy of a memorandum giving notification of the closure of the area.

Violation number 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, Part III, 262.34 (a)(1).

Response: Same response as provided for violation number 6.

Violation number 8: At a TA-21-210 satellite accumulation point, a rusted can of unknown solid waste was unsealed and unlabeled. This

is a violation of HWMR-6, Part III, 262.34 (c)(1). Until an adequate hazardous waste determination of the material is performed, it is presumed hazardous.

Response: The State has incorrectly identified the satellite accumulation point mentioned in the violation. The correct location is TA-21-3N outside Room 360. The material in question has been identified as hazardous waste and has been shipped to LANL's permitted storage facility at TA-54, Area L, for storage and off-site shipment (see enclosure E).

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

Response: Facility inspection schedules and logs are being maintained by Johnson Controls World Services INC. (JCI) and HSE-8. Training was given to JCI on June 7, 1991, on the requirements for conducting a facility inspection, maintaining appropriate documentation and submitting inspections logs to HSE-8.

DOE/UC appreciates NM ED's comments regarding the Land Disposal Restriction (LDR) matters noted in your May 24, 1991, letter. I can assure you that DOE/UC is making every effort to comply with all LDR requirements.

Based on this submittal, the DOE and UC believes that all the issues referenced in notice of violation have been addressed. If you have any questions regarding this response, contact Mr. Steve Slaten of my staff at 665-5050 (FTS/843-5050) to arrange a meeting between DOE, UC and State personnel.

Sincerely,


for Jerry L. Bellows
Area Manager

Enclosure

cc w/enclosure:

Kenneth Hargis, HSE-8, LANL, MS-K490
Anthony Drypolcher, HSE-7, LANL, MS-E517
Mickey Flowers, US EPA Region VI (6H-HS), Dallas, Texas

cc w/o enclosure:

John Themelis, EPD, AL
John Puckett, HSE-DO, MS-K491
Tom Gunderson, HSE-DO, MS-K491