

Summary of State
Orders Against LANZ

16

**NEW MEXICO ENVIRONMENT DEPARTMENT
FAX TRANSMITTAL**



STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT

DATE: 1/29 PAGE 1 OF 10

TIME: 2:26

FAX TO: Allyn Davis

LOCATION: U.S. EPA

TELEPHONE NO: _____

FAX NO: -214-655-6460

FAX FROM: Kathleen M. Senero

LOCATION: NMED

TELEPHONE NO: 827-2850

FAX NO: 827-2836

COMMENTS: State Order
Against LANZ

0234
~~0234~~

Bruce King
Governor

Judith Espinosa
Secretary

Ron Curry
Deputy Secretary



16543

NMED
ADMINISTRATIVE ORDER ISSUED TO
LOS ALAMOS NATIONAL LABORATORY
TA-54 AREA G PADS ## 1, 2, 4

SUMMARY
Jan. 28, 1993

Background:

LANL- TA-54 Area G Pads ## 1, 2, 4

earthen-covered storage pads containing approx. 17,000 drums of hazardous and mixed TRU waste. Some set on asphalt, with drums piled 4 high. Pads used between 1979-1991.

LANL on 3/16/92 exhumed 14 drums from Pad #2 (drums had been in place about 6 years). Surface corrosion on several drums and a pinhole failure on one drum was observed. LANL did not remove drums; left them in place on the pad covered with a tarp.

May 4-8, 1992 NMED Inspection Findings:

TA-54 Area G Pad #1, Pad #2, and Pad #4:

drums do not have adequate aisle space [for movement of personnel, fire protection equipment, spill control equipment and decontamination equipment in an emergency]

LANL has no written inspection schedule procedures

LANL has no inspection logs recording the condition of the drums

drums are not inspected weekly

an unknown amount of the hazardous waste is hazardous waste restricted from land disposal (LDR waste) that is being stored in containers that are not clearly marked to identify their contents and the date each period of accumulation began.

Violations:

TA-54 AREA G Pad #1, Pad #2, and Pad #4 (Improper Storage [Counts 1, 2 and 3]):

HWMR-6, 601 [incorporated 40CFR 265.173(b)] - management of HW in a manner in which HW containers may rupture or leak

HWMR-6 601 and 801 [incorporated 40 CFR 265.15, 265.35, 265.174 and 268.50(a)(2)(i)] - storage without written inspection schedules, recorded inspections, without adequate aisle space, without weekly inspections and without properly marking containers of LDR waste.

* **Alternatively, LANL is in violation of:**

HWMR-6, 501 [incorporated 40CFR 264.173(b)] - management of HW in a manner in which HW containers may rupture or leak

HWMR-6, 501 and 801 [incorporated 40CFR 264.15, 264.35, 264.174 and 268.50 (a) (2) (i)] - storage without written inspection schedules, recorded inspections, without adequate aisle space, without weekly inspections and without properly marking containers of LDR waste.

TA-54 AREA G Pad #2 (Improper Storage [Count 4]):

HWMR-6, 601 [incorporated 40CFR 265.171] - failure to transfer HW found in containers that are not in good condition, or that are beginning to leak, to containers that are in good condition, or manage the waste in some other compliant manner.

* **Alternatively, LANL is in violation of:**

HWMR-6, 502 [incorporated 40CFR 264.171] - failure to transfer HW found in containers that are not in good condition, or that are beginning to leak, to containers that are in good condition, or manage the waste in some other compliant manner.

* Certain of LANL's mixed waste management units may not have "interim status"; HWMR-6 601 governs waste management units that have interim status; HWMR-6 501 governs waste management units which are permitted or do not have interim status. NMED felt that at this time it did not need to make a final determination on this for the purposes of this Order.

Penalties:

Counts 1, 2 and 3

\$381,250 each

Count 4

\$139,750

Total Penalty: \$1,283,500

NMED Orders LANL to, within 30 days of receipt of the Order to:

1. have an NMED-approved plan and schedule for placing the wastes currently stored at TA-54 Area G Pads #1, 2, and 4 into storage that complies with the requirements of the HWA and for closing the pads pursuant to the HWA;
2. provide documentation to NMED that LANL has transferred the wastes in those containers of the 14 exhumed at TA-54 Area G Pad #2 that are not in good condition or which are beginning to leak, to containers that are in good condition or managed the waste in some other way that complies with the requirements of the HWA.

**NMED
ADMINISTRATIVE ORDER ISSUED TO
LOS ALAMOS NATIONAL LABORATORY**

TA-54 AREA G DOME #48

TA-3-39, TA-55-191(OUTSIDE STORAGE SHED),
TA-3-40, TA-3-29-5012, TA-35-85

TA-35-213-A107A, TA-21-150-607, TA-21-4-4J
TA-3-38 (WEST SIDE), TA-53-1-D115, TA-59-1-113,
TA-21-4-4J, TA-59-1-116

TA-54 AREA L

SUMMARY

Jan. 28, 1993

Background:

TA-54 Area G Dome #48 is a hazardous waste storage area
TA-3-39, TA-55-191(outside storage shed), TA-3-40, TA-3-29-5012, and TA-35-85 are "less than ninety (90) day" hazardous waste storage areas
TA-35-213-A107A, TA-21-150-607, TA-21-4-4J, TA-3-38 (west side), TA-53-1-D115, TA-59-1-113, TA-21-4-4J and TA-59-1-116 are hazardous waste "satellite accumulation points
TA-54 Area L is a hazardous waste storage area.

May 4-8, 1992 NMED Inspection Findings:

TA-54 Area G Dome #48:

LANL's inspection logs document that from January 21, 1991 to July 8, 1991, drums were leaking, up to 26 at one time

hazardous waste in these drums was not transferred to containers in good condition

TA-3-39, TA-55-191 (outside storage shed), TA -3-40, TA-3-29-5012, TA-35-85:

90 day storage exceeded at the following areas:

TA-3-39 (2 drums dated 9/19/91 and 11/20/91)
TA-55-191 (outside storage shed) (2 drums dated 9/2/91 and 10/18/91)

TA-3-40 hazardous waste storage tank stored since 8/91

TA-35-85 - a container of hazardous waste was open

hazardous waste storage units were not labeled or marked clearly with the words "Hazardous Waste"

TA-3-40 (storage tank)

TA-3-29-5012 (2 drums of lead-contaminated hazardous waste)

TA-35-213-A107A, TA-21-150-607, TA-21-4-4J, TA-3-38 (west side), TA-53-1-D115, TA-59-1-113, TA-21-4-4J, TA-59-1-116:

at least one container of hazardous waste was found to be open at TA-21-4-4J

at least one container of hazardous waste was not labeled or marked clearly with the words "Hazardous Waste" at:

TA-35-213-A107A

TA-21-150-607

TA-21-4-4J

TA-3-38 (west side)

TA-53-1-D115

TA-59-1-113

hazardous waste from a different site of origin was found at TA-59-1-116

TA-54 Area L:

shower and eye wash devices were not located within 100 feet of the mixed waste and waste gas cylinder storage areas

LANL failed to provide documentation that 3 of their employees had completed required training

LANL failed to provide the original manifest copy with the offsite facility's signature for the following shipments:

9/26/91 (manifest document #91212)

9/19/91 (manifest documents ## 91193-91197)

LANL had not received copies of the manifests (#91212 and #91193-91197) with the handwritten signatures of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter

LANL did not submit Exception Reports to NMED concerning the manifests (#91212 and ##91193-91197) within 45 days of the date the waste was accepted by the initial transporter

at least 3 drums of mixed waste stored at TA-54 Area L contained hazardous waste restricted from land disposal (LDR waste) and were not clearly marked to identify their contents

Violations:

TA-54 Area G Dome #48 (Failure to transfer Contents [Count 1]):

HWMR-6, 601 [incorporated 40CFR 265.171] - failure to transfer hazardous waste found in containers that are not in good condition, or that are beginning to leak to containers that are in good condition or manage the waste in some other compliant manner.

* Alternatively, LANL is in violation of:

HWMR-6, 501 [incorporated 40CFR 264.171] - failure to transfer hazardous waste found in containers that are not in good condition, or that are beginning to leak to containers that are in good condition or manage the waste in some other compliant manner

TA-3-39, TA-55-191 (outside storage shed), TA-3-40 (Storage Beyond 90 Days [Counts 2, 3, 4]):

HWMR-6, 301 [incorporated 40CFR 262.34(a)] - storing waste beyond 90 days

TA-35-85 (Open Container [Count 5]):

HWMR-6, 301 [incorporated 40CFR 262.34(a)(1)] - failure to keep all containers closed

TA-3-40, TA-3-29-5012 (Improper Labeling [Counts 6, 7]):

HWMR-6, 301 [incorporated 40CFR 262.34(a)(3)] - failure to properly label all containers

TA-21-4-4J (Open Container [Count 8]):

HWMR-6, 301 [incorporated 40CFR 262.34(a)(1)] - failure to keep all containers closed

TA-35-213-A107A, TA-21-150-607, TA-21-4-4J, TA-3-38 (west side), TA-53-1-D115, TA-59-1-113 (Improper Labeling [Counts 9, 10, 11, 12, 13, 14]):

HWMR-6, 301 [incorporated 40CFR 262.34(a)(3)] - failure to properly label all containers

TA-59-1-116 (Waste Not At Site Of Origin [Count 15]):

HWMR-6, 301 [incorporated 40CFR 262.34(c)(1)] - failure to keep waste under the control of the operator who is generating the waste

TA-54 Area L (Unavailability Of Decontamination Equipment [Count 16]):

HWMR-6, 601 [incorporated 40CFR 265.32(c)] - failure to maintain necessary decontamination equipment

* Alternatively, LANL is in violation of:

HWMR-6, 501 [incorporated 40CFR 264.32 (c)] - failure to maintain necessary decontamination equipment

Training Documentation Unavailable [Count 17]:

HWMR-6, 601 [incorporated 40CFR 265.16(d)(4)] - failure to maintain necessary personnel training documentation

* Alternatively, LANL is in violation of:

HWMR-6, 501 [incorporated 40CFR 264.16(d)(4)] - failure to maintain necessary personnel training documentation

Exception Reports Not Filed/2 Reports [Counts 18, 19]:

HWMR-6, 601 [incorporated 40CFR 262.42] - failure to submit Exception Reports to NMED within 45 days of hazardous waste shipments (dated 9/26/91 and 9/19/91) because of the unavailability of original manifests signed by the offsite facility

Improper Labeling/Land Disposal Restriction Waste [Count 20]:

HWMR-6, 801 [incorporated 40CFR 268.50(a)(2)(i)] - failure to properly mark containers of LDR waste

* Certain of LANL's mixed waste management units may not have "interim status"; HWMR-6 601 governs waste management units that have interim status; HWMR-6 501 governs waste management units which are permitted or do not have interim status. NMED felt that at this time it did not need to make a final determination on this for the purposes of this Order.

Penalties:

Count 1

\$121,750

Counts 2, 3 and 4

\$44,950 each for a total of \$134,850

Count 5

\$550

Count 6

\$625

Count 7

\$5100

Count 8

\$550

Counts 9, 10, 11, 12, 13 and 14

\$675 each for a total of \$4050

Count 15

\$600

Count 16

\$3740

Count 17

\$3400

Counts 18 and 19

\$36,400 each for a total of \$72,800

Count 20

\$4590

TOTAL \$ 352,605