



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 31 1994



Mr. Coby Muckelroy
RCRA Inspection/Enforcement Program Manager
Hazardous and Radioactive Materials Bureau
State of New Mexico Environment Department
525 Camino de los Marquez
Marquez Place, Suite 4
Santa Fe, NM 87502

Dear Mr. Muckelroy,

This is in response to your letter of July 21, 1994, concerning referral to Region 6 Environmental Protection Agency (EPA) pursuant to the Enforcement Memorandum of Understanding between EPA and the New Mexico Environment Department (NMED) of Substantial Resource Conservation and Recovery Act (RCRA) Land Disposal Restriction (LDR) violations at Los Alamos National Laboratory (LANL).

Mr. Benito Garcia's letter (Enclosure) of June 21, 1994, to Randy Brown, stated that the NMED would take enforcement action under State authority for any findings that may be determined to be a substantial LDR violation discovered at LANL during the joint NMED and EPA National Enforcement Investigations Center (NEIC) Multi-media inspection of August 2-12, 1993.

The Region does not intend to take enforcement actions for the RCRA LDR violations referred to us by your July 21, 1994, letter. Therefore, NMED may pursue any or all RCRA enforcement options granted by State authority as Mr. Garcia's letter of June 21, 1994, originally proposed.

If you have any questions or need further information, please contact me or contact Joel Dougherty of my staff at (214) 665-2281.

Sincerely yours,

Mark Potts, Chief
ALONM Section (6H-CS)
RCRA Enforcement Branch
Hazardous Waste Management Division

Enclosure

1. Mr. Benito Garcia's Letter (July 24, 1994)





BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

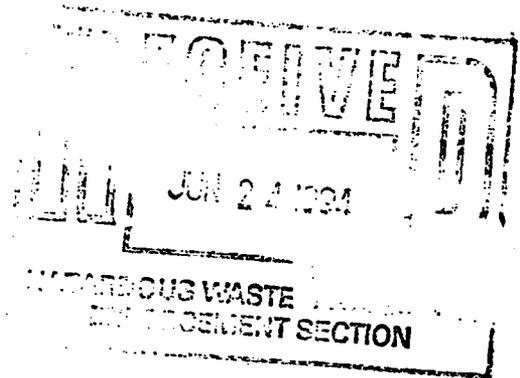
ENCLOSURE

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

June 21, 1994

Randall E. Brown, Chief
RCRA Enforcement Branch
Hazardous Waste Management Division
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733



Dear Mr. Brown:

This is in response to you June 15, 1994 letter requesting written confirmation as to New Mexico Environment Department's (NMED) plans regarding enforcement action as a result of the joint EPA-NEIC/NMED multi-media inspection of Los Alamos National Laboratory (LANL) in August 1993. As of this writing the Hazardous and Radioactive Materials Bureau (HRMB) is still awaiting additional information from NEIC concerning the number of days of certain RCRA violations. HRMB cannot complete a draft enforcement document until this information is obtained. However, upon receiving this information, HRMB does intend to recommend issuance of a compliance order based on the findings of both HRMB and EPA-NEIC. Since LANL is deemed to be a high priority violator, HRMB intends to recommend issuance of a compliance order with penalties.

Concerning areas of noncompliance outside of the EPA authorized state program, HRMB plans to take enforcement action against LANL for non-substantial violations of the Land Disposal Restriction (LDR) requirements as per the RCRA Enforcement MOU. Based on NEIC's and HRMB's findings, most of the LDR violations appear to meet the criteria of a non-substantial LDR violation. However, HRMB plans to take enforcement action under State authority for any findings that may be determined to be a substantial LDR violation.

If you have any questions concerning this matter, please contact Mr. Coby Muckelroy, RCRA Inspection/Enforcement Program Manager, at (505) 827-4308.

Sincerely,

Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

NM0890010515

RCRA ENFORCEMENT BRANCH

*500
FVH*

	INITIAL	ROUTING
MARK POTTS	<i>✓</i>	<i>[scribble]</i>
GUY TIDMORE		
RONNIE CROSSLAND		
JEAN GIBBS		
GLORIA GLOVER		
BILL HONKER		
ARNOLD ONDARZA		
ALLYN DAVIS		
JACK DIVITA		

COMMENTS: *Coby Nuckelroy called & said he heard that DOE (LAW) was writing us a letter to say (NEIC was wrong on their inspec. He was giving us a heads up & also wanted to know what we are*

FROM: RANDALL E. BROWN, CHIEF
RCRA ENFORCEMENT BRANCH (6H-C)

going to do. I said we would review letter when received (over)

and coordinate with
him on any follow-up.
He said their complaint
was in legal now, but
didn't see any reason
to stop it/change it now.
He also said they were
taking all violations
except some substantial
LDR violations (our action)

Pang 8/10/94

Mark,

8/16/94

Coby says that
he felt it was more
important to follow
MOU than exercise
state CDR authority.
"Feel free to refer them
back to NAVED if
desired."

JUD

Date

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1.		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.208



BRUCE KING
GOVERNOR

July 21, 1994

Randall Brown, Chief
RCRA Enforcement Branch (6H-C)
U.S. Environmental Protection Agency
1445 Ross Ave, Suite 1200
Dallas, Texas 78202-2733

RE: Los Alamos National Laboratory (NM0890010515)
Substantial LDR Violation Referral

Dear Mr. Brown:

The New Mexico Environment Department (NMED) is referring the above referenced facility to EPA as per the FY 94 Enforcement MOU between NMED and EPA. The facility was determined to have potentially substantial LDR violations regarding the off-site shipment of restricted wastes without notifying the off-site facility of the need for treatment prior to land disposal. Therefore, a copy of the NMED's inspection report is enclosed for EPA's review and determination of possible enforcement action by EPA concerning the potential LDR violations. NMED has not yet issued its enforcement action regarding the other violations. Please refer to the EPA-NEIC "Multi-Media Compliance Investigation" report for the violations noted by NEIC.

This referral is not made within the deadline established in the MOU due to the fact that all of the findings for the inspection report from NEIC was not received by NMED until recently. A complete evaluation of the potential violations found by NMED and/or NEIC staff could not be made until all of the findings were available to NMED. The NMED and EPA-NEIC conducted a joint multi-media inspection at LANL August 2-12, 1993.

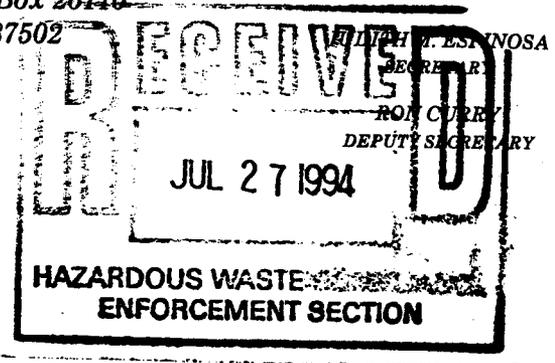
If you have any questions or need any additional information, please contact me at (505) 827-4308.

Sincerely,

Coby Muckelroy
RCRA Inspection/Enforcement Program Manager
Hazardous and Radioactive Materials Bureau

xc: Kathyryn Griffith, U.S. EPA Region VI (6H-HS)

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUN 15 1994

Mr. Benito Garcia, Chief
Hazardous and Radioactive Materials Bureau
State of New Mexico Environment Department
525 Camino de los Marquez
Marquez Place, Suite 4
Santa Fe, NM 87502

Dear Mr. Garcia,

In August 1993, the Environmental Protection Agency's (EPA) National Enforcement Investigations Center (NEIC), in conjunction with Region 6 and the New Mexico Environment Department (NMED), conducted a multi-media compliance investigation of Los Alamos National Laboratory (LANL).

The inspection revealed several areas of RCRA non-compliance. (Please see Enclosure.) Based on discussions between my staff and your staff, it is our understanding that NMED plans to take appropriate enforcement action against all of those areas of RCRA non-compliance discovered in the inspection. This may include areas outside of the EPA authorized program such as the RCRA Land Disposal Restrictions (LDR).

We request that your office provide us with written confirmation of NMED's plans with regard to RCRA enforcement actions resulting from the August 1993 NEIC.

If you have any questions or need further information, please contact me or have your staff contact Joel Dougherty of my staff at (214) 655-2281.

Sincerely yours,

A handwritten signature in cursive script that reads "R E Brown".

Randall E. Brown, Chief
RCRA Enforcement Branch
Hazardous Waste Management Division

Enclosure



bcc: J. Dougherty

6H-CS:JDOUGHERTY:X2281:06/03/94:F:NEIC.NMD

6H-CS
POTTS

JDP 6/10

6H-C
GLOVER

*JLH
6/13*

TXID # _____
file Code _____