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MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

January 24, 1996

Luke Bartlein
 1265 Big Rock Loop
 Los Alamos, New Mexico 87544

Dear Mr. Bartlein:

This is in response to your November 30, 1995 letter concerning possible improper waste management activities at Los Alamos National Laboratory (LANL). The New Mexico Environment Department (NMED) has regulatory authority over RCRA hazardous waste and mixed wastes comprised of radioactive waste or materials and a RCRA hazardous waste. NMED does not have regulatory authority over strictly radioactive waste at DOE owned facilities. In response to your letter, NMED plans to inspect TA 21-209 and TA 21-155 to investigate possible RCRA violations at these areas during NMED's next scheduled RCRA Compliance Evaluation Inspection.

Regarding possible NESHAP's violations, a copy of your letter will be forwarded to NMED's Air Pollution Control Bureau and to the U.S. Environmental Protection Agency Region VI's Air Enforcement Section. Regarding possible Clean Water Act violations, a copy of your letter will also be forwarded to NMED's Surface Water Quality Bureau.

Thank you for bringing these matters to our attention. If you have any questions regarding this letter, please contact me at (505) 827-1558.

Sincerely,

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

- xc: Benito Garcia, Chief, HRMB
 Debbie Brinkerhoff, Air Pollution Control Bureau
 Jim Piatt, Chief, Surface Water Quality Bureau
 Neil Weber, DOE Oversight Program
 Jim Seubert, RCRA Inspection Group Supervisor
 Donna Ascenzi, Air Enforcement, EPA Region VI (6EN-AE)



DEC 06 1995

To whom it may Concern:

Date: November 30, 1995

From: Luke Bartlein
Resident of the State of NM
1265 Big Rock Loop
Los Alamos, NM87544
Phone: 505-662-3887

Subject: Possible insults to the Environment and the people of NM by Los Alamos National Laboratory

As a recently terminated employee of Los Alamos National Laboratory, I am presented with the opportunity to bring some practices that create possible insults to the environment to the public's attention. At this time, I present this information to you, not as an allegation of illegal activity, rather as a citizen concerned enough about certain practices at the Laboratory, that inspection by an outside organization may be warranted. In the past, members of your organization have visited the two nuclear facilities that will be mentioned in this letter. The standing jokes at the Laboratory are that the State of NM has no one knowledgeable about tritium, hence there is little chance of violations being detected, and second, that the State of NM has no jurisdiction over nuclear wastes or nuclear processes. If you choose to investigate any of the concerns in this letter, I offer my services free of charge to the State of NM, or any agency you choose to bring in to investigate. I am knowledgeable of tritium and the practices the facilities are utilizing. I was the Safety Officer and Facilities Manager for over 3 years.

1. Facility TA21-209, Tritium Science and Fabrication Facility (TSFF)

Waste barrels containing tritium and lithium tritide salts have been packaged poorly or improperly allowing for pressurization and in some cases release of the radioactive gaseous constituents. Many containers are exhibiting both internal and external corrosion. Normally the above would represent a violation of 40CFR 265.171. The Laboratory response is that the RCRA standards do not regulate tritium, a radioactive material. This loophole has allowed the Laboratory to act in a manner that is less than acceptable for most hazardous waste generators.

Some of these barrels have been relocated to outside the facility. Tritium released from these containers is not being monitored by the facility stack monitoring system. Normally this would be considered a violation of NESHAP's, 40 CFR 61.93 b(2)ii, and 40 CFR 61.93 b(5)ii.

The facility is serving as its own RCRA waste disposal site. Some of the waste barrels in question were generated over 6 years ago. This site is not a RCRA waste disposal site, nor does it provide the required training or surveillances required of a RCRA site. Normally this would violate 40 CFR 262.34(4)b. Again, the laboratory uses the reasoning that tritiated wastes are not RCRA regulated to perform in a substandard manner.

Bartlein

Colby

At the time of this letter 12 barrels of waste were located at this facility, 5 inside, and 7 outside in an unmonitored space. The seven outside barrels are uncharacterized, and may represent the largest potential impact to the environment. Talk was that the number of curies in each barrel is unknown, so that numbers that would facilitate disposal should be assigned.

ID's on inside barrels ACCT 225, MT 87
ACCT 225,ETS-7B
?????????,ETS-5C
?????????,003
No Markings

ID's on outside barrels#17592
#22926
#20932
No Markings
No Markings
#17589
#20930

2. Facility TA21-209 TSFF

The radiation waste line exiting the facility utilizes an old brick and mortar manhole that has been identified as leaking to the environment. This is identified in one of the Laboratory Waste Stream Characterization Reports. This report is several years old, yet there is no evidence that the Laboratory is pursuing any real avenues to correct the problem. On a daily basis at least 10 gallons of water from mopping operations, normally between 2 and 10 micro curies per liter in activity, is released to this manhole. Much of the water leaks to the environment. I believe this discharge is as much as 1 million times the CWA allowable limit.

3. Facility TA21-209 TSFF

The cooling water for the facility typically exhibits 200 milli curie per liter activity, and contains in excess of 60 liters of water. The cooling water operation resides outside of a monitored area, in the basement of the building. Discharges or leaks to the containment dike area are free to evaporate undetected to the environment. I personally have witnessed drips and small pools that were allowed to evaporate in this manner. Normally this would be considered a violation of NESHAP's 40 CFR 61.93 b(2)ii and §) CFR 61.93 b(5)ii.

4. Facility TA21-209 and TA21-155, Tritium Systems Test Assembly(TSTA)

Tritiated waste is removed from the facilities while off gassing of tritium is still evident. This is done to keep reportable stack releases at artificially low levels. After several minutes outside in the air, or in a matter of seconds to minutes in a rain storm, the

evidence of these acts is very difficult, if not impossible to detect. I personally was forced to remove objects from TSTA on no less than 3 occasions in the last 6 months because the stack monitors were reading high. This is common practice, and I have witnessed such actions by others on many occasions in both facilities. These actions would appear to violate NESHAP, s 40 CFR 61.93 b(2)ii, and 40 CFR 61.93 b(5)ii. In addition, violation of the CWA when rain washes material away may be of concern.

5. Facility TA21-155 TSTA

TSTA has over 30 barrels of tritiated waste stored in the facility. Some date back over 4 years. Some have pressurized and some have leaked. Normally this would violate 40 CFR 265.171. TSTA is acting as its own RCRA waste site, using the loophole that tritiated wastes are not RCRA regulated. Normally, this would violate 40 CFR 262.34(4)b.

1996 Audits

May 2, 1996

<u>Facility Name and Location</u>	<u>Date of Last Audit</u>	<u>Auditor's Name and Group</u>	<u>Next Audit Due Between</u>
Chemical Waste Management Kettleman Hills, CA	April 1996	Ed Lopez, CST-5 O. Archuleta, CST-5 David Jardine, ESH-5	Oct. 1997 Apr. 1998
MG Industries Morrisville, PA	April 1996	Ed Lopez, CST- John Pieniazek, ESH-19	Oct. 1994 April 1994
Bethlehem Apparatus Hellertown, PA	April 1996	Ed Lopez, CST-5 John Pieniazek, ESH-19	Oct. 1997 Apr. 1998
Rollins GPC, Inc. Los Angeles, CA	Jan. 1996	Ed Lopez, CST-5 John Pieniazek, ESH-19	July 1997 Jan. 1998
Kinsbursky Brothers Los Angeles, CA	Jan. 1996	Ed Lopez, CST-5 John Pieniazek, ESH-19	July 1997 Jan. 1998
Aptus, Inc Coffeyville, KS	March 1994	Ed Lopez, CST-5 John Pieniazek, ESH-19	**Past Due As Needed
Chemical Waste Management, Inc. Lake Charles, LA	May 1992	Jeff Carmichael, EM-8 Ed Lopez, EM-7	**Past Due As Needed

1995 Audits

April 22, 1996

<u>Facility Name and Location</u>	<u>Date of Last Audit</u>	<u>Auditor's Name and Group</u>	<u>Next Audit Due Between</u>
Clean Harbors, Inc. Kimball, NE.	Nov. 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	May 1997 Nov. 1997
Rollins Environmental Services, Inc. Baton Rouge, LA	Oct. 1995	Tim Sloan, CST-5 John Pieniazek, ESH-19	April 1997 Oct., 1997
Chemical Waste Mgt., Inc. (OSCO) Henderson, CO	Sep. 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	Mar. 1997 Sep. 1997
Trade Waste Inc. Sauget, IL	Aug. 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	Feb. 1997 Aug. 1997
Recyclights Bloomington, MN	July 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	Jan. 1997 July 1997
Rollins Enviro. TX. Deer Park, TX	June 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	Dec. 1996 June 1997
Highway 36 Deer Trail, CO	June 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	Dec. 1996 June 1997
Aptus Inc. Aragonite, Utah	May 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	Nov. 1996 May 1997
Keers Environmental Mountaineer, NM	April 1995	Ed Lopez, CST-5 J. Carmichael, ESH-19	Oct. 1996 April 1997
Treatment One Houston, Tx.	Feb. 1995	Ed Lopez, CST-5 John Pieniazek, ESH-19	Sep. 1996 Feb. 1997

1994 Audits

April 22, 1996

<u>Facility Name and Location</u>	<u>Date of Last Audit</u>	<u>Auditor's Name and Group</u>	<u>Next Audit Due Between</u>
BDT Clarence, NY	Dec. 1994	Ed Lopez, CST-5 John Pieniazek, ESH-8	June 1996 Dec. 1996
Eticam Fernley, NV	July 1994	Ed Lopez, CST-7 Andy Montoya, CST-7	Jan. 1996 July 1996
WMI Medical Services Of AZ. Chandler, AZ	May 1994	John Pieniazek, ESH-8 Joe Gonzales, CST-7	Dec. 1995 May 1996
Butterfield Station Maricopa County, AZ	May 1994	John Pieniazek, ESH-8 Joe Gonzales, CST-7	Dec. 1995 May 1996
Chemical Waste Management Kettleman Hills, CA	April 1994	A. Gustavsson, CST-7 John Pieniazek, ESH-8 David Jardine, ESH-5	Oct. 1995 Apr. 1996
Bethlehem Apparatus Hellertown, PA	March 1994	Dan Oakley, CST-7 John Pieniazek, ESH-8	Sept. 1995 Mar. 1996
Aptus, Inc Coffeyville, KS	March 1994	Ed Lopez, CST-7 John Pieniazek, ESH-8	Sept. 1995 Mar. 1996