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GOVERNOR

State of New Mexico
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Hazardous & Radioactive Materials Bureau
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SECRETARY

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DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 11, 1996

G. Thomas Todd
Area Manager
Los Alamos Area Office
U.S. Department of Energy
528 35th Street
Los Alamos, New Mexico 87544-8316

Dear Mr. Todd:

**RE: Letter of Violation
NM0890010515**

On June 10 - 13, 1996, the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Los Alamos National Laboratory (LANL). Based on our inspection and review of the information obtained, NMED has determined that LANL has violated New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as specified below. The purpose of this letter is to request LANL's voluntary corrective action and submission of a corrective action plan on how LANL will address this issue as soon as possible. NMED is willing to discuss this matter in person or by telephone. I can be reached at (505) 827-1557 to discuss this matter or schedule a meeting, or Mr. Coby Muckelroy can be reached at (505) 827-1558.

At this time, NMED wishes to suspend the enforcement options listed below if LANL can provide NMED with a satisfactory resolution to the violations or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. If NMED does not receive satisfactory information, then NMED reserves the right to initiate formal enforcement action.



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The violations noted as a result of the inspection are as follows:

1. LANL has failed to place the accumulation start date on container #C96063355, located in Dome 49, Area G, in TA-54. This is a violation of 20 NMAC 4.1.800, which incorporates 40 CFR §268.50(a)(2)(i).
2. LANL has failed to complete the Inspection Log for a surface impoundment located in TA-53, Site #166 for the dates of October 22, 1995 through April 8, 1996. This is a violation of 20 NMAC 4.1.600, which incorporates 40 CFR §265.226(a).
3. LANL has failed to close a container of solid hazardous waste at a satellite accumulation area located in TA-35, Bldg. 125, Room A100B. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR §262.34(c)(1)(i).
4. LANL has failed to maintain the signed original of manifest #95283 which was signed by the TSD on 9/25/96. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR §262.40(a).

In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

Any action taken in response to this letter does not relieve LANL of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve LANL of its obligation to comply with all other applicable laws or regulations.

In correspondence dated July 9, 1996, staff from your office forwarded information to NMED which delineated corrective actions already taken to resolve violations 1 through 3 noted above. Satisfactory resolution of violation 4 however, still requires that LANL describe the result of efforts undertaken to locate the original manifest if it cannot be located.

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Thank you for the cooperation afforded our inspection staff while at LANL. Should you have any questions regarding this letter, please contact Mr. Coby Muckelroy of my staff or me at (505)827-1557.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

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