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July 7, 1997

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Los Alamos National Laboratory
Los Alamos, New Mexico 87545

Anthony R. Stanford
EM-SWO Group Leader
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Los Alamos, New Mexico 87545

RE: HAZARDOUS WASTE CONTAMINATED ASPHALT

Dear Mr White and Mr. Stanford:

The New Mexico Environment Department (NMED), Hazardous and Radioactive Materials Bureau (HRMB), has received and reviewed your May 28, 1997 letter regarding the mis-management and disposal of hazardous waste contaminated asphalt from TA 54, Area L. This letter serves as HRMB's response to your letter and discussion at the meeting held on June 11, 1997, and delineates the regulatory status of the wastes.

As you pointed out in your letter, HRMB specified in condition #4 of the July 22, 1994 "Conditional Approval" letter for the construction of the mixed waste storage dome in Area L, "that all waste asphalt removed from the pad must be treated and/or disposed of as a hazardous waste." Los Alamos National Laboratory (LANL), failed to meet this criteria. Furthermore, upon discovery that these wastes were mis-managed and illegally disposed of, LANL has failed to adequately respond with sampling, removal and/or containment efforts.

HRMB does not concur with your regulatory position and considers



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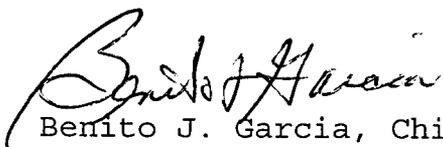
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all the waste asphalt and associated contaminated soils and debris as hazardous waste. LANL should also review applicable "dilution" and "contained in" regulations which apply to this waste stream.

The placement of some of this hazardous waste contaminated asphalt and soils (approximately 60 cubic yards), at the head of Sandia Canyon is in violation of the New Mexico Water Quality Control Commission (NMWQCC) regulations, the State Of New Mexico Standards for Interstate and Intrastate Streams, 20 NMAC 6.2, Section 2201. Violations of New Mexicos' Solid Waste Regulations are also citeable.

At this time, NMED/HRMB awaits an adequate response from LANL to the issue within 30 days. Any action taken by LANL to rectify the situation and attain compliance will be considered in any future enforcement action regarding this subject. If no action is taken voluntarily by LANL, NMED will consider enforcement action in this matter. If you have any questions regarding this letter, please contact me or John Tymkowych of my staff at 827-1558.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department

cc: Siegfried Hecker, Director LANL
Thomas Todd, Area Manager U.S. DOE/LAAO
H.L. "Jody" Plum, LAAO, MS A316
Ed Kelley, Ph.D., Director, WWMD, NMED
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