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SECRETARY

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DEPUTY SECRETARY

July 10, 1997

Siegfried Hecker, Director
Los Alamos National Laboratory
Los Alamos, New Mexico 87545

RE: DISPOSAL OF HAZARDOUS WASTE CONTAMINATED ASPHALT

Dear Mr Hecker:

The New Mexico Environment Department (NMED), is currently addressing an issue with LANL's Environmental Management Division. The issue is in regards to the mis-management and ultimate disposal of hazardous waste contaminated asphalt removed from TA 54, Area L. NMED delineated in a letter of conditional approval nearly a year prior to the incident that this material was considered by NMED as a hazardous waste and directed LANL to handle and dispose of it as such.

NMED received a letter from LANL's Environmental Management Division on May 28, 1997 describing the course of events leading up to the illegal disposal of this waste, and an argument attempting to justify no further action on LANL's part. Needless to say, NMED cannot turn a blind eye to this gross negligence, especially in light of the fact that this is not the first time this has happened. Because of LANL's failure to communicate within its own ranks, this situation has manifested itself just as it did when mercury contaminated soils were disposed of in Pit 37 at TA 54, Area G in the recent past. These gross failures to



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communicate are of concern to NMED, especially since there was specific direction from this Department for LANL to follow.

This issue however, has crossed regulatory boundaries within NMED and any action taken will reflect all the media impacted. The point of this letter has been to express NMED's dissatisfaction with LANL's actions and response to this incident. It is NMED's hope that LANL will properly address this issue and take steps to prevent this type of communication failure.

If you have any questions regarding this letter, please call me at 827-2834.

Sincerely,



Ed Kelley, Ph.D., Director
Water and Waste Management Division
New Mexico Environment Department

cc: Tom Baca, Director, LANL EM-DO
Thomas Todd, Area Manager, U.S. DOE/LAAO
H.L. Plum, LAAO
Anthony Stanford, EM-SWO
James White, ESH-19