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State of New Mexico
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MARK E. WEIDLER



June 19, 1998

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Los Alamos National Laboratory
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Hortense Haynes
Attorney at Law
Counsel's Office
Department of Energy
Los Alamos Area Office
528 35th Street
Los Alamos, NM 87544

Re: DP Tank Farm, Compliance Order No. 98-01

Dear Joe and Hortense:

I enclose a Stipulated Order allowing NMED to correct the errors on Page 5 of the Compliance Order, along with corrected page 5. Please substitute the corrected Page 5 for original Page 5.

Pursuant to NMED's Adjudicatory Procedures, filings with the Hearing Clerk begin with the filing of Respondents' Requests for Hearing and a hearing officer is appointed after filing of the Requests for Hearing. For this reason, I will not file or seek hearing officer approval of the Stipulation until after your clients file their Requests for Hearing.

Sincerely,

Nicholas F. Persampieri
Nicholas F. Persampieri



16730

J.T.

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT

IN THE MATTER OF
THE UNITED STATES DEPARTMENT OF ENERGY
AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
LOS ALAMOS, NEW MEXICO
NM0890010515

COMPLIANCE ORDER
HRM-98-01 (CO)

RESPONDENTS.

STIPULATION ALLOWING AMENDMENT TO COMPLIANCE ORDER

It is hereby stipulated by the parties and ordered by the Hearing Officer that the Administrative Compliance Order issued in this case on or about June 8, 1998 is hereby amended by substituting the attached Page 5 for the original Page 5 of the Administrative Compliance Order.

HEARING OFFICER

Submitted and Approved:

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

By: Nicholas F. Persampieri
Nicholas F. Persampieri

Approved:

REGENTS OF THE UNIVERSITY OF CALIFORNIA

By: approved by telephone 6/18/98 NFP
Joseph B. Rochelle, III

UNITED STATES DEPARTMENT OF ENERGY

By: approved by telephone thru J.B.R. 6/18/98
Hortense Haynes
NFP

below.

29. Respondents have failed to address all necessary action to determine and verify the nature and extent of releases of hazardous waste or hazardous constituents from SWMU 21-029, in violation of 20 NMAC 4.1.500, which incorporates in pertinent part federal regulation 40 CFR Part 264, Subpart F and in violation of Respondents' Facility Permit Module VIII.

30. Respondents have failed to fully evaluate potential contaminant migration pathways at and from SWMU 21-029, in violation of 20 NMAC 4.1.500, which incorporates in pertinent part federal regulation 40 CFR Part 264, Subpart F and in violation of Respondents' Facility Permit Module VIII.

31. Respondents have failed to describe actual or potential receptors and to evaluate risks to those receptors as described in Paragraph 22, above, in violation of 20 NMAC 4.1.500, which incorporates in pertinent part federal regulation 40 CFR Part 264, Subpart F and in violation of Respondent's Facility Permit Module VIII.

CIVIL PENALTY

32. Section 74-4-10 of the HWA authorizes the assessment of a civil penalty of up to ten thousand dollars (\$10,000) per day for each violation of the HWA or the regulations promulgated thereunder. Complainant hereby assesses a civil penalty of sixty-seven thousand, three hundred and ninety dollars (\$67,390.00) against Respondents. The penalty is based on the seriousness of the violations and the lack of good faith efforts on the part of Respondents to comply with the applicable requirements, and any economic benefit resulting from noncompliance accruing to Respondents and such other matters as justice may require. The penalty amount is calculated pursuant to the NMED's Civil Penalty Policy. The penalty for each violation is:

<u>VIOLATION</u>	<u>AMOUNT</u>
¶¶ 20, 29 Failure to address all necessary action to determine and verify the nature and extent of on-site and off-site releases of hazardous waste or hazardous constituents from SWMU 21-029.	\$20,010.00
¶¶ 21, 30 Failure to identify contaminant migration pathways from SWMU 21-029.	\$20,010.00
¶¶ 22, 31 Failure to describe actual or potential receptors and to evaluate risks to those	