



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUIRED**

December 16, 2003

Ralph Erickson
Director
U.S. Department of Energy
Office of Los Alamos Site Operations
528 35th Street
Los Alamos, NM 87544

Peter Nanos
Director
Los Alamos National Laboratory
P.O. Box 1663
Los Alamos, NM 87545

**SUBJECT: NOTICE OF VIOLATION
LOS ALAMOS NATIONAL LABORATORY, EPA ID# NM0890010515**

Dear Messrs. Erickson and Nanos:

On March 31, 2003, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Los Alamos National Laboratory (LANL), located in Los Alamos County. Based on that inspection and review of the information obtained, NMED has determined that your facility is a Large Quantity Generator and a Treatment/Storage Facility and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) and Hazardous Waste Act Permit No. NM0890010515-1 (LANL Permit) as specified below.

The following violations were noted:

1. LANL failed to sample and analyze routine process wastes in accordance with the LANL Waste Analysis Plan. Routine organic solvent wastes associated with waste profiles 21652 and 27607 and routine sulfuric acid wastes associated with



16785

waste profile 25381 were not properly sampled and analyzed. This is a violation of Section II.C.1 of the LANL Permit incorporating Sections A.4.1.2 and A.4.2.2 of the LANL Waste Analysis Plan.

2. LANL failed to sample and analyze nonroutine process wastes in accordance with the LANL Waste Analysis Plan. Nonroutine corrosive acid process wastes associated with waste profiles 31883, 32578, 33500, 33993, 34577, and 34876 and nonroutine inorganic process wastes associated with waste profiles 31254, 34746, 34775, and 34823 were not properly sampled and analyzed. This is a violation of Section II.C.1 of the LANL Permit incorporating Sections A.4.2.2 and A.4.6.2 of the LANL Waste Analysis Plan.
3. LANL failed to verify hazardous constituents in waste streams annually using analytical procedures specified in the LANL Waste Analysis Plan. LANL did not demonstrate that for one in each one hundred knowledge of process determinations from July 15, 2001, to July 19, 2002, hazardous constituents in LANL waste streams were verified by quantitative chemical analysis. This is a violation of Section II.C.1 of the LANL Permit incorporating Section A.5 of the LANL Waste Analysis Plan.
4. LANL failed to analyze waste stream hazardous constituents when information indicated a change in the process. Hazardous waste identified by waste profile 27607 was not analyzed when information indicated that the waste generating process had changed. This is a violation of Section II.C.1 of the LANL Permit incorporating Section A.5.2 of the LANL Waste Analysis Plan.
5. LANL failed to perform a hazardous waste determination on solid wastes. A hazardous waste determination was not performed on five drums with unknown content found abandoned at an uncontrolled TA-60 storage area on Sigma Mesa at the time of the inspection. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.11.
6. LANL failed to mark hazardous waste containers with accumulation start dates. At the time of the inspection, five hazardous waste containers stored at TA-48 Building 1 container storage area 1808 were not marked with accumulation start dates. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.34(a)(2).
7. LANL failed to obtain an extension to the 90-day storage limit for hazardous waste stored in a container storage area. From February 4 to February 15, 2002, two hazardous waste containers were stored at TA-55 container storage area 1160

for more than 90 days without applying for interim status, obtaining a permit, or obtaining an extension to the 90-day storage limit. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.34(b).

8. LANL failed to obtain an extension to the 90-day storage limit for hazardous waste stored in a container storage area. From February 4 to February 6, 2002, one hazardous waste container was stored at TA-55 container storage area 2000 for more than 90 days without applying for interim status, obtaining a permit, or obtaining an extension to the 90-day storage limit. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.34(b).
9. LANL failed to obtain an extension to the 90-day storage limit for hazardous waste stored in a container storage area. From November 5 to November 14, 2002, twenty-one hazardous waste containers were stored at TA-55 container storage area 1160 for more than 90 days without applying for interim status, obtaining a permit, or obtaining an extension to the 90-day storage limit. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.34(b).
10. LANL failed to obtain an extension to the 90-day storage limit for hazardous waste stored in a container storage area. From December 4, 2002, to January 5, 2003, one hazardous waste container was stored at TA-48 container storage area 2338 for more than 90 days without applying for interim status, obtaining a permit, or obtaining an extension to the 90-day storage limit. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.34(b).
11. LANL failed to have a satellite accumulation area under the control of the operator of the process. At the time of the inspection, four gas cylinders at TA-46 Building 840 were stored in a satellite accumulation area that was outside the building in an unlocked metal cabinet. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.34(c)(1).
12. LANL failed to have a satellite accumulation area at or near the point of generation. Hazardous waste stored in satellite accumulation area 2064 located at TA-55 Building 191 was approximately 470 feet from the point of generation. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR § 262.34(c)(1).
13. LANL failed to perform weekly inspections of a container storage area. Container storage area 2134 at TA-43 Building 1 was not inspected during the week of December 16, 2001. This is a violation of 20.4.1.600 NMAC incorporating 40 CFR § 265.174.

14. LANL failed to only store those hazardous wastes identified with process code "S01" in Attachment G of the LANL Permit. Fifty-seven wastes with unauthorized characteristic waste codes were stored at TA-54 Area L permitted hazardous waste management units during 2002. This is a violation of Section III.B.1 of the LANL Permit.
15. LANL failed to keep a written operating record that included handling codes on each hazardous waste received. Handling codes were not provided in the operating record for TA-54 permitted and interim status container storage areas. This is a violation of 20.4.1.500 NMAC incorporating 40 CFR § 264.73(b)(1) and 20.4.1.600 NMAC incorporating 40 CFR § 265.73(b)(1) and Section II.K.1.b of LANL Permit.
16. LANL failed to equip hazardous waste storage facilities with appropriate communications equipment and maintain such equipment to assure its proper operation in time of emergency. The phone at TA-55 container storage area 1160 was not in operating condition from October 24 through October 30, 2001. This is a violation of 20.4.1.600 NMAC incorporating 40 CFR §§ 265.32(a & b) and 265.33.
17. LANL failed to equip hazardous waste storage facilities with appropriate decontamination equipment and maintain such equipment to assure its proper operation in time of emergency. The eyewash at TA-55 container storage area 1439 was not in operating condition from December 3 through December 4, 2001. This is a violation of 20.4.1.600 NMAC incorporating 40 CFR §§ 265.32(c) and 265.33.
18. LANL failed to equip hazardous waste storage facilities with appropriate decontamination equipment and maintain such equipment to assure its proper operation in time of emergency. The eyewash/shower at the TA-54 container storage area 653 was not in operating condition from February 16 through April 2, 2003. This is a violation of 20.4.1.600 NMAC incorporating 40 CFR §§ 265.32(c) and 265.33.
19. LANL failed to equip hazardous waste storage facilities with appropriate decontamination equipment and maintain such equipment to assure its proper operation in time of emergency. The safety shower at TA-55 container storage area 480 was not in operating condition from March 11 through March 18, 2002. This is a violation of 20.4.1.600 NMAC incorporating 40 CFR §§ 265.32(c) and 265.33.

Ralph Erickson and Peter Nanos
December 16, 2003
Page 5

20. LANL failed to maintain minimum aisle space of 24-inches in a container storage area to allow unobstructed movement. The required aisle space of 24 inches was not maintained for an array of 24 drums stored at TA-50 Building 69 permitted container storage area 462. This is a violation of 20.4.1.500 NMAC incorporating 40 CFR § 264.35 and Section II.H.4 of the LANL Permit.
21. LANL failed to have contingency plans at container storage areas that included personnel evacuation routes. The contingency plans at TA-22 container storage areas 548 and 829 did not contain facility-specific evacuation routes. This is a violation of 20.4.1.600 NMAC incorporating 40 CFR § 265.52(f).

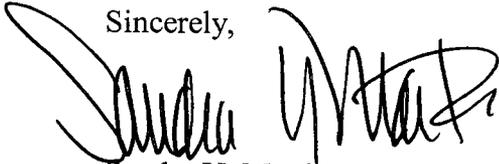
In accordance with 74-4-10 NMSA 1978, NMED may: (1) issue a Compliance Order requiring compliance immediately or within a specified time period, or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance with each violation, or both; or (2) commence a civil action in District Court for appropriate relief, including a temporary or permanent injunction. Any such order may include a suspension or revocation of any permit issued by NMED.

Due to the repeat occurrence of several of the violations listed above, a Compliance Order will be issued following issuance of this Notice of Violation. The Compliance Order will require a detailed plan of corrective action acceptable to NMED, and will assess a civil penalty to deter future noncompliance with the regulations. LANL will have the opportunity to respond to the Compliance Order and request an administrative hearing.

Any action taken in response to this letter does not relieve LANL of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Art Vollmer of my staff at 428-2506. Please address your written response to the attention of Mr. Vollmer at the address in the letterhead.

Sincerely,



Sandra Y. Martin
Acting Chief
Hazardous Waste Bureau

SYM:av

Ralph Erickson and Peter Nanos

December 16, 2003

Page 6

cc: Barry S. Birch, Acting Manager, Compliance & Technical Assistance Program
John Keiling, Manager, Permits Management Program
Anna Maestas, Environmental Supervisor
Art Vollmer, Environmental Specialist
Carl Will, Hydrologist
Steve Pullen, Hydrologist
Cecilia Williams, General Manager, District II
Gene Turner, Manager, DOE OLASO Environmental Permitting
Jack Ellvinger, Deputy Group Leader, LANL Solid Waste Regulatory Compliance Group

file: Library #2390
hwbsoc05/enforcement/vollmer