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BILL RICHARDSON
Governor

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Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Phone (505) 476-6000 Fax (505) 476-6030

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 7, 2009

Donald L. Winchell, Jr.,
Manager
Los Alamos Site Office - DOE
3747 W. Jemez Road, Mail Stop A316
Los Alamos, New Mexico 87544

Chris Cantwell, Associate Director
Environmental, Safety, Health, and Quality
Los Alamos National Security, LLC
Los Alamos Research Park
4200 Jemez Road, Suite 100
Los Alamos, New Mexico 87545

**SUBJECT: NOTICE OF VIOLATION AND RESOLUTION
U.S. NNSA/DOE LOS ALAMOS NATIONAL LABORATORY,
EPA ID# NM0890010515**

Dear Messrs. Winchell & Cantwell:

On June 15, 2009 thru June 22, 2009, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at U.S. NNSA/DOE Los Alamos National Laboratory (LANL), located in Los Alamos County. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Large Quantity Generator of hazardous waste and a permitted hazardous waste treatment/storage facility and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED observed the following violations:

1. LANL failed to mark the accumulation start date on one 15-gallon blue poly container containing lab waste-organics located in the 90 day area located in TA-43, Building 1, Room B-206 (Site ID 5052). This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(a)(2).
2. LANL failed to contact the transporter and/or owner or operator of the designated facility within 35 days of not receiving a copy of the following manifests in order to determine

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the status of the hazardous waste and failed to submit an exception report to the EPA Regional Administrator within 45 days of not receiving a signed copy of the following manifests from the owner or operator of the designated facility.

- a) 000365946JJK dated 9/24/2008
- b) 000365953JJK dated 9/24/2008

This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.42(a).

In accordance with 74-4-10 NMSA 1978, the 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 the NMED.

The NMED has determined that the violations were adequately addressed during the Compliance Evaluation Inspection, and no further action is required.

Any action taken in response to this letter does not relieve U.S. NNSA/DOE Los Alamos National Laboratory (LANL) of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Brady Christensen of my staff at (505) 476-6026. Please address your written response to the attention of Mr. Christensen at the address on the letterhead.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JB:bc

cc: Art Vollmer, NMED HWB
Anna Maestas, NMED HWB
Brady Christensen, NMED HWB
Steve Pullen, NMED HWB
Robert Italiano, NMED District II
Gene Turner, Manager, DOE/NNSA LASO Environmental Permitting
Tony Grieggs, Group Leader, LANL Water Quality & RCRA Group

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