

Generation

ENTERED



BILL RICHARDSON
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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 18, 2008

Donald L. Winchell, Jr.,
Manager
Los Alamos Site Office – DOE
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

Richard S. Watkins, Associate Director
Environmental, Safety, Health and Quality
Los Alamos National Security, LLC
Los Alamos Research Park
4200 W. Jemez Road, Suite 400
Los Alamos, New Mexico 87544

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

Dear Messrs. Winchell and Watkins:

On January 22, 2007 through January 31, 2007, 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, the NMED has determined that your facility is a Large Quantity Generator and a permitted Treatment/ Disposal facility of hazardous waste 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 maintain a satellite accumulation area (SAA) under the control of the generator in TA-60-99. An SAA in Building 99 was found to have an unlocked gate, which was held open by a snow drift. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1).

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2. LANL failed to contain a cracked lead battery located in TA-60-99. A lead acid battery was found to have burst and leaked onto the floor of Building 99. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1)(i) referring to 40 CFR 265.171.
3. LANL failed to make a hazardous waste determination on a hazardous waste container located in TA-60-99. A 5-gallon black metal container labeled "Empty" was found to contain unknown liquids. Subsequent analytical results indicate that the drum was hazardous for lead. This is a violation of 20.4.1.300 NMAC, incorporating of 40 CFR 262.11.
4. LANL failed to properly label a used oil container located in TA-60-99. A 5-gallon black metal container labeled "Empty" was found to contain an unknown liquid. Analytical results indicate that the container was storing used oil. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c)(1).
5. LANL failed to maintain an SAA in TA-55 at or near the point of generation. A five gallon container labeled "No Good Used Thinner" was being stored in transportainer PF-191, which is several hundred feet from the point of generation in the PF-4 Paint Shop. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1).
6. LANL failed to properly fill out inspection record forms by failing to check off daily items in the inspection log for TA-54- Pad 10 Concrete Storage Unit on 7/30/06. This is a violation of Permit Condition II.E.1 referring to Attachment B.7.2, Table B-1, referencing 20.4.1.600 NMAC, incorporating 40 CFR 265.15(d).
7. LANL failed to make hazardous waste determinations on two 30-gallon black metal drums located in TA-3 Building SM39. The drums were labeled "Empty" and were found to contain unknown liquids. Subsequent analytical results indicate that the drums were hazardous for selenium. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11.
8. LANL failed to perform weekly inspections at a less than 90-day area in TA-00, SI 3582. LANL failed to inspect two 55-gallon metal drums containing hazardous waste stored at SI 3582, which was located within the city of Los Alamos at the Boy Scout Ranch Parking Lot, from November 03, 2006 through January 23, 2007. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(a)(1)(i) referring to 40 CFR 265.174.

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 for 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.

Messrs. Winchell & Watkins
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Due to the extent and nature of these violations and LANL's past history of noncompliance with 20.4.1 NMAC, the NMED will propose a civil penalty for these violations in a settlement offer, which I will be sending you by separate letter. The NMED will request a meeting with appropriate LANL representatives for the purpose of negotiating a settlement relating to this Notice of Violation.

The NMED requires that LANL provide a response to the NMED within (15) days of receipt of this letter. This response shall include a description of how the drums discussed in violation 8 were managed from November 3, 2006 through January 23, 2007, including information on security precautions to prevent public access. LANL should include a written description of the actions taken by LANL to address the violations described above and a schedule for implementation of corrective actions not yet completed.

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 (505) 476-6004. Please address your written response to the attention of Mr. Vollmer at the address on the letterhead.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:dm

cc: Art Vollmer, NMED HWB
Sandra Martin, NMED HWB
Don Meyer, NMED HWB
Steven Pullen, NMED HWB
Jennifer Ickes, NMED District I
David Robertson, EPA Region 6

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