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BILL RICHARDSON
Governor

DIANE DENISH
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
www.nmenv.state.nm.us



RON CURRY
Secretary

CINDY PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 31, 2007

Donald Winchell, Jr.
Manager, Director
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

**RE: NOTICE OF VIOLATION
LOS ALAMOS NATIONAL LABORATORY, EPA ID# NM089010515**

Dear Messrs. Winchell and Watkins:

On April 3, 2006 through April 12, 2006, 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 LANL is a Large Quantity Generator and a permitted Treatment/Storage 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 have a complete operating record for TA-54-38 RANT permitted unit or provide such information in a timely manner. This includes EPA hazardous waste codes, waste descriptions, storage locations and dates shipped to WIPP or back to TA-54 Area G. This is a violation of Permit Condition II.K.1. referring to 40 CFR 264.73(b).



Messrs. Winchell & Watkins
August 31, 2007
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- 2) LANL failed to make the necessary amendments to their contingency plan to update the list of emergency coordinators. The plan must be reviewed and immediately amended whenever the list of emergency coordinators changes. The list of LANL emergency coordinators in the contingency plan was not current at the time of the 2006 inspection. A total of five out of six staff members had either vacated or were no longer serving in the capacity of emergency coordinator. These are violations of Permit Condition II.I.2 referring to 40 CFR 264.54(d) and Permit Condition II.I.3 referring to 40 CFR 270.42.

In accordance with the New Mexico Hazardous Waste Act, 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.

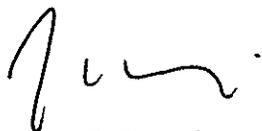
Due to the nature and extent of the violations listed above, the NMED will propose a civil penalty for these violations in its settlement offer, which I am sending you by separate letter. NMED requests a meeting with appropriate LANL representatives for the purposes of negotiating a settlement relating to this Notice of Violation.

The NMED requires that LANL submit to the NMED within fifteen (15) days of receipt of this letter a written description of the actions that LANL has taken to address the violations described above and a schedule for implementation for actions not yet completed.

Any actions 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 476-6004. Please address any additional response to the attention of Mr. Vollmer at the address in the letterhead. To explore the possibility of settlement in this manner, contact me directly at 476-6016.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:cs

Messrs. Winchell & Watkins
August 31, 2007
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cc: Art Vollmer, NMED HWB
Anna Maestas, NMED HWB
Chris Serazio, NMD HWB
Steve Pullen, NMED HWB
Gene Turner, DOE/NNSA LASO Environmental Permitting
Tony Greggs, LANL SWRC
Victoria George, ENVP-DO, MS J978

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August 31, 2007

**CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY**

Donald Winchell, Jr.
Manager
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Los Alamos, New Mexico 87544

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

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

Dear Messrs. Winchell and Watkins:

On April 3, 2006 through April 12, 2006, 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 issued a Notice of Violation (NOV) dated August 31, 2007.

Pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 to 74-4-14, the NMED is proposing to assess a civil penalty of \$26,613 to settle the violations of the HWA and the Hazardous Waste Management Regulations alleged in the NOV. The civil penalty is assessed as follows:

- | | | | |
|----|---|----|----------|
| 1. | LANL failed to have a complete operating record for TA-54-38 RANT permitted unit | \$ | \$15,147 |
| 2. | LANL failed to make the necessary amendments to their contingency plan and designate a primary emergency coordinator. | \$ | \$11,466 |

Messrs. Winchell & Watkins
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Page 2

NMED requests a meeting with appropriate LANL representatives for the purposes of negotiating a settlement relating to this Notice of Violation. To explore the possibility of settlement in this manner, contact me directly at 476-6016.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:cs

cc: A. Vollmer, NMED HWB
A. Maestas, NMED HWB
C. Serazio, NMED HWB
S. Pullen, NMED HWB
V. George, ENVP-DO, MS J978
G. Turner, DOE/NNSA LASO
T. Greggs, LANL SWRC

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