

Permit

United States Government

Department of Energy
Albuquerque Operations Office
Los Alamos Area Office
Los Alamos, New Mexico 87544

memorandum

LANL NPDES

DATE: **SEP 27 1996**
REPLY TO: LAAMEP:9KZ-030
ATTN OF:
SUBJECT: LANL Environmental Incidents Related to Johnson Controls, Inc. (JCI)
Subcontractor Activities

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TO: Dennis Erickson, Director, ESH-DO, LANL, MS-K491

DOE OVERSIGHT BUREAU

DOE/LAAO requests the ESH Division conduct a review of environmental incidents or near misses for the years 1990 through 1996 related to JCI activities. The review should not be limited to DOE Order 5000.3b Occurrence Reporting System (ORPS) documented incidents, but should include any incidents that resulted in a violation of federal or state environmental regulations or standards, LANL Permit requirements, LANL Administrative Procedures, JCI Standard Operating Procedures, or other internal related policies. LAAO requests this review be broad-based, encompassing all environmental media and include a roll-up of root cause and associated corrective actions.

DOE is aware of recent incidents involving JCI activities that have resulted in repetitive violation of NPDES Permit requirements or State of New Mexico Water Quality Standards. The most recent incident involved JCI's flushing of a distribution line associated with the Otowi I well. This operation resulted in the continued discharge to the environment of water in violation of NPDES Permit and New Mexico Water Quality Standards for pH and chlorine when sampling and analysis indicated standards were not being met. LAAO Facility Operations and Environment and Projects personnel attended the referenced occurrence investigation and were disturbed to learn that comprehensive written procedures were not in place, especially since operations of this kind are routinely performed by JCI personnel. These procedures should have contained appropriate boundary conditions, controls and direction to field personnel to assure compliance with all applicable environmental regulations. Most disturbing was an apparent lack of recognition that the first discharge should and could be controlled to ensure compliance. This incident is very similar in nature to the repetitive violation of New Mexico Water Quality Standards for chlorine in Sandia Canyon (SWSC effluent) in February of 1995, and for oil and grease for the Otowi 4 and PM-2 wells in Los Alamos and Pajarito Canyon in April of 1996, respectively.

The Otowi I referenced incident will result in the reporting of five NPDES Permit violations for pH to EPA Region 6, and the reporting of eight (8) New Mexico water quality violations for pH (7) and chlorine (1). The potential exists based on the EPA criteria for Significant Non-Compliance that LANL could be put on the EPA Quarterly Non-Compliance Report for Federal Facilities and the potential for a Notice of Violation and potential fine or penalty from either EPA or the New Mexico Environment Department for repetitive violations. LANL in August of 1994 was ordered by EPA in an Administrative Order to show cause why LANL should not be fined or penalized for repetitive violation of NPDES Permit requirements, and most recently in August of 1996 DOE, LANL, and JCI were ordered by

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Dennis Erickson

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NMED to negotiate settlement for NMED-determined violation of Water Quality Control Commission Regulations, Water Quality Standards, and failure to obtain a Section 401 Water Quality Certification. In both cases, DOE and LANL attempted to demonstrate to the regulator that a comprehensive program with associated management systems to ensure proactive elimination of repetitive non-compliances is in place. The NMED Surface Water Quality Bureau has verbally indicated that they are concerned that LANL is not learning from past incidents and proactively reacting to ensure compliance.

As you know, DOE is pleased with recent ESH Division-lead LANL, 100 percent NPDES Compliance and Outfall Reduction Business Plan successes in partnership with LANL line management, JCI, and the NMED Oversight Bureau to eliminate historical concerns. What is very disappointing is the above NPDES Permit exceedances represent 25 percent of the recent level achieved of 21 annual exceedances, and will therefore necessitate increased LANL and DOE management focus to achieve continued performance improvement. DOE believes existing LANL and JCI management systems, specifically occurrence investigation of environmental incidents and a system of accountability, are the next areas requiring senior management attention as referenced in the letter Erickson/Vozella-Glenn, Occurrence Investigation of LANL Environmental Incidents, September 25, 1996. Particularly, DOE is concerned that the occurrence investigation of specific incidences fails to step back and address the bigger picture, including whether appropriate management systems are in place and are effective in defining roles and responsibilities and accountability. DOE is very concerned that environmental programmatic accountability is lacking at LANL, in this case, specific to subcontractor activities.

DOE is requesting that ESH Division conduct this review within 30 days of receipt of this memorandum and provide LAAO a detailed briefing on conclusions and recommended corrective actions identifying specific management systems together with a timetable for their implementation.

If you have any questions, please contact me at 665-5027, or Ken Zamora of my staff at 665-5047.



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