



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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PETER MAGGIORE
SECRETARY

Mailed
5/2/02
CM.

Permit

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

May 2, 2002

Dr. John Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. David A. Gurule, Area Manager
Los Alamos Area Office-Department of Energy
528 35th Street
Los Alamos, New Mexico 87544

**RE: NOTICE OF IMMINENT AND SUBSTANTIAL ENDANGERMENT
FINDING AT LOS ALAMOS NATIONAL LABORATORY**

Dear Dr. Browne and Mr. Gurule:

The New Mexico Environment Department (NMED) has determined that the past or present handling, storage, treatment, and/or disposal of solid or hazardous wastes at the Los Alamos National Laboratory (LANL), Los Alamos, New Mexico, may present an imminent and substantial endangerment to health and the environment, within the meaning of the New Mexico Hazardous Waste Act (HWA), NMSA 74-4-13.

This finding is based on the documentation of past waste handling and disposal practices at the LANL Facility, analytical results from soil, sediment, surface water and groundwater sampling, and other documented information. These documents are included in an administrative record supporting the determination. From approximately 1943 to the present, various wastes, including mixed radioactive wastes, have been generated, stored, treated, and disposed at LANL. NMED has determined that many of these wastes are solid and hazardous wastes, as defined by the New Mexico HWA, NMSA 1978, Sections 74-4-1 *et seq.*, and include, but are not limited to, chlorinated and non-chlorinated solvents, high explosives, metals, polychlorinated biphenyls (PCBs), pesticides, perchlorate, nitrates and radionuclides.

To address the endangerment, NMED will be issuing an administrative order to the U.S. Department of Energy and the University of California, as owners and/or operators of LANL under the HWA, NMSA 74-4-13, requiring investigation and cleanup of contamination at the Facility. NMED is today releasing a draft of the Order, and providing an opportunity for the public to submit written comments for a period of sixty days.



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Dr. Browne and Mr. Gur

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Under the HWA, NMSA 74-4-13, NMED is requiring that LANL post the following notice in a clear and readable form, within thirty days after receipt of this letter, at the entrances to all technical areas where solid or hazardous waste is being, or has been, handled, stored, treated or disposed:

The New Mexico Environment Department has determined that past or current handling, storage, treatment, or disposal of solid or hazardous wastes at the Los Alamos National Laboratory facility may present an imminent and substantial endangerment to health or the environment under the New Mexico Hazardous Waste Act, NMSA 74-4-13. Call the New Mexico Environment Department at (505) 428-2500 for further information.

Please contact James P. Bearzi, Chief of NMED's Hazardous Waste Bureau at (505) 428-2512 if you have questions or comments regarding this notice.

Sincerely,



Peter Maggiore
Cabinet Secretary

cc: James Bearzi, NMED HWB
Greg Lewis, NMED, WWMD
Rich Mayer, EPA Region VI
Charles de Saillan, NMED OGC
Dave Cobrain, NMED HWB