Permit

State of New Mexico
ENVIRONMENT DEPARTMENT
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SECRETARY

May 2, 2002

The Honorable Richard L. Lucero
Mayor, City of Espanola
405 North Paseo de Oñate
Post Office Drawer 37
Espanola, New Mexico 87532

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

Dear Mayor Lucero:

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. LANL is a contractor-operated research facility under the administration of the United States Department of Energy that has been in operation since the early 1940's. Throughout its history, LANL has conducted experimental research on development of nuclear weapons and explosive materials.

This finding is based on the documentation of past waste disposal practices at LANL, analytical results of soil, sediment, surface water and groundwater samples, 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 of 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.

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To address the endangerment, NMED will be issuing an administrative order to the owners and operators of LANL under the HWA requiring investigation and cleanup of contamination. Today NMED is releasing a draft of the order, and providing an opportunity for the public to submit written comments for a period of sixty days. The comment period runs from May 2, 2002 to July 1, 2002.

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

Sincerely,

Peter Maggiore

Peter Maggiore
Cabinet Secretary