**Allen, Pam, NMENV** Permit

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**From:** Stone, Marissa, NMENV
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December 21, 2006
For Immediate Release

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# State Environment Department Seeks Stipulated Penalties from Los Alamos National Laboratory For Failing To Comply with Historic Consent Order

(Santa Fe, NM) – The New Mexico Environment Department (NMED) notified the U.S. Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) today it will assess stipulated penalties against the lab for failing to complete work to determine contamination.

NMED approved a workplan in October, 2005 for the 11.8 acre landfill, known as Material Disposal Area (MDA) C, that required the lab to drill 11 boreholes to determine the extent of leaks from unlined pits of hazardous mixed and radioactive wastes buried there.

However, after the lab expressed to NMED its concerns for worker's safety with drilling, the department agreed to allow the lab to reduce the number of borehole drillings required to four. NMED's decision to reduce that number was based on its determination that information about contamination could be obtained while still ensuring worker protection. The lab failed to complete the four boreholes.

"Worker's safety is a top priority for the Environment Department," said NMED Secretary Ron Curry. "However, we also have a responsibility to protect the health of citizens from potential contamination from hazardous waste. We approved a fair and safe way for the lab to sample underground contamination at this site but the lab failed to follow through with this important task."

The issuance of stipulated penalties for this violation of the Consent Order marks NMED's fifth enforcement action against the laboratory in the last six months. The lab will accrue $1,000 a day in stipulated penalties for the violation beginning Dec. 7. Penalties increase to $3,000 a day beginning on the 31st day of noncompliance. Stipulated penalties are in place to ensure strict compliance with the requirements of the order, including all approved workplans.

MDA C consists of six disposal pits, a chemical disposal pit and 108 shafts. Contaminants disposed of at the landfill include hazardous and radioactive wastes. Volatile organic compounds and tritium have leaked from the unlined pits and are now present hundreds of feet below the surface. If ingested, volatile organic compounds can cause cancer. The landfill operated between 1948 and 1974.

The lab's report on work conducted at MDA C did not comply with the requirements set forth in the Consent Order

because LANL did not conduct all the work required by the lab's NMED-approved workplan and other conditions imposed by the state, including the four boreholes. The report detailed field work done by the lab at the site between 2004 and 2006, including soil samples and pore gas sampling.

"These recent enforcement actions show reluctance by the lab, DOE, and NNSA to be subject to state oversight of environmental cleanup efforts," Curry said. "All cleanup activities under the Consent Order are subject to state approval precisely because the lab has had a strong record of delaying cleanup and a poor record of environmental protection."

In the past six months, NMED issued five enforcement actions against the lab. NMED issued Notices of Violation to DOE and LANS for failing to report chromium contamination in groundwater, practicing improper waste management related to a demolished building contaminated with hazardous waste and failing to adhere to an approved workplan that prohibited the disposal of cleanup waste at a municipal landfill. NMED also assessed stipulated penalties against DOE and LANS for failing to meet cleanup schedules at the incinerator ash pile site near the Los Alamos County Airport.

For more information, call Marissa Stone, NMED Communications Director, at (505) 231-0475 or (505) 827-0314.

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