ENTERED

Permit

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
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GARY E. JOHNSON
GOVERNOR

JOHN D'ANTONIO, Jr.
SECRETARY

Reading file
Mailed
11/26/02
CM

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 26, 2002

The Honorable Jacob Viarrial
Governor, Pojoaque Pueblo
17746, US Highway 84/285
Santa Fe, New Mexico 87506

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

Dear Governor Viarrial:

On May 2, 2002, New Mexico Environment Department (NMED) made a determination 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 1978 Section 74-4-13. A notice of this determination was issued to the owners and operators of the LANL facility and the public on May 2, 2002. This letter is a follow up to the previous endangerment notification sent to your office, and to provide you with notice under NMSA 1978 Section 74-4-13.C that NMED has revised the original finding. The revised finding is included in the final order that NMED is issuing today to the owners and operators of the LANL facility. NMED is issuing the Order to address the endangerment.

The 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 final order. From approximately 1943 to the present various wastes, including hazardous, and mixed radioactive wastes, have been generated, stored, treated, and disposed at the LANL facility. 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,

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chlorinated and non-chlorinated solvents, high explosives, metals, polychlorinated biphenyls (PCBs), pesticides, perchlorate, nitrates and radionuclides.

On May 2, 2002, NMED issued a draft order to the owners and operators of the LANL facility under the HWA requiring investigation and cleanup of contamination. NMED provided a sixty-day comment period to give the public an opportunity to comment on the draft order. NMED extended the comment period by additional thirty days that ended on July 31, 2002. NMED received written comments from several interested parties. The written comments received were taken into consideration in formulating the final order.

Should you have any questions regarding this notice, please contact me at (505) 428-2512.

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau