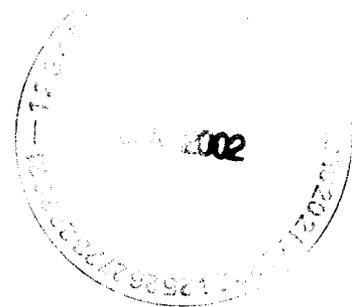


TA-03



**Los Alamos**  
NATIONAL LABORATORY

*Office of Laboratory Counsel*  
Environmental, Safety & Health Practice Group  
Post Office Box 1663, A187  
Los Alamos, New Mexico 87545  
505-667-3766/Fax 505-665-4424

May 15, 2002

Tannis Fox, Esq.  
Deputy Counsel  
New Mexico Environmental Department  
1190 St. Francis Dr.  
Santa Fe, NM 87502

Subject: Compliance Order 99-03

Dear Ms. Fox, *Tannis*

In response to your request I enclose the affidavits of Joe Richardson and Jay Stimmel, both of which provide your additional information on the trichloroethane located at TA-21. I also enclose a signed copy of the letter from Shawn Gibson to Stephanie Archuleta, date January 27, 2000, on the disposition of materials located at the TA-03 Ion Beam Facility.

I look forward to our meeting on the 30<sup>th</sup> of this month.

Sincerely,

Ellen T. Louderbough  
Staff Attorney  
Office of Laboratory Counsel  
Los Alamos National Laboratory

ETL:tsd

Enc. Joe Richardson affidavit  
Jay Stimmel affidavit  
Shawn Gibson Letter

Cy: LC/ESH file



**STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**IN THE MATTER OF  
U.S. DEPARTMENT OF ENERGY  
AND THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA  
LOS ALAMOS, NEW MEXICO  
NM0890010515**

**COMPLIANCE ORDER  
HRM-99-03 (C0)  
(1997 Inspection)**

**AFFIDAVIT**

- 1) I, Joseph B. Richardson, am an employee of the University of California at Los Alamos National Laboratory (LANL).
- 2) I have been employed at LANL as a contractor or UC employee since January 1992.
- 3) I am aware of the statements made in Finding number 28 and conclusion number 8 of the New Mexico Environment's (NMED) Compliance Order NMHWA 99-03.
- 4) At the time of the 1997 Inspection I was a contract Waste Management Coordinator for CST-25.
- 5) On May 8, 1997, I identified multiple containers of 1,1,1-trichloroethane (TCA) in TA-21-59.
- 6) Within a week after identifying the TCA, I contacted Mike Bailey of Johnson Controls to ask if he could use the chemical. I had previously worked with Mike on PCB cleanups and knew that TCA was very effective for such work.
- 7) I understood from my conversation with Mike that he would pick up the chemical at TA-21-59.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
(Signature)

STATE OF NEW MEXICO            )  
  )ss.  
COUNTY OF LOS ALAMOS        )

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 25<sup>th</sup> day of April, by Joseph B. Richardson.

*Roseita A. Martinez*  
NOTARY PUBLIC

My Commission Expires:

May 25, 2002

**STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**IN THE MATTER OF  
U.S. DEPARTMENT OF ENERGY  
AND THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA  
LOS ALAMOS, NEW MEXICO  
NM0890010515**

**COMPLIANCE ORDER  
HRM-99-03 (C0)  
(1997 Inspection)**

**AFFIDAVIT OF JAY J. STIMMEL**

1. I, Jay J. Stimmel, managed the Chemical Exchange Assistance and External Recycling Program ("CHEAPER") at Los Alamos National Laboratory (LANL) from March 1995 to May 1998.

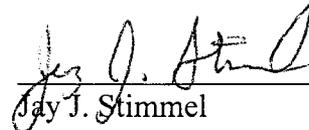
2. In the course of managing that program, I received a request to pick up containers of trichloroethane (TCA) from a location at TA-21. I did pick up those containers and enter them into the CHEAPER program.

3. I specifically remember those containers because it was unusual to find TCA at TA-21.

4. I routinely collected TCA when it was offered to the program. The product was becoming more expensive at that time, and was in demand by various groups at LANL. I routinely identified new users for any TCA I collected and entered into the program.

5. I have no memory of the disposition of the containers of TCA from TA-21.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Jay J. Stimmel

STATE OF NEW MEXICO            )  
  )ss.  
COUNTY OF LOS ALAMOS        )

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 15<sup>th</sup> day of  
May 2002, by Jay J. Stimmel.

Lola E. Sandoval  
NOTARY PUBLIC

My Commission Expires:

December 24, 2005



January 27, 2000

Stephanie Archuleta  
Los Alamos National Laboratory  
P.O. Box 1663, MS D459  
Los Alamos, New Mexico 87545

(505) 262-2694 Phone  
(505) 262-2698 Fax  
www.thermoretec.com

Dear Ms. Archuleta:

This letter is provided to explain the final disposition of the items in question, which were originally addressed by the FY97 inspection of the TA-3 Ion Beam Facility at Los Alamos National Laboratory. I was the Waste Management Coordinator for the site and an employee of Benchmark Environmental Corporation at the time of the inspection.

The 2-liter container of hydrochloric acid present in Room 45 was transferred to the Less-than-90-Day Storage Area in Room 66 to be properly managed. Due to the inherent value of the material, the Cheaper Program acquired the acid for reuse within the Laboratory. The material was reused and not managed as a waste through TA-54; therefore, no waste disposal record was generated.

Several containers of Red Corona Dope and Handy Flux were placed in Ziplock bags. Most of the containers were separately marked. A few containers were added to the Ziplock bags and were not separately marked because multiple labels were already present.

Per discussions with State of New Mexico inspector John Tymkowych at the time of the inspection, the marking issue could be addressed in one of two ways. The two containers of Red Corona Dope and container of Handy Flux could be marked with the accumulation start date and the words "Hazardous Waste", or the Ziplock bag itself could be marked as a primary container. The second alternative was selected, and the outer packages were marked. For the Red Corona Dope, this action reduced the number of containers from four to one, as documented on Waste Disposition Request 3005500 for Container No. C98100420. The Handy Flux container is documented on Waste Disposition Request 3005500 for Container No. C98100424.

The 2-liter gas cylinder was labeled "Hazardous Waste Pending Analysis;" however, due to diurnal temperature changes within the facility, the label fell off and sat at the cylinder's base. The condition of the label would have been discerned during the generator inspection to be conducted at the end of the day. The label was returned and reinforced with transparent label tape. Later, a contractor who specialized in management of gases reviewed the cylinders and determined that the cylinder in question was empty. The empty cylinder was then managed as scrap metal for recycle; therefore, no waste disposal record was generated.

It is noteworthy that all initial actions were completed prior to the inspector leaving the site. The inspector commented that ours was a "well-managed site."

If there are any further questions or comments, please feel free to contact me through Benchmark Environmental Corporation at (505) 262-2694.

Sincerely



Shaun Gibson

Waste Management Coordinator

- at time of FY97 inspection of the  
TA-3 Ion Beam Facility at  
Los Alamos National Laboratory

SLG/SBF

Project No.:

Document No.: 00A37L.DOC

cc:

Suzanne Hartnett, ThermoRetec Corporation, Los Alamos  
Sean French, ThermoRetec Corporation, Los Alamos  
Central Files, ThermoRetec Corporation, Albuquerque