

TA-03



BILL RICHARDSON  
GOVERNOR

**State of New Mexico**  
**ENVIRONMENT DEPARTMENT**

**Ground Water Quality Bureau**

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RON CURRY  
SECRETARY

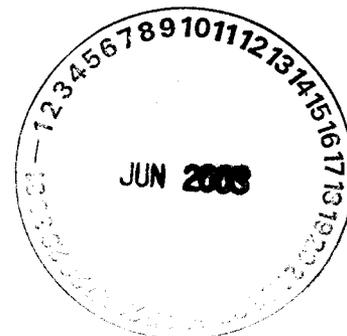
DERRITH WATCHMAN-MOORE  
DEPUTY SECRETARY

**Certified Mail- Return Receipt Requested**

**NOTICE OF NON-COMPLIANCE**

June 5, 2003

Ralph Erickson, Manager  
Office of Los Alamos Site Operations  
National Nuclear Security Administration  
U.S. Department of Energy  
Los Alamos National Laboratory  
528 35<sup>th</sup> Street  
Los Alamos, New Mexico 87544



Merfordad Canyon TA50

**RE: Notice of Non-Compliance, Los Alamos National Laboratory  
Characterization Well MCOBT-4.4**

Dear Mr. Erickson:

This letter is to notify you that Los Alamos National Laboratory (LANL) is in violation of the Water Quality Control Commission (WQCC) Regulations (20.6.2 NMAC). LANL failed to notify the New Mexico Environment Department (NMED) in conformance with Section 20.6.2.1203.A NMAC, after learning that a ground water sample collected from Characterization Well MCOBT-4.4 had exceeded a WQCC numerical ground water standard specified under Section 20.6.2.3103 NMAC. Characterization Well MCOBT-4.4 is located approximately one mile southeast of Los Alamos in Section 23, T19N, R6E, Los Alamos County.

Characterization Well MCOBT-4.4 was completed in June 2001, and sampled on April 22, 2002, June 28, 2002, and September 30, 2002. Samples collected from the well during all three sampling events exceeded the Section 20.6.2.3103 NMAC standard for nitrate (NO<sub>3</sub>-N). Samples collected from the well during the first two sampling events exceeded the Section 20.6.2.3103 NMAC standard for chromium. The NMED Hazardous Waste Bureau (HWB) received notification of these exceedences on December 24, 2002 (email from Charles Nylander [LANL] to John Young [HWB]).



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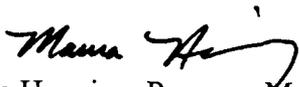
Section 20.6.2.1203.A NMAC requires that NMED be verbally notified within twenty-four hours of discovery of any unpermitted discharge, and within 7 days of discovering the discharge, the facility owner/operator must submit a written report to NMED verifying the oral notification and providing any additional information or changes. Discovery of an exceedence of a Section 20.6.2.3103 NMAC ground water standard for an anthropogenic contaminant indicates that a discharge has occurred, and is subject to the requirements of Section 20.6.2.1203.A NMAC.

Any future exceedence of a Section 20.6.2.3103 NMAC ground water standard must be reported to NMED as required under Section 20.6.2.1203.A NMAC. This letter is NMED's attempt to gain your voluntary compliance. Failure to comply with the requirements of Section 20.6.2.1203.A NMAC in the future may result in the issuance of a formal notice of violation, fines, a compliance order, or the filing of an action in district court.

Nothing in this letter shall be construed as relieving LANL of its obligation to comply with the requirements of other applicable federal, state, and local laws, regulations, permits or orders. This letter is intended to address violations of certain requirements of the WQCC Regulations (20.6.2 NMAC), and may not address all violations. It is the responsibility of LANL to be familiar with and comply in full with all applicable requirements.

If you have any questions regarding this matter, please contact me at (505) 827-2945 or Curt Frischkorn at (505) 827-0078.

Sincerely,



Maura Hanning, Program Manager  
Ground Water Pollution Prevention Section

MH:CSF

cc: Courte Voorhees, District Manager, NMED District II  
NMED Santa Fe Field Office  
Brett Lucas, NMED Surface Water Quality Bureau  
John Young, NMED Hazardous Waste Bureau, P.O. Box 26110, Santa Fe, NM 87502  
Beverly Ramsey, Director, Risk Reduction and Environmental Stewardship Division, Los Alamos National Laboratory, ESH-18 / WQ&H:01-371, Mail Stop: J591, Los Alamos, New Mexico 87545  
Steven R. Rae, Group Leader, Water Quality and Hydrology Group, Risk Reduction and Environmental Stewardship Division, Los Alamos National Laboratory, P.O. Box 1663, MS K497 (RRES-ECR), Los Alamos, New Mexico 87545