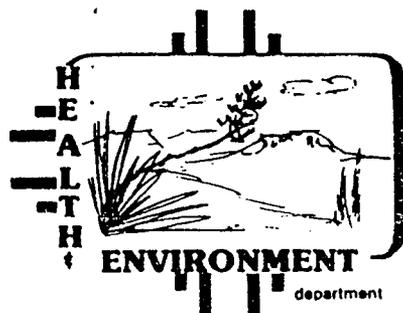


TONY ANAYA
GOVERNOR

DENISE D. FOR
DIRECTOR



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION

P.O. Box 968, Santa Fe, New Mexico 87504-0968
(505) 984-0020

May 8, 1986

Harold Valencia, Manager
U.S. Department of Energy
Los Alamos Area Office
Los Alamos, N.M. 87544

Dear Mr. Valencia:

This letter will relay to you the findings of the January 28 - 29, 1986 hazardous waste inspection of the Los Alamos National Laboratory's hazardous waste handling operations. As you were informed at the time of the inspection, EPA had the lead on that inspection due to the enforcement MOU between the State of New Mexico and EPA Region VI. NMEID has the responsibility of enforcing the findings of the inspection under that same document.

On April 14, 1986 NMEID received EPA's comments regarding the above referenced inspection (see attached letter). NMEID reviewed these findings and consulted both Anthony Drypolcher of LANL and Rosemary Martinez of EPA Region VI regarding these findings. The results of those conversations indicated that no violations were identified by the two agencies involved in the inspection.

In the April 14, 1986 letter EPA also discussed the question of the effluent received by the impoundments at TA 16. It is EPA's opinion that if no sludges are directed to the surface impoundment, the surface impoundment is not subject to RCRA regulations. It is NMEID's contention that this is a correct interpretation. It is important to note that this decision is based on the facts dealing with this particular incident and should not be applied to any others. Each case will be addressed on its own merit.

If you should have any further questions on this matter please feel free to contact me at (505) 827-2925.

Sincerely,

Jack Ellvinger
Environmental Supervisor

cc William Taylor, EPA Region VI
Ernest Rebeck, EID Groundwater / Hazardous Waste Bureau
Duff Westbrook, EID Legal
Tito Madrid, EID District II



5871

TC