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TA 21
NEW MEXICO
ENVIRONMENT DEPARTMENT

ENTERED



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

Hazardous Waste Bureau

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Phone (505) 476-6000 Fax (505) 476-6030

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 4, 2009

Donald L. Winchell, Jr., Manager
Los Alamos Site Office-Department of
Energy
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

Chris Cantwell, Associate Director
Environment, Safety, Health &
Quality
Los Alamos National Security, LLC
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: REQUEST FOR INFORMATION
BUILDING DEMOLITION ACTIVITIES AT TECHNICAL AREA (TA) 21
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-MISC**

Dear Messrs. Winchell and Cantwell:

Pursuant to Section 74-4-4.3(A) of the New Mexico Hazardous Waste Act (HWA), NMSA 1978, section 74-4-1 *et seq.*, and Section 3007(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*, the New Mexico Environment Department (NMED) hereby requests that the Department of Energy (DOE) and the Los Alamos National Security (LANS), L.L.C. (collectively, the Permittees) provide NMED the below-mentioned information pertaining to demolition of Buildings 21-370 and 21-167 at Technical Area (TA)-21.

Section 74-4-4.3(A) of the HWA provides that “[f]or the purposes of developing or assisting in the development of any rules, conducting any study, taking any corrective action or enforcing the provisions of the Hazardous Waste Act, upon request of the secretary or his authorized representative, any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes. . . .”

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Pursuant to the Settlement Agreement and Stipulated Final Order, No. HWB-07-010 (Order) and dated April 10, 2007, the Permittees submitted a list of buildings scheduled for demolition in fiscal year (FY) 2010 on September 22, 2009. In accordance with the Order, NMED notified the Permittees in writing on October 7, 2009, that it required 30-day notice of commencement of demolition activities for 20 buildings. On October 27, 2009, the Permittees notified NMED that two of the 20 buildings, 21-370 and 21-167, had already been demolished. NMED is seeking further information regarding the structural characteristics and historical use of Buildings 21-370 and 21-167 and their subsequent demolition. The Permittees are to provide the following information and supporting documentation to NMED:

- 1) Documentation indicating when these buildings were placed on the demolition schedule and of the actual dates that demolition of Buildings 21-370 and 21-167 was conducted.
- 2) Detailed information on the historical use of each building, including, but not limited to, types of materials/equipment stored, expected contaminants, dates of operation, type of construction, and wastes generated or managed.
- 3) Information on the structural parts of each building that may have likely been used in the generation or management of wastes (e.g., sumps, drain lines, storage tanks, waste lines). Indicate which portions, if any, of these structures remain in place after demolition. Also include a description of connections to other buildings or structures e.g., utilities, structural supports).
- 4) Information on characterization activities for the building materials following demolition (e.g., materials sampled, number of samples, analytical suite, and analytical results).
- 5) Information on the final disposal of waste (receiving facility and volume) materials from Buildings 21-370 and 21-167.

Your compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or adequately justify such failure to respond, may result in an enforcement action by NMED pursuant to Section 74-4-10 of the HWA. The HWA provides for the imposition of civil penalties for noncompliance. Section 74-4-12 of HWA provides that any person who violates any provision of HWA "may be assessed a civil penalty not to exceed ten thousand dollars (\$10,000) for each day during any portion of which a violation occurs" (See also NMSA 1978, § 74-4-10.A and B). The HWA also provides for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with HWA (NMSA 1978, § 74-4-11.A (3)).

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Please submit your response to Kathryn Roberts at the address provided on the letterhead within 30 days of the date of this letter. Thank you for your cooperation in this matter. If you have any questions regarding the information request, please contact Ms. Roberts at (505) 476-6041.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc:

J. Kieling, NMED HWB
D. Cobrain, NMED HWB
A. Vollmer, NMED HWB
K. Roberts, NMED HWB
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