



BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**



May 19, 1993

Mr. Jerry L. Bellows, Area Manager
Department of Energy
528 35th Street
Los Alamos, New Mexico 87544-5000

Siegfried Hecker, Director
Los Alamos National Laboratory
P.O. Box 1663
DIR Mail Stop A100
Los Alamos, New Mexico 87545

**RE: Notice of Violation
TA-40 Scrap Detonation Site Approved Closure Plan**

Dear Mr. Bellows and Mr. Hecker:

On or about February 5, 1993, the Hazardous and Radioactive Materials Bureau (HRMB) conducted a record review of the Department of Energy/Los Alamos National Laboratory (DOE/LANL) documents required by the approved closure plan for the TA-40 Scrap Detonation Site. Based on a review of the information received, the HRMB has determined that DOE/LANL has violated the New Mexico Hazardous Waste Management Regulations (HWMR-7, Repl.Pamp 1990).

The purpose of this letter is to delineate the violations in writing and to require DOE/LANL to comply with HWMR-7.

The violations are that DOE/LANL have not completed final closure activities in accordance with the schedule approved in the closure plan pursuant to HWMR-7, Part VI, Section 40 CFR 265.113(b), and DOE/SNL did not submit a written request to the HRMB to authorize a change or extension to the approved closure plan activities at least 60 days after an unexpected event has occurred which has affected the closure plan pursuant to HWMR-7, Part VI, Section 40 CFR 265.112(c).

In accordance with Section 74-4-10 of the New Mexico Statutes Annotated (NMSA), 1978 (Repl.Pamp 1990), you have thirty (30) days from the receipt of this notice to correct the violations and provide documentation that the aforementioned violations have been corrected. Within this thirty day period, you may request a meeting to discuss the violations, the required corrective action, and/or a settlement agreement. Such a meeting must be held before

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this thirty day deadline and will not suspend the thirty day deadline for compliance or settlement.

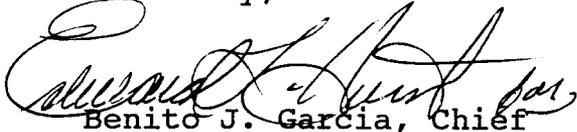
In order to correct these violations, DOE/LANL must at a minimum officially submit a technically adequate amendment request to the approved closure plan in accordance with HWMR-7, Part VI, Section 40 CFR 265.112(c) or a closure certification in accordance with HWMR-7, Part VI, Section 40 CFR 265.115.

If you fail to correct these violations cited in this Notice of Violation (NOV) within the specified time frame, you shall be subject to one or more of the following:

1. an order requiring compliance within a specified period, pursuant to Section 74-4-10 NMSA, 1978 (REPL.Pamp 1990).
2. a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to Section 74-4-10 NMSA, 1978 (Repl.Pamp 1990).

Any settlement reached shall be finalized upon issuance of a written agreement by the Secretary of the New Mexico Environment Department. If you have any questions regarding this notice, please contact Mr. Marc Sides at (505) 827-4308 or at the address above.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

cc: Hracv Hughes, OGC
David Neleigh, EPA
Barbara Hoditschek, HRMB
Edward Horst, HRMB
Marc Sides, HRMB