



BILL RICHARDSON
GOVERNOR

TA-48

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

**VIA FACSIMILE AND
CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

May 1, 2003

Ralph Erickson
Area Manager
Los Alamos Area Office
Department of Energy
528 35th Street
Los Alamos, New Mexico 87544

G. Pete Nanos
Interim Director
Los Alamos National Laboratory
P. O. Box 1663, MS A100
Los Alamos, New Mexico 87545

**SUBJECT: NOTICE OF VIOLATION
FAILURE TO PROVIDE SOLID WASTE MANAGEMENT UNIT
ASSESSMENT REPORT FOR NEWLY IDENTIFIED SOLID WASTE
MANAGEMENT UNIT (SWMU) 48-012 AT TECHNICAL AREA 48
LOS ALAMOS NATIONAL LABORATORY NM0890010515**

Dear Messrs. Erickson and Nanos:

The New Mexico Environment Department (NMED) is issuing this Notice of Violation (NOV) to the U.S. Department of Energy and Los Alamos National Laboratory (Permittees) for failure to submit a Solid Waste Management Unit (SWMU) Assessment Report (SAR) for a newly-identified SWMU at Technical Area (TA) 48. The Report is a requirement of the Los Alamos National Laboratory Resource Conservation and Recovery Act Permit (the Permit). Specifically, Permit condition VIII.G.5 states, "[t]he Permittee shall submit a SWMU Assessment Report to the Administrative Authority no later than sixty (60) calendar days from the completion of the work..." and provide at a minimum the information required in said condition.

On August 8, 2002, the Permittees notified NMED of contaminated soil near Building TA-48-1. In correspondence dated September 3, 2002, NMED requested that the Permittees determine the



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source of the release. Subsequent correspondence dated October 4, 2002 (ER2002-0716), indicated that excavation of the contaminated soil had been completed, but that the cause of the contamination remained uncertain. In follow-up correspondence dated November 13, 2002, the Permittees requested that the NMED Surface Water Quality Bureau (SWQB) "close out its file" for the spill under the Water Quality Control Commission Regulations.

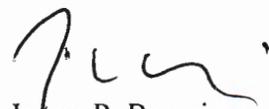
The NMED provided notice to the Permittees dated December 18, 2002, that this site is a newly identified SWMU and requires a SAR. NMED agreed that a Voluntary Corrective Action Completion Report (Report) could be provided in lieu of a SAR. Numerous extension requests resulted in NMED extending the submittal date to March 31, 2003. A final request dated March 31, 2003 offered further reasons for the delay. NMED finds these reasons nonpersuasive, and as of the date of this NOV, the NMED has not received a Report for SWMU 48-012.

In accordance with the New Mexico Hazardous Waste Act, § 74-4-10 NMSA 1978, NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period, or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance with each violation, or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of the Permittees' Permit.

The NMED requires the Permittees to submit the Report by within 15 days of your receipt of this Notice. Failure to provide a satisfactory Report may result in initiation of formal enforcement actions as outlined above. Any action taken in response to this letter does not relieve Permittees of its obligation to comply with the Hazardous Waste Management Regulations, 20.4.1 NMAC, in other activities that it conducts, nor does it relieve Permittees of its obligation to comply with any other applicable laws and regulations.

Should you have any questions regarding this letter, please contact Lee Winn of my staff at (505) 428-2541. Please address your response to the address above.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:lw

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cc: D. Cobrain, NMED HWB
J. Kieling, NMED HWB
L. Winn, NMED HWB
J. Davis, NMED SWQB
B. Lucas, NMED SWQB
J. Parker, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. Vozella, DOE OLASO, MS A316
D. McInroy, LANL RRES/R, MS M992
N. Quintana, LANL RRES/R, MS M992
B. Ramsey, LANL RRES/R, MS J591
D. Stavert, LANL RRES/DO, MS J591
M. Saladen, LANL RRES/WQH, MS K497

File: Reading and **HSWA LANL TA-48 [spill notification August 8, 2002]**