

Stewart



Department of Energy

Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221
September 22, 1997

Mr. Benito Garcia, Bureau Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502



Re: WIPP -- Information Relevant to Sections 74-4-4.2(D)(4)-(5)

Dear Mr. Garcia:

In a letter dated April 28, 1997, Susan McMichael asked the Department of Energy (DOE) and Westinghouse to provide you "with all information relevant to Sections 74-4-4.2(D) (4), (5), and (6)" of New Mexico's Hazardous Waste Act. Your bureau will evaluate this information as part of the New Mexico Environment Department's (NMED) consideration of DOE's and Westinghouse's application for a RCRA permit for the Waste Isolation Pilot Plant (WIPP). DOE is submitting the following information in response to this request.

Please note that DOE's responses are limited to its sites and organizations that are involved in the DOE's defense and civilian nuclear programs, as it is these entities that manage DOE's nuclear waste. DOE believes that entities such as its Strategic Petroleum Reserve, Office of Fossil Energy and the Bonneville Power Administration would not have information that is relevant to these sections of New Mexico's Hazardous Waste Act. Except as otherwise noted, DOE is providing information regarding both the DOE and the contractors that manage its nuclear facilities. The DOE's responses are based on review of information provided by the DOE's Office of Environment, Safety and Health, DOE's field offices, DOE headquarters, and the EPA. Based on its review of information from these sources, the DOE believes that its responses are accurate and complete. However, the DOE is continuing to review information and if that review reveals significant and relevant discrepancies in the responses provided herein, DOE will revise its responses accordingly.

Section D of 74-4-4.2 gives the Secretary of NMED the discretion to deny a permit application or modify, suspend or revoke any permit issued under the Hazardous Waste Act on six grounds. Ms. McMichael's letter asked for information relevant to the last three. These subsections are set forth below and are followed by DOE's responses.

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Subsection 74-4-4.2(D)(4): Has the DOE "exhibited a history of willful disregard for environmental laws of any state or the United States"?

As this section focuses on intent, the DOE can only respond as to itself. Based on our review of the DOE's compliance history over the past decade, DOE believes that it has not exhibited a history of willful disregard for the environmental laws of any jurisdiction. In fact, the DOE's compliance with environmental laws has steadily improved. Attachment A lists instances in which DOE or a contractor was penalized for violations of an environmental requirement over the last 18 years. Although the DOE's goal is to eliminate all violations, this list in no way suggests that the DOE willfully disregards environmental requirements. The DOE operates a number of unique, complex and aging facilities that produce materials that are both vital to the national defense and difficult to manage. Many of these facilities were built and operated decades before the enactment of almost all environmental statutes. This legacy of the Cold War poses significant environmental challenges that the DOE has made significant progress in addressing over the past decade. Attachment B lists the agreements currently in effect between DOE and federal and state governments regarding environmental compliance.

Subsection 74-4-4.2(D)(5): Has the DOE "had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States"?

The DOE's investigation has not revealed any instance in which a permit was revoked or suspended for cause under the environmental laws of any state or the United States.

Subsection 74-4-4.2(D)(6): Has the DOE "violated any provision of the Hazardous Waste Act [of New Mexico], any regulation adopted and promulgated pursuant to that act or any condition of a permit issued under that act"?

The DOE's investigation has not revealed any violations of the Hazardous Waste Act, the regulations promulgated pursuant to that act, or a permit issued under that act at WIPP. There have been a number of such violations at DOE's Los Alamos and Sandia National Laboratories over the past decade. These violations are listed in Attachments C and D to this letter. Ms. McMichael's letter of April 28 stated that if DOE has previously supplied information relevant to a particular issue, it should inform you of its locations. There may be additional information concerning these violations (as well as alleged violations) in NMED's enforcement files, particularly information as to the final resolution of any notice of violation. These files should also contain all of the information DOE and its contractors have previously supplied regarding these incidents. These files may also contain information on mitigating factors that the Secretary of NMED can consider pursuant to section 74-4-4.2(E).

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If you have any questions regarding this information, please do not hesitate to contact me at 505-234-7329.

Sincerely,



Cooper H. Wayman
Area Office Counsel

Enclosures

cc (w/enc.): S. McMichael, NMED
G. Barnes, WID
C. Snider, CAO
T. Przybylek, AL
P. Detwiler, HQ-GC
(w/o enc.): G. Dials, CAO
M. McFadden, CAO
P. Matthews, P.A.

EH-41 List of Fines and Penalties and Other Settlements
Involving DOE and/or DOE M&O Contractors

Attachment A

Facility	Parties	Regulator	Statute	Document	Fines/ Penalty	Status	Date
SAVANNAH RIVER SITE	DOE	STATE OF SC	AIR POLLUTION CONTROL REGULATIONS	CONSENT AGREEMENT	\$103,950	PAID	02/27/79
PORTSMOUTH GASEOUS DIFFUSION PLANT	GAI	STATE OF OH	OH/CWA	ORDER	\$3,372	PAID	04/10/84
SAVANNAH RIVER SITE	DOE	STATE OF SC	SDWA	CONSENT ORDER	\$2,000	PAID	11/28/84
FEED MATERIALS PRODUCTION CENTER	NLO	EPA 5	TSCA	ADMIN COMPLAINT	\$5,000	PAID	03/12/85
SAVANNAH RIVER SITE	DOE	STATE OF SC	SDWA	CONSENT ORDER	\$500	PAID	06/12/85
SAVANNAH RIVER SITE	DOE	STATE OF SC	RCRA; SC/POLL CONTROL ACT	CONSENT ORDER	\$12,000	PAID	07/19/85
LOS ALAMOS NATIONAL LAB	UNIV OF CA	STATE OF NM	RCRA	VIOLATION OF 5/7/85 COMPLIANCE ORDER/SCH	ASSESSED \$100,000	8/1/88 - REISSUED COMPL. ORDER/ SCHEDULE 880801-A, ASSESSED PENALTIES \$51,494.50. 3/16/90 - CONSENT AGREEMENT. EXECUTED (880801 & 880801-A). 3/16/91 - SETTLEMENT AGREEMENT. EXECUTED (001007/880801-A. UC AGREES TO PAY \$30,000.	10/25/85
SAVANNAH RIVER SITE	DOE	STATE OF SC	RCRA	CONSENT ORDER	\$25,000	PAID	11/07/85
HANCOCK SITE	DOE	WA STATE	RCRA; WAC CHAPTER 173-303	UNILATERAL ORDER	\$49,000	U.S. DISTRICT COURT HELD NO PENALTY RECOVERABLE AGAINST FEDERAL GOVERNMENT.	02/05/86
LAWRENCE LIVERMORE NATIONAL LAB	UNIV OF CA	EPA 9	TSCA	COMPLAINT	\$59,500	SETTLED WITHOUT PAYMENT.	03/27/86
SAVANNAH RIVER SITE	DOE	STATE OF SC	SC/POLL CONTROL ACT	SETTLEMENT AGREEMENT	\$50,000	PAID	06/20/86
ROCKY FLATS PLANT	ROCKWELL	EPA 8	TSCA	COMPLAINT	\$111,000	SETTLED FOR PAYMENT OF \$47,500.	06/30/86
SAVANNAH RIVER SITE	DOE	STATE OF SC	RCRA	SETTLEMENT AGREEMENT	\$20,000	PAID	10/06/86

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SAVANNAH RIVER SITE	DOE	STATE OF SC	SC/POLL CONTROL ACT	SETTLEMENT AGREEMENT	\$22,000	PAID	10/06/86
SAVANNAH RIVER SITE	DOE	STATE OF SC	RCRA	SETTLEMENT AGREEMENT	\$4,500	PAID	05/01/87
SAVANNAH RIVER SITE	DOE	STATE OF SC	AIR POLLUTION CONTROL REGULATIONS	SETTLEMENT AGREEMENT	\$4,500	PAID	09/09/87
SAVANNAH RIVER SITE	DOE	STATE OF SC	SDWA	SETTLEMENT AGREEMENT	\$5,000	PAID	09/11/87
SAVANNAH RIVER SITE	DOE	STATE OF SC	SDWA	SETTLEMENT AGREEMENT	\$2,000	PAID	10/08/87
ROCKY FLATS PLANT	DOE	STATE OF CO	RCRA	UNILATERAL ORDER	\$95,800	PAID. ALSO SETTLED 06/07/89 ORDER.	05/03/88
SANDIA NATIONAL LAB - NM	DOE/AT&T	STATE OF NM	RCRA	UNILATERAL ORDER	\$10,000	PAID BY CONTRACTOR REIMBURSED BY DOE SETTLED BY COMPLIANCE AGREEMENT 12/19/90	05/11/88
SAVANNAH RIVER SITE	DOE	STATE OF SC NRDC RCRA ET. AL.	RCRA	CONSENT DECREE	\$90,000	PAYMENT OF LITIGATION COSTS BY DOJ.	05/26/88
ROCKY FLATS PLANT	ROCKWELL	EPA 8	TSCA	COMPLAINT	\$35,000	SETTLED WITHOUT PAYMENT.	06/27/88
LOS ALAMOS NATIONAL LAB	DOE/UNIV OF CA	STATE OF NM	RCRA	UNILATERAL ORDER		SETTLEMENT BY CONTRACTOR PAYMENT OF \$30,000. TO SETTLE 10/25/85 LANL VIOLATION AND THIS ORDER.	08/30/88
ORGP/ORNL/K-25/Y-12	DOE	STATE OF TN	TN/AIRACT	ORDER	\$6,500	PAID	10/13/88
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/NLO	STATE OF OH	RCRA/CERCLA/CWA	CONSENT DECREE	\$80,000	PAYMENT OF LITIGATION COSTS BY DOJ.	12/02/88
					\$335,000	PAYMENT FOR PAST RESPONSE COSTS BY DOE.	
					\$275,000	PAYMENT BY NLO	
					\$250,000	SUPREME COURT RULED ON 4/21/92 THAT FEDERAL GOVERNMENT NOT SUBJECT	

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						TO STATE FINES/PENALTIES UNDER RCRA/CWA.	
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE	STATE OF OH	CAA	CONSENT DECREE	\$60,000	PAID BY NLO	12/02/88
					\$61,200 \$6,879	PAID BY DOE PAYMENT OF LIGTIGATION COSTS BY DOJ.	
TONIPAH TEST RANGE	REYNOLDS	STATE OF NV	CWA	ORDER	\$15,000	PAID	12/02/88
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	WESTINGHO USE	EPA 5	RCRA	ORDER	\$196,500	NEGOTIATIONS ONGOING.	02/09/89
Y-12/ORNL/K-25	MMES	STATE OF TN	RCRA	COMMISSIONER'S ORDER	\$12,500	PAID PENLATY OF \$9,400.	03/14/89
ROCKY FLATS PLANT	DOE	STATE OF CO	RCRA	UNILATERAL ORDER		TOTAL OF \$95,800 PAID TO SETTLE 5/3/88 ORDER AND THIS ORDER	06/07/89
SAVANNAH RIVER SITE	DOE	STATE OF SC	SC/POLL CONTROL ACT	SETTLEMENT AGREEMENT	\$15,000	PAYMENT; NOT FINED PENALTY	06/05/90
PORTS/PGDP/K-25	MMES	EPA HQ	TSCA	ADMIN COMPLAINT	\$132,000	PAID	10/03/90
SAVANNAH RIVER SITE	DOE	STATE OF SC	SC/POLL CONTROL ACT	NOV	TBD	SUPREME COURT RULED ON 4/21/92 THAT FEDERAL GOVERNMENT NOT SUBJECT TO STATE FINES/PENALTIES UNDER RCRA/CWA.	10/24/90
ETEC/SSFL	ROCKWELL	STATE OF CA	CA/HAZ WASTE LAW	SETTLEMENT AGREEMENT	TBD	DOE AND ROCKWELL ARE NEGOTIATING AMOUNT TO BE REIMBURSED. (ONLY 1 ALLEGED VIOLATION OF SEVERAL WAS AGAINST AREA WHERE WORK IS DONE FOR DOE.)	11/27/90
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE	EPA 5	STIPULATED PENALTY (ACCESS ISSUE)	CERCLA/IAG	\$100,000	TOTAL OF \$100,000 ASSESSMENT AGREED TO BY DOE THROUGH DISPUTE RESOLUTION PROCESS.	12/04/90

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						THIS AMOUNT SETTLES ALL THREE NOV'S. [DOE ALSO AGREED TO CONDUCT ENVIRONMENTAL PROJECTS TOTALLING \$500,000 NEAR FEMP.] PAID 1993.	
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE	EPA 5	STIPULATED PENALTY (RI ISSUE)	CERCLA/IAG	\$100,000	TOTAL OF \$100,000 ASSESSMENT AGREED TO BY DOE THROUGH DISPUTE RESOLUTION PROCESS. THIS AMOUNT SETTLES ALL THREE NOV'S. [DOE ALSO AGREED TO CONDUCT ENVIRONMENTAL PROJECTS TOTALLING \$500,000 NEAR FEMP.] PAID 1993.	12/07/90
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE	EPA 5	STIPULATED PENALTY (FS ISSUE)	CERCLA/IAG	\$100,000	TOTAL OF \$100,000 ASSESSMENT AGREED TO BY DOE THROUGH DISPUTE RESOLUTION PROCESS. THIS AMOUNT SETTLES ALL THREE NOV'S. [DOE ALSO AGREED TO CONDUCT ENVIRONMENTAL PROJECTS TOTALLING \$500,000 NEAR THE (FEMP).] PAID 1993.	12/21/90
IDAHO NATIONAL ENGINEERING LAF	DOE	STATE OF ID	ID/CAA	NOV	\$10,000	PAID	06/05/91
NEVADA TEST SITE	DOE/REECO	STATE OF NV	NV/HAZ WASTE LAW	FOAV	\$20,000	PAID BY CONTRACTOR PURSUANT TO CONSENT DECREE. REIMBURSED BY DOE.	06/24/91

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BROOKHAVEN NATIONAL LAB	DOE/AUI	EPA 2	TSCA	NOTICE OF NON-COMPLIANCE/COMP LAIN	\$682,623	NEGOTIATIONS ONGOING.	06/28/91
BROOKHAVEN NATIONAL LAB	DOE/AUI	EPA 2	RCRA	NOTICE OF NON-COMPLIANCE/COMP LAIN	\$71,250	FINES INCLUDED IN TSCA AGREEMENT. NEGOTIATIONS ONGOING.	06/28/91
OAK RIDGE K-25 SITE	DOE/MMES	STATE OF TN	TN/HAZ WASTE LAW	COMMISSIONER'S ORDER	\$95,004	AGREED ORDER ENTERED 12/4/92. ALTERNATIVE ENVIRONMENTAL PROJECT TO BE PERFORMED IN LIEU OF FINE.	09/01/91
HANFORD SITE	DOE	EPA 10	STIPULATED PENALTY	CERCLA FFA	\$100,000	TOTAL OF \$100,000 PENALTY AGREED TO BY DOE. EPA/WA THROUGH DISPUTE RESOLUTION PROCESS. \$100,000 INCLUDED IN FY94 APPROPRIATIONS. PAID 3/10/94.	12/19/91
OAK RIDGE Y-12 PLANT	DOE/MMES	STATE OF TN	TN/HAZ WASTE LAW	COMMISSIONER'S ORDER	\$8,000	NEGOTIATIONS COMPLETED. TO PERFORM ENVIRONMENTALLY BENEFICIAL PROJECT IN LIEU OF FINE.	01/08/92
LOS ALAMOS NATIONAL LAB	DOE	STATE OF NM	CAA	NOV	\$20,000	NEGOTIATIONS IN PROGRESS.	01/24/92
KANSAS CITY PLANT	DOE	STATE OF MO	KANSAS CITY AIR QUALITY CONTROL CODE	NOV	\$500	PAID	01/24/92
ROCKY FLATS PLANT	ROCKWELL	DOJ	RCRA/CWA	PLEA AGREEMENT	\$18,500,000	PAID	03/26/92
SANDIA NATIONAL LAB - NM	DOE/SANDI A CORP	STATE OF CA	CA/HAZ WASTE LAW	COMPLAINT/SETTLEMEN T AGREEMENT	\$240,600	SETTLED FOR CONTRACTOR PAYMENT OF \$56,000. REIMBURSED BY DOE.	05/21/92
SAVANNAH RIVER SITE	CONTRACTO R/EPA IV/SC		CERCLA	NOV	TBD	NEGOTIATIONS ONGOING.	08/07/92

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PORTSMOUTH GASEOUS DIFFUSION PLANT	DOE/MMES	STATE OF OH	RCRA	NOV	TBD	NEGOTIATING ONGOING. FUNDS TARGETED FOR MONETARY SETTLEMENT TO RESOLVE HAZARDOUS WASTE TANK NOVS.	10/26/92
PORTSMOUTH GASEOUS DIFFUSION PLANT	DOE	EPA 5	RCRA	NOV	\$50,000	MONETARY PAYMENT AS PART OF 5/7/93 SETTLEMENT AGREEMENT RESOLVING DISPUTE ON REVISED QUADRANT III RFI WORKPLAN. FUNDS REQUESTED IN FY95 BUDGET REQUEST. PAID 3/6/96.	12/14/92
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE	EPA 5	STIPULATED PENALTY	CERCLA IAG	\$50,000	DOE AGREED TO CONDUCT AN ENVIRONMENTAL PROJECT TALLING \$2M AND \$25K CONTINGENT PENALTY IF NEW OU2 ROD DATE IS MISSED. PAID 12/15/94.	02/09/93
LOS ALAMOS NATIONAL LAB	UNIV OF CA/NMED	STATE OF NM	RCRA	ADMINISTRATIVE ORDERS	ASSESSED \$1,283,500 (CO 93-03) AND \$352,603 (CO 93-04)	CONSENT AGREEMT. ON CO 93-03 AND CO 93-04 SIGNED. LANL AGREES TO PAY \$700,000 TO SETTLE ALL CIVIL PENALTIES.	03/01/93
HANFORD SITE	DOE/WESTI WA NGHOUSE	STATE	RCRA	COMPLIANCE ORDER & NOTICE OF PENALTY	\$100,000	IN LIEU OF PENALTY DIRECTLY TO STATE, \$60,000 TO SPLIT BETWEEN PNL AND THE WASHINGTON DEPARTMENT OF WILDLIFE. \$40,000 GRANT TO COLUMBIA BASIN COLLEGE.	03/10/93

LIST OF FINES AND PENALTIES AND OTHER SETTLEMENTS
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ROCKY FLATS PLANT	DOE	EPA 8	IAG MILESTONES	CERCLA IAG	\$2,800,000	RENEGOTIATED TOLLING AGREEMENT: SETTLEMENT AGREEMENT AND COMPLIANCE ORDER ON CONSENT. SETTLEMENT REQUIRES DOE TO REQUEST \$2.8M. \$844,000 WAS MADE AS OF FEBRUARY 1996.	03/16/93
NEVADA TEST SITE	DOE/REECO	STATE OF NV	NV/HAZ WASTE LAW	FOAV & ORDER	\$20,400	PAID	05/24/93
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	SJVUAPCD RULE 4101	NOV	\$500	PAID. (NOV #2118)	09/02/93
SANDIA NATIONAL LAB - ALBUQUERQUE	SNL/DOE	NMED	RCRA	NOV	\$8,842	PAID.	09/09/93
PADUCAH GASEOUS DIFFUSION PLANT	US ENRICHMEN T/DOE	KDWM	RCRA	NOV	\$5,000	PAID.	10/12/93
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	CAA-SJVUAPCD	NOV	\$500	PAID. (NOV #2139)	10/13/93
SAVANNAH RIVER SITE	DOE	SCDHEC	SC/HAZ WASTE MANAGEMENT ACT	NOV	\$29,250	PAID \$14,625.	10/15/93
SLAC	DOE	BAAQMD	CAA	NOV	\$75	\$75	10/15/93
SAVANNAH RIVER SITE	DOE	SCDHEC	SC/POLL CONTROL ACT	NOV	\$6,000	NEGOTIATIONS ONGOING. 24-HOUR REPORTING REQUIREMENTS FOR PARTICULATE AIR EMISSIONS IN EXCESS OF PERMITTED CONCENTRATIONS AT TWO BOILERS IN H-AREA.	10/20/93
OAKLAND OPERATIONS OFFICE - PLEASANTON, CA	DOE/EG&G	BAAQMD (CALIFORNIA)	CAA	NOV	\$313	PAID.	12/16/93
OAK RIDGE K-25 SITE	DOE/MMES	STATE OF TN	TN/HAZ WASTE LAW	ORDER	\$5,000	NEGOTIATIONS COMPLETED. TO PERFORM ENVIRONMENTALLY BENEFICIAL PROJECT IN	12/23/93

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						LIEU OF FINE.	
PADUCAH GASEOUS DIFFUSION PLANT	DOE/US ENRICHMENT CORP/KY	STATE OF KY	RCRA	NOV	\$5,000	PAID.	01/12/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHTEL	SJVUAPCD	SJVUAPCD RULE 110	NOV	\$250	PAID. (NOV #2529)	01/14/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHTEL	SJVUAPCD	SJVUAPCD RULE 110	NOV	\$250	PAID. (SETTLEMENT #S94-0011)	01/14/94
OAK RIDGE K-25 SITE	DOE	TDEC	RCRA	NOV	\$900,000 ASSESSED	\$100,000 PAID.	01/21/94
LOS ALAMOS NATIONAL LAB HANFORD SITE	DOE/LAOS	NMED	RCRA	NOV	\$100	PAID.	02/25/94
	DOE	STATE	RCRA	COMPLIANCE ORDER AND NOTICE OF PENALTY	\$9,500 (ASSESSED); \$6,000 (ASSESSED)	PENDING.	03/09/94
PPPL		STATE OF NJ	CAA	NOV	\$5,200	PAID.	03/30/94
PINELLAS PLANT	DOE/MARTIN MARIETTA	STATE - FDEP	RCRA	NOV	\$1,100	PAID.	04/01/94
LAWRENCE LIVERMORE NATIONAL LAB	DOE/U.V. OF CA/CA	STATE OF CA	RCRA	NOV	\$60,000	PAID. SETTLED THROUGH AGREEMENT.	05/23/94
OAK RIDGE K-25 SITE	DOE/CONTRACTOR	TDEC	RCRA	COMMISSIONER'S ORDER	\$100,000	IMPLEMENTING COMMISSIONER'S ORDER. \$100,000 PAID; \$200,000 CONDITIONAL DEFERRED PENALTY; \$600,000 SUPPLEMENTAL ENVIRONMENTAL PROJECT.	06/01/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHTEL	SJVUAPCD	SJVUAPCD RULE 110	NOV	\$250	PAID. (NOV 2547)	06/27/94

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NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	SJVUAPCD RULE 4623	NOV	\$1,000	PAID. (NOV #2263)	07/19/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	CAA	NOV	\$1,000	PAID. (NOV #2264)	07/21/94
SAVANNAH RIVER SITE	DOE/SC	STATE OF SC	SC POLLUTION CONTROL ACT	NOV	\$10,000	PROPOSED SETTLEMENT AGREEMENT UNDER REVIEW.	07/27/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	CAA	NOV	\$1,000	PAID. (NOV #2604)	08/09/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	SJVUAPCD RULE 4623	NOV	\$500	PAID. (NOV #2360)	08/09/94
LOS ALAMOS NATIONAL LAB	DOE/U.V. OF CA/NM	STATE OF NM	RCRA	COMPLIANCE ORDER 94-12	\$13,020	PAID 4/6/95 - ADMIN. ORDER ON CONSENT EXECUTED. 5/15/95 - PAID \$13,020 TO NMED.	08/12/94
SAVANNAH RIVER SITE	DOE/SC	STATE OF SC	CAA; NESHAP	NOV	\$3,500	PROPOSED FINAL SETTLEMENT AGREEMENT FORWARDED TO DOE-HQ FOR CONCURRENCE 1/23/95.	08/18/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	SJVUAPCD RULE 4101	NOV	\$1,000	PAID. (NOV #2608)	08/29/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	SJVUAPCD RULE 4101	NOV	\$500	PAID. (NOV #2607)	08/29/94
LOS ALAMOS NATIONAL LAB	DOE/UCA/N M	STATE OF NM	RCRA	ADMINISTRATIVE ORDER (CO 94-09)	ASSESSED \$247,177	3/22/95 - ISSUED COMPL. ORDER AND CIVIL PENALTY ON FINDINGS FROM 9/2/94 INSPECTION . CIVIL PENALTY ASSESSED \$103,539. 3/29/95 ADMIN. ORDER ON CONSENT EXECUTED. 5/15/95 - PAID \$62,750.	09/02/94

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SAVANNAH RIVER SITE	DOE/SC	STATE OF SC	SC HAZ WASTE LAW	NOV	TBD.	NEGOTIATIONS ONGOING.	09/22/94
SANDIA NATIONAL LAB - NEW MEXICO	DOE/SNL	NMED	RCRA	NOV	\$83,874 (ASSESSED)	PAID \$9,240.	10/07/94
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SAN JOAQUIN VALLEY UNIFIED APCD	CAA	NOV	\$2500	PAID. (NOV #2733)	11/07/94
LOS ALAMOS NATIONAL LAB	DOE/LAAO	NMED	NM HAZ WASTE	NOV	\$200	PAID	01/27/95
INEEL	DOE/ID	ID DIV OF ENV QUALITY	IDEQ	NOV	\$80,000	PROPOSED	03/09/95
NEVADA TEST SITE	DOE	STATE OF NV	RCRA	NOV	\$135,000 (ASSESSED)	AMOUNT PAID \$52,400.	03/10/95
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SAN JOAQUIN VALLEY UNIFIED APCD	CAA	NOV	\$500	PAID. (NOV #2368)	04/10/95
HANFORD SITE	DOE/PNL	DEPARTMENT OF ECOLOGY	RCRA	NOV	\$7,000	PAID.	05/30/95
LOS ALAMOS NATIONAL LAB	LANL	NMED		ADMINISTRATIVE ORDER (CO 95-08)	\$48,239	ADMIN. ORDER ON CONSENT FILED. LANL AGREES TO PAY \$48,329 IN CIVIL PENALTIES.	06/29/95
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	CAA	NOV	\$500	PAID. (NOV #10053)	10/12/95
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	CAA	NOV	\$500	PAID (NOV #9957).	10/18/95
SANDIA NATIONAL LAB - NEW MEXICO	DOE/SNL	NMED	RCRA	NOV	\$10,867 (ASSESSED)	PAID \$3,015 .	10/26/95
LOS ALAMOS NATIONAL LAB	DOE/LAAO/ LANL	NMED	RCRA	NOV	\$14,795	PAID \$11,190	12/06/95
HANFORD SITE	ERC	DEPARTMENT OF ECOLOGY	RCRA	NOV	\$5,000	PAID.	01/19/96
IDAHO NATIONAL ENGINEERING LAB	DOE	STATE OF ID	RCRA	NOV	\$317,300 (ASSESSED)	CONSENT ORDER UNDER NEGOTIATION. DOE TO PAY \$50K/LOCKHEED MARTIN \$117K.	03/21/96

EH-41 List of Fines and Penalties and Other Settlements
Involving DOE and/or DOE M&O Contractors

Attachment A

Facility	Parties	Regulator	Statute	Document	Fines/ Penalty	Status	Date
HANFORD SITE	DOE/WHC	DEPARTMENT OF ECOLOGY	RCRA	NOV	\$20,000	PAID	07/24/96
WELDON SPRING SITE REMEDIAL ACTION	DOE/WSSRA P	MDNR	STATE RCRA	NOV (#4355)	\$10,000 ASSESSED		09/30/96
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	SJVUAPCD RULE 4621	NOV # S96-0489	\$50	PAID.	11/21/96
NAVAL PETROLEUM RESERVES IN CALIFORNIA	DOE/BECHT EL	SJVUAPCD	SJVUAPCD RULE 4623	NOV	\$2,500	PAID. (NOV #010384)	01/31/97
HANFORD SITE	DOE/FDH/R FSH	DEPARTMENT OF ECOLOGY	RCRA	NOV	\$90,000	RECEIVED NOTICE OF PENALTY 4/28/97	03/25/97

EH-41 List of Fines and Penalties and Other Settlements

Page 1

Attachment A

Involving DOE and/or DOE M&O Contractors

Facility	Parties	Regulator	Statute	Document	Fines/ Penalty	Status	Date
SANDIA NATIONAL LAB - ALBUQUERQUE	SNL/DOE	NMED	RCRA	NOV	\$8,842	PAID.	09/09/93
SANDIA NATIONAL LAB - NEW MEXICO	DOE/SNL	NMED	RCRA	NOV	\$83,874 (ASSESSED)	PAID \$9,240.	10/07/94
SANDIA NATIONAL LAB - NEW MEXICO	DOE/SNL	NMED	RCRA	NOV	\$10,867 (ASSESSED)	PAID \$3,015 .	10/26/95
SANDIA NATIONAL LAB - NM	DOE/AT&T	STATE OF NM	RCRA	UNILATERAL ORDER	\$10,000	PAID BY CONTRACTOR REIMBURSED BY DOE SETTLED BY COMPLIANCE AGREEMENT 12/19/90	05/11/88
SANDIA NATIONAL LAB - NM	DOE/SANDIA CORP	STATE OF CA	CA/HAZ WASTE LAW	COMPLAINT/SETTLEMEN T AGREEMENT	\$240,600	SETTLED FOR CONTRACTOR PAYMENT OF \$56,000.	05/21/92

Attachment B

Field Office	Facility	Parties	Statute	Agreement	Date Executed
AL	KANSAS CITY PLANT	DOE/EPA	RCRA	CONO	06/23/89
AL	LOS ALAMOS NATIONAL LAB	DOE/EPA	CWA	FFCA	02/13/89
AL	LOS ALAMOS NATIONAL LAB	DOE/NM	FFCACT	COMPO	10/04/95
AL	LOS ALAMOS NATIONAL LAB	DOE/NM	CAA	NESHAPS FFCA	06/13/96
AL	MONTICELLO MILL SITE/VICINITY PROPERTIES	DOE/EPA/UT	CERCLA 120	FFA	12/22/88
AL	SANDIA NATIONAL LAB - LIVERMORE	DOE/CA	CA RWQCB ORDER	CONO	08/01/90
	SANDIA NATIONAL LAB - NM	DOE/NMED	FFCACT	COMPO	10/04/95
BPA	BONNEVILLE (ROSS COMPLEX)	DOE/WA	CERCLA	FFA	05/01/90
CH	BROOKHAVEN NATIONAL LAB	DOE/EPA/NY	CERCLA	FFA	02/28/92
CH	BROOKHAVEN NATIONAL LAB	DOE/EPA	RCRA	CONA/CONO	04/23/94
CH	BROOKHAVEN NATIONAL LAB	DOE/EPA	TSCA	FFCA	05/10/94
FUSRAP	MAYWOOD, NJ AND W.R. GRACE (WAYNE) SITE	DOE/EPA	CERCLA	FFA	09/19/90
FUSRAP	ST. LOUIS AIRPORT SITES	DOE/EPA	CERCLA	FFA	06/26/90
ID	IDAHO NATIONAL ENGINEERING LAB	DOE/EPA/IDAHO	CERCLA/RCRA	FFA/CONO	12/09/91
ID	IDAHO NATIONAL ENGINEERING LAB	DOE/IDAHO	RCRA	CONO	04/03/92
ID	IDAHO NATIONAL ENGINEERING LAB	DOE/IDAHO	CWA	CONO	10/07/92
ID	IDAHO NATIONAL ENGINEERING LAB	DOE/IDAHO	RCRA	CONO	10/07/92
ID	IDAHO NATIONAL ENGINEERING LAB	DOE/IDAHO	RCRA	NOV CONO	09/28/95
ID	IDAHO NATIONAL ENGINEERING LAB	DOE/IDAHO	RCRA	CONO	10/06/95
ID	IDAHO NATIONAL ENGINEERING LAB	DOE/IDAHO	RCRA	CONO	01/14/97
NV	NEVADA TEST SITE	DOE/NEVADA	RCRA	SA (TRU)	06/23/92
NV	NEVADA TEST SITE	DOE/NEVADA	RCRA	MUTUAL CONO (LDR)	06/06/95
NV	NEVADA TEST SITE	DOE/DNA/ NEVADA	FFCACT	CONO	05/10/96
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/EPA	CERCLA/RCRA/CAA	CONA	07/19/86
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/OHIO	RCRA/CWA	STATE JUDICIAL CONSENT DECREE	12/02/88
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/OHIO	CAA	STATE JUDICIAL	12/02/88

Field Office	Facility	Parties	Statute	Agreement	Date Executed
	PROJECT			CONSENT DECREE	
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/EPA	CERCLA	CONA	06/29/90
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/EPA	CERCLA	CONA	09/20/91
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/EPA	CAA (NESHAPS)	FFA	11/14/91
	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/OHIO	RCRA/CWA	JUDICIAL CONSENT DECREE	01/22/93
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/OHIO	RCRA/CERCLA	DIRECTOR'S FINAL FINDINGS AND ORDERS	09/10/93
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/OHIO	RCRA	DIRECTOR'S FINAL FINDINGS AND ORDERS	12/27/94
OH	FERNALD ENVIRONMENTAL MANAGEMENT PROJECT	DOE/OHIO	RCRA/CERCLA	DIRECTOR'S FINAL FINDINGS AND ORDERS	06/04/96
OH	MOUND PLANT	DOE/EPA/OHIO	CERCLA	FFA	08/06/90
OH	MOUND PLANT	DOE/EPA	CAA	NESHAPS FFCA	07/07/94
OH	WEST VALLEY DEMONSTRATION PROJECT	DOE/EPA/NY	RCRA	CONO	03/05/92
OH	WEST VALLEY DEMONSTRATION PROJECT	DOE/EPA/ NYSDEC/ NYSERDA/ WVNS	RCRA	COMPA	03/23/93
OR	OAK RIDGE RESERVATION	DOE/EPA/TN	CERCLA	FFA	01/01/92
OR	OAK RIDGE RESERVATION	DOE/UCC/TN	TN HWMA	STATE ORDER (ATOMIC CITY AUTO PARTS)	12/06/92
OR	OAK RIDGE RESERVATION	DOE/UCC/TN	TN HWMA	STATE ORDER (WITHERSPOON)	10/06/94
OR	OAK RIDGE RESERVATION	DOE/EPA	TSCA	FFCA	12/10/96
OR	PADUCAH GASEOUS DIFFUSION PLANT	DOE/KY	CWA	STATE ORDER	09/28/87
OR	PADUCAH GASEOUS DIFFUSION PLANT	DOE/EPA	CERCLA	AOC	11/04/88
OR	PADUCAH GASEOUS DIFFUSION PLANT	DOE/EPA	RCRA	FFCA	03/26/92
OK	PADUCAH GASEOUS DIFFUSION PLANT	DOE/EPA	RCRA LDR	FFCA	06/30/92
OR	PADUCAH GASEOUS DIFFUSION PLANT	DOE/KY/USEC	CWA/KPDES	AGREED ORDER	01/19/96

05/27/97

Attachment B

Field Office	Facility	Parties	Statute	Agreement	Date Executed
OR	PGDF/PORTS	DOE/EPA	TSCA	FFCA COMPA	02/20/92
OR	PORTSMOUTH GASEOUS DIFFUSION PLANT	DOE/OHIO EPA	RCRA\OHIO HW LAW	JUDICIAL CONSENT DECREE	09/01/89
OR	PORTSMOUTH GASEOUS DIFFUSION PLANT	DOE/OH	FFCACT	CONO	10/04/95
OR	PORTSMOUTH GASEOUS DIFFUSION PLANT	DOE/OHIO EPA/EPA	CERCLA/RCRA	CONA	10/04/96
OR	WELDON SPRINGS SITE REMEDIAL ACTION	DOE/EPA	CERCLA/NEPA	FFCA	08/22/86
	HANFORD SITE	DOE/EPA/WA	CERCLA/RCRA	FFA/CONO	05/15/89
RL	HANFORD SITE	DOE/EPA	TSCA	FFCA	03/27/90
RL	HANFORD SITE	DOE/WA	WASTE DISCHARGE PERMIT PROGRAM	CONO	12/23/91
RL	HANFORD SITE	DOE/EPA	CAA NESHAPS	FFCA	02/07/94
SR	SAVANNAH RIVER SITE	DOE/SC	RCRA	CONO	11/07/85
SR	SAVANNAH RIVER SITE	DOE/SC	CWA	CONA	10/24/86
SR	SAVANNAH RIVER SITE	DOE/NRDC/SC	RCRA	STATE CONSENT DECREE	05/26/88
SR	SAVANNAH RIVER SITE	DOE/EPA/SC	CERCLA	FFA	08/16/93
SR	SAVANNAH RIVER SITE	DOE/SC	FFCACT (STP)	CONO	09/29/95
WAPA	WESTERN AREA POWER ADMINISTRATION	DOE/EPA	RCRA	FFA	12/30/87

Total of 61 Agreements (agreements include Federal Facility Compliance Agreements, Federal Facility Agreements, Settlement Agreements, Consent Orders, Compliance Agreements, and Administrative Orders.)

United States Government

memorandum

Department of Energy
Albuquerque Operations Office
Los Alamos Area Office
~~Los Alamos, New Mexico 87544~~

DATE: SEP 26 1997
REPLY TO:
ATTN OF: LC:LKC
SUBJECT: LANL Compliance History

TO: Cooper H. Wayman, CAO/AOC

Attached are two documents detailing the environmental compliance history at Los Alamos National Laboratory (LANL) in the past twelve years. It is my understanding that you need this information in connection with WIPP's Part B permit application. You sent me three tables compiled by EH-41 to review for accuracy and completeness as to LANL's compliance history. Attachment B contains correct information. However, Attachment A (fines and penalties information) and Attachment C (violations of the New Mexico Hazardous Waste Act) contained numerous errors. As a result, I have compiled new Attachments A and C. The information in the EH-41 tables regarding LANL should be disregarded. The information I have compiled is complete and accurate to the best of my knowledge.

Please call me at (505) 667-4667 if you have any questions.



Lisa Cummings
General Attorney

Attachment A information for Los Alamos National Laboratory (LANL) - List of Fines and Penalties and other Settlements involving DOE and/or DOE M&O contractors (See Attachment C for fines and penalties for RCRA/HWA violations)

<u>Facility</u>	<u>Parties</u>	<u>Regulator</u>	<u>Statute</u>	<u>Document</u>	<u>Fine/Penalty</u>	<u>Status</u>	<u>Date</u>
LANL	UC	EPA	CWA	Administrative Complaint, Docket No. VI-90-1642	proposed: \$20,000 settled: \$12,500	Consent Agreement entered April 1991	10/10/90
LANL	UC	Department of Transportation	Transportation of Hazardous Materials	Notice of Claim	\$16,000	Paid	12/27/94

Attachment C information for Los Alamos National Laboratory (LANL) - violations of New Mexico Hazardous Waste Act (HWA)

<u>Facility</u>	<u>Parties</u>	<u>Regulator</u>	<u>Statute</u>	<u>Document</u>	<u>Fine/Penalty</u>	<u>Status</u>	<u>Date</u>
LANL	DOE/UC	State of NM	HWA	CO/S 001007	none proposed in CO/S; 10/85 letter proposed penalty of \$100,000	closed out by Consent Agreement Docket No. 89-01 (3/16/90); \$30,000 paid in settlement of CO/S 001007, CO/S 880801, and CO/S 800801-A	5/7/85
LANL	DOE	State of NM	HWA	CO/S 880801	none	closed out by Consent Agreement Docket No. 89-01 (3/16/90); \$30,000 paid in settlement of CO/S 001007, CO/S 880801, and CO/S 800801-A	8/30/88
LANL	UC	State of NM	HWA	CO/S 88081A	\$51,494.50 proposed	closed out by Consent Agreement Docket No. 89-01 (3/16/90); \$30,000 paid in settlement of CO/S 001007, CO/S 880801, and CO/S 800801-A	8/30/88
LANL	DOE	State of NM	HWA	CO 93-01	none	Closed out by a Consent Agreement effective 12/10/93	1/28/93
LANL	DOE	State of NM	HWA	CO 93-02	none	Closed out by a Consent Agreement effective 12/10/93	1/28/93
LANL	UC	State of NM	HWA	CO 93-03	\$1,283,500 proposed	Closed out by a Consent Agreement effective 12/10/93; \$700,000 paid in settlement of COs 93-03 and 93-04	1/28/93

<u>Facility</u>	<u>Parties</u>	<u>Regulator</u>	<u>Statute</u>	<u>Document</u>	<u>Fine/Penalty</u>	<u>Status</u>	<u>Date</u>
LANL	UC	State of NM	HWA	CO 93-04	\$352,605 proposed	Closed out by a Consent Agreement effective 12/10/93; \$700,000 paid in settlement of COs 93-03 and 93-04	1/28/93
LANL	DOE	State of NM	HWA	NOV	\$100	Paid	2/25/94
LANL	DOE/UC	State of NM	HWA	CO 94-09	proposed \$247,177 settled: \$62,750	Administrative Order on Consent 4/6/95	9/2/94
LANL	DOE/UC	State of NM	HWA	CO 94-12	proposed: \$26,040 settled: \$13,020	Administrative Order on Consent 4/5/95	8/12/94
LANL	DOE	State of NM	HWA	NOV	\$200	paid	1/27/95
LANL	DOE/UC	State of NM	HWA	CO 95-03	proposed: \$103,539 settled: \$48,329	Administrative Order on Consent 7/29/95	3/23/95
LANL	DOE/UC	State of NM	HWA	CO 95-08	proposed: \$14,759 settled: \$11,190	Stipulated Final Order - 2/29/96	11/30/95

Attachment D

To: Cooper Wayman, CAO
Elizabeth Rose, CAO

From: Karen Griffith, KAO *KAG*

There are two Letters of Violation (LOV's) issued to Sandia National Laboratories/NM which are not presently reflected on Attachment A to the letter to NMED. Both of those LOV's were provided to J. Berling of HQ by KAO in July, but for some reason Paul Detweiler did not get around to incorporating them into the attachment. You will find the LOV's attached to the 8/14/97 memorandum from Vivian Bowie to GC-51. I suggest the two LOV's could be incorporated into Attachment A using the following language:

LOV #1:

1. Facility: Sandia National Laboratories/NM
2. Parties: DOE
3. Regulator: City of Albuquerque
4. Statute: CAA
5. Document: Letter of Violation – Failure to report change in asbestos removal start date
6. Fines/Penalties: None assessed
7. Status: Corrective actions taken to resolve violation deemed acceptable to CABQ; closed.
8. Date: 7/13/93

LOV #2:

1. Facility: Sandia National Laboratories/NM
2. Parties: DOE and SNL/NM
3. Regulator: State of New Mexico
4. Statute: RCRA
5. Document: Letter of Violation
6. Fines/Penalties: None assessed.
7. Status: Corrective actions taken to resolve violations deemed acceptable to NMED; closed
8. Date: 5/21/96

Sandia National Laboratories/California

To the best of my knowledge, having made inquiries of pertinent DOE and SNL personnel, there was an additional enforcement order resulting in a penalty issued to SNL/California within the ten-year window NMED has asked us to examine. This

Attachment D

enforcement order currently is not reflected in Attachment A. For your files, I have attached documents reflecting the enforcement order and its settlement for \$1700. I suggest it can be summarized in Attachment A as follows:

1. Facility: Sandia National Laboratories/California
2. Parties: DOE/SNL
3. Regulator: California EPA
4. Statute: CA/haz waste law
5. Document: Enforcement Order
6. Fines/Penalty: \$1700.00
7. Status: Paid
8. Date: 8/10/93