



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**2905 Rodeo Park Drive East, Building 1  
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BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Acting Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

November 8, 2016

Pete Maggiore,  
Acting Chief of Staff Manager  
Los Alamos Site Office  
Department of Energy  
3747 W. Jemez Rd., MS-A316  
Los Alamos, NM 87544

Michael T. Brandt  
Associate Director  
Environment, Safety, Health, & Quality  
Los Alamos National Security, LLC  
Los Alamos Research Park  
P.O. Box 1663, MS K491  
Los Alamos, NM 87545

**RE: NOTICE OF VIOLATION  
LOS ALAMOS NATIONAL LABORATORIES  
EPA ID# NM0890010515**

Dear Messrs. Maggiore & Brandt:

On June 13, 2016, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Los Alamos National Laboratories (LANL), located at Bikini Atoll Road, SM-30, Los Alamos, NM. Based on that inspection and review of the information obtained, NMED has determined that your facility is the following:

- a large quantity generator of hazardous waste,
- a transporter of hazardous waste;
- a hazardous waste transfer facility;
- a large quantity handler of universal wastes;
- a mixed waste generator; and
- a permitted hazardous waste treatment and storage facility.

NMED has further determined that your facility has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) or LANL's RCRA Hazardous Waste Operating Permit (Permit) as specified below.

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The Permit is organized into modules and attachments. For the purposes of this Notice of Violation, the module requirements are referred to as “permit conditions” or PCs, and attachment requirements are referred to as “attachment conditions” or ACs.

NMED inspectors observed the following violations:

1. Failure to accurately mark an accumulation start date. Specifically, NMED inspectors observed one drum located in TA-54 Area L, Bay 1, was dated with the date 6/6/17. This is a violation of PC 2.3.1. The violation was corrected at the time of the inspection.
2. Failure to mark five drums containing D002 wastes with “Free Liquids” labels. Specifically, NMED inspectors observed drums W762387, W759658, W12604, and W761852 located in TA-54 Area G-232 without a “Free Liquids” labels. This is a violation of PC 3.6 (2).

**Corrective Action:** LANL must apply a free liquids label on the above containers and provide NMED with documentation/photographs that the containers have been labeled.

3. Failure to promptly complete appropriate corrective measures associated with defects and deteriorations at a Permitted Unit discovered during an inspection. Specifically, NMED inspectors observed seven “Actions Resulting from Inspections” (ARs) without corrective measures. See Attachment I. The actions were located in Areas: G, L, Pad 10, Dome 153 and Dome 232. This is a violation of AC E.1.2.

**Corrective Action:** LANL must provide to NMED documentation indicating the resolution of the ARs.

NMED requires that LANL provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by LANL to address the violations described above and a schedule for implementation of corrective actions not yet completed. Violation 1 was corrected on at the time of the inspection.

This Notice of Violation is considered an informal enforcement response in accordance with NMED’s *Enforcement Response Protocol*. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our inspection, or in response to this letter, does not relieve LANL of its obligation to comply with any and all other applicable laws and regulations.

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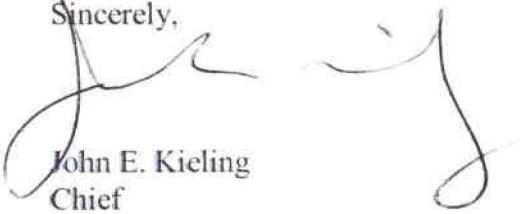
**Maggiore & Brandt**

**November 8, 2016**

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**If you have any questions regarding this letter, please contact Don Meyer of my staff at (505) 476-6021 or by email at [don.meyer@state.nm.us](mailto:don.meyer@state.nm.us). Please address any written response to the attention of Don Meyer at the address in the letterhead.**

Sincerely,



**John E. Kieling**

**Chief**

**Hazardous Waste Bureau**

**JEK:dm**

**cc: Janine Kraemer, NMED HWB  
Don Meyer, NMED HWB  
Robert Italiano, NMED District II Manager**

**file: Library #2390**

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**State of New Mexico**  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*

*2905 Rodeo Park Drive East, Building 1*  
*Santa Fe, New Mexico 87505-6303*



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Associate Director  
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Los Alamos National Security, LLC  
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Los Alamos, New Mexico 87545



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