



*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**  
*Hazardous Waste Bureau*



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BUTCH TONGATE  
Cabinet Secretary  
J. C. BORREGO  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

March 15, 2018

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 WITH PROPOSED PENALTIES  
LOS ALAMOS NATIONAL LABORATORIES  
EPA ID# NM0890010515**

Dear Messrs. Maggiore & Brandt:

On February 1, 2018, Los Alamos National Laboratories (“LANL”), located at Bikini Atoll Road, SM-30, Los Alamos, NM, notified the New Mexico Environment Department (“NMED”) of non-compliance issues concerning the storage of hazardous waste. Specifically, LANL had stored hazardous waste containers over the 90-day storage time limit in central accumulation storage areas, and had stored hazardous waste containers over the 1-year storage time limit in permitted units.

NMED has determined that LANL has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) and LANL’s Resource Conservation and Recovery Act Hazardous Waste Operating Permit (“Permit”) as specified below.

1. Failure to request an extension to store of hazardous waste containers over the 90-day storage time limit in central accumulation storage area. Specifically, LANL stored two containers, W839298 and W839299, and did not request an extension to store these containers until twenty days past the 90-day storage time limit, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(b).
2. Storage of hazardous waste containers over the 1-year storage time limit in a permitted unit. LANL failed to demonstrate storage is solely for the purpose of accumulating such quantities of hazardous waste restricted from land disposal as necessary to facilitate proper recovery, treatment, or disposal. Specifically, LANL stored three containers,

U1800456

Messrs. Maggiore & Brandt  
March 15, 2018  
Page 2

W794668, W834535 and W835847 over the 1- year storage time limit, which is a violation of 20.4.1.800 NMAC, incorporating 40 CFR 268.50(a)(2) and Permit Condition 2.3.1.

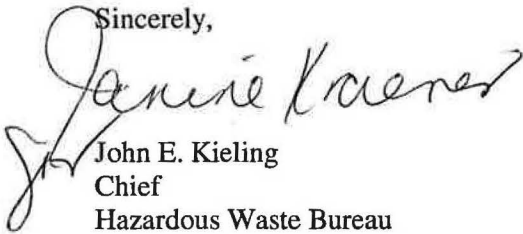
Please note: NMED has not yet adopted the new generator rules promulgated by the U.S. Environmental Protection Agency ("EPA") on May 30, 2017. Currently, 20.4.1 NMAC incorporates by reference the 2008 version of the Code of Federal Regulations ("CFR"), which is reflected in the citations included above.

In accordance with NMSA 1978, Section 74-4-10, NMED may: (1) issue an Administrative 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 for 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 may include a suspension or revocation of any permit issued by NMED.

Due to the nature and severity of the violations listed above, and LANL's past history of noncompliance with 20.4.1 NMAC, NMED will propose a civil penalty for these violations in the Notice of Proposed Penalty letter, which will follow as a separate, settlement privileged document.

Any action taken in response to this letter does not relieve LANL of its obligation to comply with any other applicable laws and regulations. If you have any questions regarding this letter, please contact Janine Kraemer of my staff at 505-476-4372 or by email at Janine.kraemer@state.nm.us. Please address any written response to the attention of lead inspector at the address noted in the letterhead.

Sincerely,



John E. Kielling  
Chief  
Hazardous Waste Bureau

JEK:jk

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

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