



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

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 13, 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 AND RESOLUTION
LOS ALAMOS NATIONAL LABORATORIES
EPA ID# NM0890010515**

Dear Messrs. Maggiore & Brandt:

On November 13, 2017, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“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.

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.

NMED inspectors observed the following violations:

1. Failure to properly characterize a hazardous waste and obtain and document the EPA hazardous waste number. During the inspection, NMED observed a cardboard box, located in TA-54, Area L, Bldg. 39, labeled as non-hazardous waste with a DOT description "Vanadium Oxide". Vanadium Oxide is an acutely toxic hazardous waste with waste code P120. This is a violation of Permit Condition (P.C) 2.4.1(1).
2. Failure to segregate incompatible hazardous wastes. Specifically, NMED observed two 5-gallon containers labeled as liquid D001 oxidizers stacked on top of a 5-gallon container labeled D001 flammable solids, located in TA-54 Area L, Building 39. This is a violation of P.C. 2.8.2.
3. Failure to make a hazardous waste determination. Specifically, NMED observed a flammable cabinet, located at TA-49, storing wastes. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11.
4. Failure to label containers with the words "Hazardous Waste" or with other words that identify the contents. Specifically, NMED observed two 250 mL containers labeled with the words "Mis-preserved with HNO₃", testing indicates that the containers have a pH less than 2. The containers were located in TA-0, Bldg. 1237, SI# 6255. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1)(ii).
5. Failure to respond to releases of used oil. Specifically, NMED observed oil leaking from mixing equipment, located in TA-15 outside of Bldg. 603. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(d).

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

NMED has reviewed LANL's "Response to Potential Violations Identified by the New Mexico Environment Department Hazardous Waste Bureau - Los Alamos National Laboratory 2018 Annual Hazardous Waste Inspection", dated February 16, 2018, and has determined that the violations have been adequately addressed.

Messrs. Maggiore & Brandt

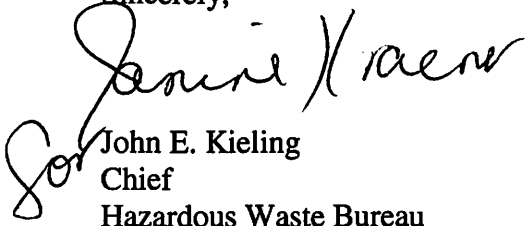
March 13, 2018

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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.

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.

Sincerely,

A handwritten signature in black ink that reads "John E. Kielling". The signature is written in a cursive style with a large, stylized initial "J".

John E. Kielling
Chief
Hazardous Waste Bureau

JEK:dm

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

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