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Date: APR 26 2018

Symbol: EPC-DO: 18-146

LA-UR: 18-22666

Locates Action No.:

Mr. John E. Kieling
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505

Subject: Delayed Notification of Waste Characterization Discrepancies and Addendum to the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit Reporting Instances of Noncompliance and Releases for Fiscal Year 2017

Dear Mr. Kieling:

The purposes of this letter are to (1) notify the New Mexico Environment Department Hazardous Waste Bureau (NMED-HWB) of previously unreported waste characterization discrepancies as required by Section 2.4.7(4) of the Los Alamos National Laboratory Hazardous Waste Facility Permit (EPA No. NM0890010515) (the LANL Permit); and (2) transmit an addendum to the Hazardous Waste Facility Permit *Reporting Instances of Noncompliance and Releases* for Fiscal Year 2017 addressing the previously unreported waste characterization discrepancies. The enclosed reports are provided in order to comply with Permit Section (PS) 1.9.14 and 1.9.15.

These reports are enclosed with this letter as follows.

Enclosure 1 contains information describing previously unreported waste characterization discrepancies per PS 2.4.7(4), which requires the Permittees to report to the NMED-HWB within three days of the receipt of a notice of discrepancy from a receiving facility in which the characterization of a hazardous waste they obtained from the Permittees' Facility does not match the pre-approved waste analysis certification or accompanying waste manifest or shipping paper.

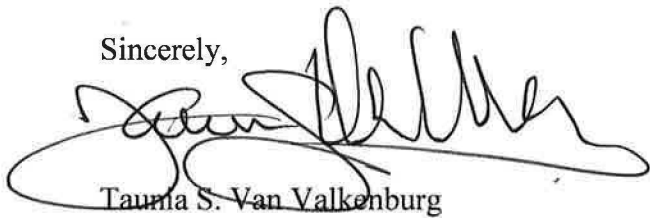
Enclosure 2 to this letter transmits an addendum to the Hazardous Waste Facility Permit *Reporting Instances of Noncompliance and Releases* for Fiscal Year 2017. PS 1.9.14 requires the Permittees to report on an annual basis all instances of noncompliance with the Permit that would not pose a threat to human health or the environment. The delays in transmitting the reports provided in Enclosure 1 constitute omissions from the affected Fiscal Years' reports, in noncompliance with PS 1.9.15. Therefore, they are included in Enclosure 2 as updates to the Hazardous Waste Facility Permit *Reporting Instances of Noncompliance and Releases* for Fiscal Years 2015 through 2017 to fulfill the Permit Section 1.9.14 requirement. One instance of noncompliance that occurred after October 1, 2017 was reported to the NMED-HWB on February 8, 2018 in EPC-DO 18-063, *Request for Accumulation and Storage Extension at the Los Alamos National Laboratory, EPA ID #NM0890010515*. Other non-compliances that occurred after October 1, 2017 will be reported as appropriate in the Hazardous Waste Facility Permit *Reporting Instances of Noncompliance and Releases* for Fiscal Year 2018, due in December 2018.

Documents describing the individual discrepancies reported in Enclosures 1 and 2 were delivered to the NMED-HWB on April 5, 2018 in response to the NMED-HWB Request for Information dated December 19, 2017. The enclosed notifications and addendum are submitted by the U.S. Department of Energy (DOE) and Los Alamos National Security, LLC (LANS), collectively the Permittees, to update and supplement the previously submitted reports. As appropriate, the Enclosures include a discussion of the corrective actions that have been implemented to prevent recurrence of the non-compliances discussed herein.

In addition to the non-compliances reported herein, information regarding a number of other manifest issues was provided recently to the NMED-HWB by both the Permittees and Veolia North America in Henderson, Colorado (Veolia) in their respective responses to the NMED-HWB's Requests for Information. These issues – which do not constitute non-compliances with the LANL Permit – were resolved by the Permittees and Veolia within a day of discovery. Additional information on these other issues is available upon request.

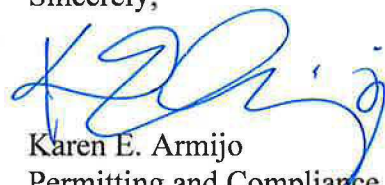
If you have questions or comments concerning this response, please contact Karen E. Armijo (DOE) at (505) 665-7314 or Mark P. Haagenstad (LANS) at (505) 665-2014.

Sincerely,



Taunna S. Van Valkenburg
Group Leader
Environmental Compliance Programs
Los Alamos National Security, LLC

Sincerely,



Karen E. Armijo
Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

Enclosures:

- 1) Permit Section 2.4.7(4) Waste Characterization Discrepancy Notifications, Los Alamos National Laboratory Hazardous Waste Facility Permit
- 2) Addendum to Fiscal 2017 Reporting of Instances of Noncompliance and Releases, Los Alamos National Laboratory Hazardous Waste Facility Permit

TSV/KEA/MPH/CJ:kr

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Dear Mr. Kieling:

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These reports are enclosed with this letter as follows.

Enclosure 1 contains information describing previously unreported waste characterization discrepancies per PS 2.4.7(4), which requires the Permittees to report to the NMED-HWB within three days of the receipt of a notice of discrepancy from a receiving facility in which the characterization of a hazardous waste they obtained from the Permittees' Facility does not match the pre-approved waste analysis certification or accompanying waste manifest or shipping paper.



Document: Addendum to NC Report FY2017 and
Waste Characterization Reporting
Date: April 2018

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Taunia Van Valkenburg
Group Leader
Compliance Programs
Environmental Protection and Compliance Programs
Los Alamos National Laboratory

4/16/2018

Date Signed



Karen Armijo
Manager, Permitting and Compliance
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

18 April 2018

Date Signed

ENCLOSURE 1

Permit Section 2.4.7(4) Discrepancy Notifications

EPC-DO: 18-146

LA-UR-18-22666

Date: APR 26 2018

Enclosure 1
Permit Section 2.4.7(4) Discrepancy Notifications
Los Alamos National Laboratory Hazardous Waste Facility Permit

Introduction

This report has been prepared by the US Department of Energy and Los Alamos National Security, LLC (DOE/LANS), collectively the Permittees, to meet a reporting requirement of the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit (the Permit). Permit Section 2.4.7(4) requires the Permittees to report within three days whenever they are notified by a receiving off-site facility that the characterization of a hazardous waste they obtained from the Permittees' Facility does not match a pre-approved waste analysis certification or accompanying waste manifest or shipping paper.

As required by Permit Section 1.9.14, the Permittees conducted a thorough investigation regarding the instances of noncompliance identified in Enclosure 1, Table 1. The Permittees acknowledge that they failed to report these waste characterization discrepancies within three days of discovery is required by Permit Section 2.4.7(4).

This report provides belated notifications to the NMED-HWB under Permit Section 2.4.7(4). These notifications were unintentionally delayed beyond the three-day reporting timeframe required by the Permit, but are provided here in order to complete the administrative record regarding the events in question.

Discrepancy Summary

Table 1 identifies the previously unreported waste characterization discrepancies subject to Permit Section 2.4.7(4), and provides information associated with each event.

Discussion

LANL ships its hazardous and mixed low-level wastes off-site for compliant treatment and disposal through a support services contract it maintains with a subcontractor, who maintains treatment and disposal contracts with multiple Treatment Storage and Disposal Facilities (TSDFs) including Veolia North America in Henderson, CO. (Veolia).

Both LANL and Veolia received information requests in December 2017 from the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB). In the documents provided by Veolia to NMED-HWB on December 29, 2017, there are notations on the manifests indicating that Veolia notified LANL's subcontractor by phone of these waste characterization discrepancies and/or associated manifest changes. However, the Permittees failed to report them to NMED-HWB in a timely manner to comply with Permit Section 2.4.7(4). Due to unintended lapses in internal communication, this error was not identified until the delays in reporting were brought to the Permittees' attention while conducting their internal investigation to comply with NMED-HWB's December 19, 2017 Request for Information (RFI). The Permittees' response to the RFI was provided to the NMED-HWB under separate cover on April 5, 2018.

Steps Taken or Planned to Reduce, Eliminate, and Prevent Recurrence

A summary of steps taken or planned, and associated corrective actions, is provided in Enclosure 2.

Table 1 – Previously Unreported Permit Section 2.4.7(4) Discrepancy Notifications

Date of Discovery	Discrepancy	Quantity of Material	Period of Discrepancy	Steps Taken to Resolve
2/08/2018	Waste characterization discrepancy per Permit Section 2.4.7(4).	1 -drum	12/13/2016 - 12/20/2016	See Enclosure 2, Table 1
02/08/2018	Waste characterization discrepancy per Permit Section 2.4.7(4).	1 - drum	05/26/2017 - 06/07/2017	See Enclosure 2, Table 1

ENCLOSURE 2

*Addendum to Fiscal Year 2017 Reporting of Instances of
Noncompliance and Releases, Los Alamos National Laboratory
Hazardous Waste Facility Permit*

EPC-DO: 18-146

LA-UR-18-22666

Date: APR 26 2018

Enclosure 2

Addendum to Fiscal Year 2017 Reporting of Instances of Noncompliance and Releases

Los Alamos National Laboratory Hazardous Waste Facility Permit

Introduction

This report has been prepared by the US Department of Energy and Los Alamos National Security, LLC (DOE/LANS), collectively the Permittees, as an addendum to meet a reporting requirement of the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit (the Permit). Permit Section 1.9.14 requires reporting of all instances of noncompliance with the Permit. This report must be submitted by December 1 of each year, and addresses noncompliance information from October 1 through September 30 of each fiscal year. The non-compliances discussed in this document relate to the activities in Enclosure 1 that occurred during Fiscal Year 2017, and therefore the Permittees are submitting this information as an addendum to the *Los Alamos National Laboratory Hazardous Waste Facility Permit Instances of Noncompliance and Releases* for Fiscal Year 2017.

This addendum describes additional instances of noncompliance from October 1, 2016 through September 30, 2017 not previously reported in the FY 2017 instances of noncompliance report. None of the incidents of noncompliance detailed within this addendum posed a potential threat to human health or the environment.

Facility Information

Owner and Operator:

United States Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Co-Operator:

Los Alamos National Security, LLC.
PO Box 1663
Los Alamos, NM 87545

Facility:

Los Alamos National Laboratory
Bikini Atoll Road, SM-30
Los Alamos, NM 87545

Instances of Noncompliance with the Permit

As reported in Enclosure 1, there were two instances of noncompliance with Permit Section 2.4.7(4) which requires the Permittees to report within three days whenever they are notified by a receiving off-site Treatment, Storage or Disposal Facility (TSDF) that the characterization of a hazardous waste they obtained from the Permittees' Facility does not match a pre-approved waste analysis certification or accompanying waste manifest or shipping paper.

Steps Taken or Planned to Reduce, Eliminate, and Prevent Recurrence

As part of the thorough investigation required by Permit Section 1.9.14, the Permittees conducted a causal analysis in order to identify measures to reduce, eliminate, and prevent recurrence of these non-compliances. The Permittees have undertaken the following corrective actions to reduce, eliminate, and prevent their recurrence.

1. LANS has made changes to internal document review and preparation protocols, including adding additional reviewers to check proper shipping names and waste profiles.
2. LANS is currently in the process of hiring an independent waste shipper to provide Quality Assurance/ Quality Control oversight on shipments.
3. LANS' subcontractor implemented a requirement, effective January 31, 2018, that any notice from a TSDF will be immediately passed on to the LANL Environmental Protection and Compliance – Waste Management Programs Group Leader with a copy to the LANL Subcontract Technical Representative, in order to minimize the potential for future delays or lapses in communication regarding off-site waste shipments.
4. Additional corrective actions are discussed in Enclosure 2 of the Permittees' response to the RFI, which was provided to the NMED-HWB under separate cover on April 5, 2018.

Table 2
Addendum to Instances of Noncompliance FY2017

Date of Discovery	Permitted Unit Location	Noncompliance	Quantity of Material	Instances of Noncompliance	Period of Noncompliance	Steps Taken to Resolve
2/8/2018 (FY17)	TA-54, Area L	Delayed three-day notification. This is a noncompliance with Permit Section 2.4.7(4).	1 - drum	1	12/13/2016 - 12/20/2016	Treatment, Storage and Disposal Facility (Veolia) contacted LANL via subcontractor. Constituents were verified and containers were assigned to Veolia's internal waste profile. Containers were managed for compliant treatment and disposal.
2/8/2018 (FY17)	TA-54, Area L	Delayed three-day notification. This is a noncompliance with Permit Section 2.4.7(4).	1 - drum	1	05/26/2017 - 06/07/2017	Treatment, Storage and Disposal Facility (Veolia) contacted LANL via subcontractor. Constituents were verified and containers were assigned to Veolia's internal waste profile. Containers were managed for compliant treatment and disposal.