



ESHID-603310

Environmental Protection & Compliance Division

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National Nuclear Security Administration

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Date: **NOV 29 2018**
Symbol: EPC-DO: 18-433
LA-UR: 18-30998

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: Notification of Anticipated Noncompliance with the Los Alamos National Laboratory Hazardous Waste Facility Permit, EPA ID No. NM890010515

The purpose of this letter is to notify the New Mexico Environment Department Hazardous Waste Bureau (NMED-HWB) of an anticipated noncompliance as required by the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit (Permit). The Permit authorizes the U.S. Department of Energy (DOE); Triad National Security, LLC (Triad); and Newport News Nuclear BWXT-Los Alamos, LLC (N3B) to manage, store, and treat hazardous waste at LANL. Permit Section 1.9.11 requires the Permittees to give advance written notice to the NMED-HWB of any activities that may result in noncompliance with Permit requirements (see 40 CFR 270.30(1)(2)).

The Permittees anticipate exceeding the one-year storage limit on nine containers containing trace amount of high explosives in a flammable or combustible liquid, whereby shipping was halted until a special Department of Transportation (DOT) shipping permit is obtained (Enclosure 1). A request for extension (EPC-DO: 18-422) has been submitted in accordance with Permit Section 1.9.19, *Extensions of Time* for these containers. The Permittees current path forward is to obtain a special DOT shipping permit for an Interim Hazard Classification (IHC) to package and transport low concentrations of explosives, not exceeding 5.0 percent by weight when dissolved (as defined in Title 49 of the Code of Federal Regulations § 171.8). The Permittees are unable to ship this waste until the DOT special permit is granted.

This letter serves as a notification of an anticipated noncompliance associated with Permit Section 2.3.1, *Hazardous Waste Storage*. As it applies, tracking of this noncompliance will be included in the fiscal year 2019 reporting of other instances of noncompliance as required by Permit Section 1.9.14, *Other Noncompliance*. A certification statement as required by 40 CFR 270.11 is also included and has been signed by the applicable Permittees.

If you have questions or comments concerning this notification, please contact Karen E. Armijo of the Department of Energy (DOE) at (505) 665-7314 or Patrick L. Padilla (Triad) at (505) 667-3932.

Sincerely,



Enrique Torres
Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC

Sincerely,



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

ET/KEA/PLP:lvh

Enclosure: 1. Containers Anticipated to Exceed the One Year Storage Limit

Copy: Laurie King, USEPA/Region 6, Dallas, TX, (E-File)
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ENCLOSURE 1

**Containers Anticipated to Exceed the One Year Storage Limit - Triad
National Security, LLC**

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Containers Anticipated to Exceed the One Year Storage Limit - Triad National Security, LLC

Containers Exceeding and Anticipated to Exceed the One Year Storage Limit in Area L.					
Count	Container ID	Generation Date	Facility Storage Date	Storage Expiration	Volume (gal)
1	W838402	09-18-2017	12-18-2017	12-18-2018	55
2	W838404	09-19-2017	12-18-2017	12-18-2018	5
3	W839101	11-09-2017	04-05-2018	04-05-2019	55
4	W840804	09-18-2017	07-11-2018	07-11-2019	30
5	W845975	08-06-2018	08-06-2018	08-06-2019	55
6	W846466	09-04-2018	09-04-2018	09-04-2019	55
7	W846871	09-27-2018	09-27-2018	09-27-2019	55
8	W846065	08-14-2018	08-09-2018	08-09-2019	55
9	W838405	09-19-2017	12-18-2017	12-18-2018	5

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CERTIFICATION
Triad National Security, LLC

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to 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.



Michael W. Hazen
Associate Lab Director
Environment, Safety, Health & Quality and
Safeguards & Security
Triad National Security, LLC

20 Nov 2018

Date Signed



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

11/28/18

Date Signed