



NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lt. Governor

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BUTCH TONGATE
Cabinet Secretary
BRUCE YURDIN
Acting Deputy Secretary

ESHID-603342

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 17, 2018

Pete Maggiore,
Deputy Assistant Manager
National Nuclear Security Administration
Los Alamos Field Office
3747 W. Jemez Rd., MS-A316
Los Alamos, NM 87544

William R. Mairson
Associate Director
Environment, Safety, Health Directorate
Los Alamos National Laboratory
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 and Mairson:

On November 8, 2018, the New Mexico Environment Department (“NMED”) received a verbal notification via telephone from Los Alamos National Laboratories (“LANL”), located at Bikini Atoll Road, SM-30, Los Alamos, New Mexico (“Facility”) concerning two containers that had exceeded their one-year storage limit in the permitted unit. The verbal notification was followed up with a letter, dated December 10, 2018, requesting an extension to store eleven containers over their one-year storage including the two drums that had already exceeded the one-year time limit.

NMED has determined that LANL has violated the New Mexico Hazardous Waste Management Regulations (“HWMR”), 20.4.1 New Mexico Administrative Code (“NMAC”) and RCRA Hazardous Waste Operating Permit (“Permit”) as specified below.

The following violations have been determined:

1. Storing hazardous waste beyond one year from the date the waste was first placed into storage in a permitted unit, which is a violation of Permit Condition 2.3.1. Specifically, LANL stored two hazardous waste containers for greater than one year in TA-54 Area L:

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- a.) Container W838992 was reported to have exceeded the one-year limit by 75 days;
and
- b.) Container W839296 was reported to have exceeded the one-year limit by 47 days.

Corrective Action: LANL must provide to NMED a document outlining the procedures that will be used in the future to ensure containers will not exceed the one-year storage limit.

In accordance with NMSA 1978, Section 74-4-10, NMED may: (1) issue a 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 Don Meyer of my staff at (505) 476-6021 or by email at don.meyer@state.nm.us. Please address any written response to the attention of Don Meyer at the address on the letterhead.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:dm

cc: Janine Kraemer, NMED HWB
Don Meyer, NMED HWB
Neelam Dhawan, NMED HWB
Siona Briley, NMED HWB
Patrick L. Padilla, LANL
Robert Italiano, NMED District II Manager

file: Library #2390

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State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
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NAME J. Ruiz
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DATE 12-19-18

William R. Mairson
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