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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau
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James C. Kenney
Cabinet Secretary

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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

ESHID-603502

August 20, 2019

Doug Hintze
Manager
DOE Environmental Management Field Office
1900 Diamond Dr.
Los Alamos, NM 87544

W. Steve Goodrum
Manager
DOE/NNSA Los Alamos Field Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

**RE: NOTICE OF PROPOSED PENALTIES
LOS ALAMOS NATIONAL LABORATORY
EPA ID# NM0890010515**

Dear Messrs. Hintze & Goodrum:

Beginning April 29, 2019, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Los Alamos National Laboratory ("LANL"), located at Bikini Atoll Road, SM-30, Los Alamos, New Mexico. The Notice of Violation ("NOV") attached to this letter describes the violations observed during the Inspection.

Pursuant to the New Mexico Hazardous Waste Act ("HWA"), New Mexico Statutory Authorization 1978, §§ 74-4-1 to 74-4-14, NMED proposes to assess a civil penalty of \$222,313 to settle the violations of the HWA and the Hazardous Waste Management Regulations set forth in the NOV. The civil penalty is assessed as follows:

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| 1. Failure to store hazardous waste for less than one year from the date that the wastes were first placed into storage, which is a violation of Permit Condition 2.3.1. | \$16,640 |
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| 2. | Failure to remedy any deterioration or malfunction of equipment or structures discovered during an inspection which may lead to an environmental or human health hazard. The permittees shall mitigate such deterioration or malfunction within 24 hours, which is a violation Permit Condition 2.6.2. | \$10,000 |
| 3. | Failure to store hazardous waste in containers with all applicable EPA Hazardous Waste Numbers, which is a violation of Permit Condition 3.6(1). | \$9,923 |
| 4. | Failure to store containers of hazardous waste that are stored outdoors and are not being actively managed, are protected from contact with precipitation using weather protective equipment (<i>e.g.</i> , containment shell, secured tarp) or are protected by the design of the equipment, which is a violation of Permit Condition 3.5.1(1). | \$120,000 |
| 5. | Failure to properly characterize waste, which is a violation of Permit Condition 2.4.1. | \$24,000 |
| 6. | Failure to conduct an accurate waste determination, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11. | \$10,500 |
| 7. | Failure to maintain records supporting hazardous waste determinations, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11(f). | \$4,375 |
| 8. | Failure to identify/mark containers of hazardous waste with the applicable EPA Hazardous Waste Numbers, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11(g). | \$4,375 |
| 9. | Failure to maintain a satellite accumulation area ("SAA") at or near the point of generation, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a). | No penalty assessed |
| 10. | Failure to identify the hazards of the contents of the waste, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(ii). | No penalty assessed |
| 11. | Failure to separate incompatible hazardous waste containers stored in an SAA by practical means, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(3)(iii). | No penalty assessed |

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| 12. Failure to take precautions to prevent the accidental reaction of reactive wastes, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(1)(vi)(B). | \$7,500 |
| 13. Failure to separate incompatible hazardous waste containers stored in a Central Accumulation Area by means of a dike, berm, wall or other device, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(1)(vii)(C). | \$7,500 |
| 14. Failure to mark or label containers of hazardous waste with an indication of the hazards of the contents, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(i)(B). | No penalty assessed |
| 15. Failure to mark or label tanks containing used oil with the words "Used Oil" or with similar wording to identify the contents, which is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c)(1) and 20.4.2.1003A NMAC. | \$3,750 |
| 16. Failure to mark or label fill pipes used to transfer used oil into underground storage tanks, which is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c)(2). | \$3,750 |

If you would like to discuss the civil penalty, please contact Don Meyer, Hazardous Waste Bureau by telephone at (505) 476-6021 or by email at don.meyer@state.nm.us. Within 30 days of receipt of this notice to schedule an informal conference concerning resolution of this matter. If no response is received from you within 30 days, a Stipulated Final Order will be prepared for your signature to settle the case.

Sincerely,


John E. Kieling
Chief
Hazardous Waste Bureau

JEK:dm

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

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