

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

July 19, 2022

Theodore Wyka
Manager
National Security Administration
Los Alamos National Laboratory
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael Mikolanis
Manager
DOE Environmental Management
1200 Trinity Drive, Ste. 400
Los Alamos, NM 87544

**RE: NOTICE OF VIOLATION AND RESOLUTION
LOS ALAMOS NATIONAL LABORATORY
EPA ID# NM0890010515**

Dear Messrs. Wyka and Mikolanis:

Beginning on October 25, 2021, 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. Based on observations and review of the information obtained, NMED has determined that LANL 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.

Furthermore, NMED has determined that LANL, has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED inspectors observed the following violations:

1. Failure to keep a container of hazardous waste closed when not emptying or filling, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(4). Specifically, one blue 14-gallon poly container was observed to have been left open with a funnel left in the top in place of the lid. The container was located at TA-22, Site ID # 574.

Corrective Action: This violation was corrected at the time of the inspection and no further action is required.

2. Failure to label hazardous waste containers storing hazardous waste with the words "Hazardous Waste," which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(i). Specifically, the following containers were observed without labels:
 - a) One green dyed 50-ml vial was not labeled and was located in TA-3, Building 40, Room 145, Site ID# 2504.
 - b) One white 1-gallon poly container which was connected to an HPLC machine which was using a carrier fluid consisting of 25% to 30% ethanol was not labeled. The container was located in TA-9, Building 9, Room 138.

Corrective Action: The violations were corrected on November 1, 2021, in an email from LANL and no further action is required.

NMED has determined that the violations were adequately addressed during the inspection or from a response dated November 1, 2021, therefore, no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's Enforcement Response Protocol. Please be aware that failure to address the above violations and any future substantial deviations from regulatory requirements may result in LANL 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.

Pursuant to the NMED Delegation Order dated May 24, 2021, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Hazardous Waste Bureau. If you have any questions regarding this letter, please contact Don Meyer of my staff at (505) 690-5373 or by email at don.meyer@state.nm.us.

Sincerely,

Rick Shean

Digitally signed by Rick
Shean
Date: 2022.07.19 14:50:36
-06'00'

Rick Shean
Bureau Chief, Acting CTAP Manager
Hazardous Waste Bureau

RS:dm

cc: Don Meyer, NMED HWB
Frank Rodarte, NMED HWB
Neelam Dhawan, NMED HWB
Thomas X. Vigil, NMED District II Manager (Acting)

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