



**Environmental Protection and Compliance Division**

Los Alamos National Laboratory  
P.O. Box 1663, MS M969  
Los Alamos, NM 87545  
505-667-8160

**National Nuclear Security Administration**

Los Alamos Field Office  
3747 West Jemez Road, A316  
Los Alamos, NM 87544  
505-667-5794/Fax 505-606-5948

**Symbol:** EPC-DO-24-088

**Date:** March 27, 2024

**LA-UR:** 24-22579

Mr. Ricardo Maestas, Acting Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6313

**Subject: Response to Notice of Violation with Proposed Penalties, Los Alamos National Laboratory, EPA ID# NM0890010515, Fiscal Year 2023**

Dear Mr. Maestas:

The New Mexico Environment Department (NMED) issued a Notice of Violation with Proposed Penalties, dated February 13, 2024 (NOV),<sup>1</sup> to Permittees covered by the Los Alamos National Laboratory Hazardous Waste Facility Permit, EPA ID. No. NM0890010515 (Permit), arising from the November 14, 2022, Compliance Evaluation Inspection. The NOV addresses potential noncompliance under the Permit and NMED's hazardous waste management regulations, Title 20, Chapter 4, Part 1 of the New Mexico Administrative Code (NMAC). On behalf of the U.S. Department of Energy National Nuclear Security Administration (NNSA)<sup>2</sup> and Triad National Security, LLC (Triad),<sup>3</sup> this letter responds to the NOV allegations related to the singular DOE-Triad hazardous waste management regulation citation, enumerated as alleged violation No. 5.

---

<sup>1</sup> Triad received the NOV February 26, 2024. NMED approved a request to extend the response deadline to March 28, 2024.

<sup>2</sup> Established by Congress in 2000, pursuant to the National Nuclear Security Administration Act, DOE/NNSA is a semi-autonomous agency that is responsible for enhancing national security through the military application of nuclear science.

<sup>3</sup> Triad is comprised of three non-profit member entities, including Battelle Memorial Institute (a non-profit research and development organization with a mission of translating scientific discovery and technology advances into societal benefits), the University of California, and the Texas A&M University System. As a federally funded research and development center (FFRDC), the Laboratory aligns its strategic plan with priorities set by the DOE/NNSA and key national strategy guidance documents, and also executes work across other DOE and federal agency missions, including national security, science, and energy.

NNSA and Triad are committed to excellence in environmental protection and compliance. NNSA and Triad respectfully request NMED's consideration of this response to alleged violation No. 5, which includes clarification of operational responsibility and compliance history under the Permit and hazardous waste management regulations. Triad also requests an informal conference to address this matter with NMED.

### **Operational Responsibility:**

As a matter of clarification, the "Los Alamos National Laboratory" or "LANL" is not a permittee, nor an operator, nor an owner. The Los Alamos National Laboratory is a Federally Funded Research and Development Center and National Security Laboratory that executes work across numerous missions, including national security, science, and energy. LANL possesses unique capabilities in neutron scattering, enhanced surveillance, radiography, and plutonium science and engineering. As a Government-Owned, Contractor-Operated national asset, LANL has been managed and operated by Triad since October 2018 under contract with NNSA. Therefore, from October 2018 through the present, the terms Triad and LANL are synonymous terms in most circumstances. The hazardous waste management units (HWMU) that Triad operates in association with its Laboratory management and operational activities are clearly defined in the Permit, are deemed the DOE-Triad units, and these HWMUs are permitted for Triad operations.

The Permit defines the Facility as the "Los Alamos National Laboratory site," which is more than the Laboratory.<sup>4</sup> The LANL site is where the collective execution by separate entities of multiple and varied missions, including Triad's national security, science, and energy missions, and the legacy environmental remediation mission of others, occurs. At the LANL site, and off the LANL site in the surrounding area, Newport News Nuclear BWXT-Los Alamos, LLC (N3B), under contract with the Department of Energy Office of Environmental Management (DOE-EM), executes DOE-EM's legacy environmental remediation mission. The HWMUs that N3B operates in association with its legacy environmental remediation activities are clearly defined in the Permit, are deemed the DOE-N3B units, and are permitted for N3B operations.

As stated in the Permit:

*Triad and N3B manage and operate different permitted units (also known as "hazardous waste management units" or HWMUs) as identified below in Table 1.2.1, and detailed in Attachment J, Hazardous Waste Management Units, Table J-1. Triad and N3B are solely responsible for operating their respective permitted units, and do not share management or operational authorities or responsibilities at these units. The Permittees have a duty to comply with the Permit and the conditions applicable to their respective permitted units identified in Table 1.2.1.[<sup>5</sup>]*

While both the Laboratory missions and the legacy environmental remediation mission across the LANL site are vital, the responsibility for each mission's execution is tasked to separate entities and the liabilities associated with the operations of each mission attach to separate Permittees.<sup>6</sup> Although it has become convention to refer to the Facility as LANL as shorthand for the LANL site, it is not accurate to

---

<sup>4</sup> Permit § 1.8 (defining "Facility"); see also 40 CFR § 260.10.

<sup>5</sup> Permit § 1.2.

<sup>6</sup> Similarly, Triad cannot be held jointly or severally liable for alleged violations arising from operations at permitted units outside its Permit responsibilities and operational and management control.

use “LANL” to describe DOE-EM, N3B, or the collection of Permittees DOE, Triad, or N3B. Triad, under contract with NNSA, manages and operates the Laboratory (LANL). N3B, under contract with EM-LA, executes legacy environmental remediation work at the LANL site. The Permit recognizes this separation of responsibility.

### **Summary of Alleged Violation and Response:**

Alleged violation No. 5, identified below in italics, is followed by NNSA and Triad’s response. Not included in this response are responses to NOV alleged violation Nos. 1 - 4 and 6, which apply to facilities, areas, or operations that are managed, controlled, and/or supervised by DOE-EM and N3B.

*5. Failure to label satellite containers of hazardous waste with an indication of the relevant hazard(s). Specifically, at TA-35, Bldg. 455, Room 104, NMED [] inspectors observed a small container of hazardous Lithium Hydride waste that was not marked with the relevant hazard indicators. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(ii).*

#### Civil Penalty

*As a result of this violation, NMED is assessing a civil penalty of \$630.00.*

#### Corrective Action

*LANL corrected this violation at the time of inspection.*

NNSA and Triad admit that a small container of hazardous Lithium Hydride was not marked with the relevant hazard indicators per the requirements of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(ii). Triad corrected the issue immediately at the time of inspection.

With respect to the Civil Penalty, NNSA and Triad question the “History of non-compliance Adjustment” of 20%. In its Penalty Computation Summary, NMED states:

*Because LANL has a significant history of noncompliance with the same requirement of their permit and/or similar HWMR requirements (LANL has been cited 10 times over the past 10 years of inspections for violations of failing to appropriately label hazardous wastes), NMED deems the appropriate adjustment to the penalty per the HWB Penalty Policy to be upward by 20%.*

Prior noncompliance for the same or similar requirements at the DOE-Triad permitted units may be appropriate to consider for purposes of a history of compliance evaluation. However, the Penalty Computation Summary identifies “LANL” rather than any particular Permittee, which makes it not possible to discern the underlying basis of the penalty computation. As noted above, “LANL” did not engage, has not engaged, and cannot engage in any noncompliance. “LANL” is not a “person” for purposes of penalty assessment, nor was “LANL” responsible for any alleged noncompliance.<sup>7</sup> With

---

<sup>7</sup> See e.g. NMSA 1978 § 74-4-3(M) (defining person in penalty assessment context); NMED, Hazardous Waste Act Civil Penalty Policy (March 2017) (noting a violation results where “[a] person, as defined by the HWA, violates a different requirement of the HWA or HWMR” and history of noncompliance “refers to the violator’s previous compliance”); EPA, RCRA Civil Penalty Policy (June 2003) (noting a history of noncompliance looks “[w]here a party previously has violated federal or state environmental laws” and “[i]n making this determination, enforcement personnel should

respect to alleged violation No. 5, the “person” with operational control and responsibility for this labeling issue was Triad.<sup>8</sup> For these reasons, it is Triad’s history of compliance that is relevant to the penalty computation. As stated in EPA’s RCRA Civil Penalty Policy:

*In making this determination [determining noncompliance], enforcement personnel should attempt to ascertain who in the organization had control and oversight responsibility for compliance with RCRA or other environmental laws. The violation will be considered part of the compliance history of any regulated party whose officers had control or oversight responsibility.[<sup>9</sup>]*

Furthermore, because Triad has been a Permittee and operator for the DOE-Triad permitted units only since it became the management and operating contractor of LANL, the relevant noncompliance period to consider is back to October 2018 only. The current configuration of Permittees, including operator Triad, and their respective operational responsibilities arose in October 2018.<sup>10</sup> Triad was not an operator and had no control or oversight prior to this time, and continues to have no control or oversight over the DOE-N3B permitted units or legacy remediation activities. Thus, alleged violations preceding October 2018 are not relevant to permitting considerations as to DOE-Triad permitted units. Additionally, the Hazardous Waste Act Civil Penalty Policy notes that, “[f]or purposes of this Policy, HWB [Hazardous Waste Bureau] considers a repeat violation to be one that has occurred at the same facility within the past five years.”<sup>11</sup>

Considering the DOE-Triad HWMUs, a finding of a “significant history of noncompliance” with the same or similar requirements cannot be supported. Reviewing instances of alleged noncompliance of the requirement identified in alleged violation No. 5, 40 CFR 262.15(a)(5)(ii), with respect to the DOE-Triad HWMUs since October 2018,<sup>12</sup> NMED has cited Triad three times. Two of these prior citations were included in settlement agreements whereby Triad did not agree to or admit liability and NMED covenanted not to take any administrative action against Triad under the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 through 74-4-14, in accordance with the New Mexico Hazardous Waste Management Regulations (HWMR) for any of the facts or violations alleged. The third instance, associated with the 2021 Compliance Evaluation Inspection, was addressed during the inspection, no penalty was assessed, and no further action was required.

Conservatively, even when extrapolating to what might be considered alleged violations related to “similar HWMR requirements” since Triad became a Permittee, Triad can identify only two such potentially similar requirements cited in association with the DOE-Triad generator hazardous waste

---

attempt to ascertain who in the organization had control and oversight responsibility from compliance with RCRA or other environmental laws”); Permit § 1.2 (defining management or operational authorities and responsibilities).

<sup>8</sup> See Permit § 1.2, *et seq.*

<sup>9</sup> EPA, RCRA Civil Penalty Policy 38 (June 2003). NMED’s Hazardous Waste Act Civil Penalty Policy (March 2017) “is consistent with the U.S. Environmental Protection Agency’s (EPA) June 2003 Resource Conservation and Recovery Act (RCRA) Civil Penalty Policy.” See also EPA, Enforcement Actions at Government-Owned Contractor Operated Facilities, Case #1 (Sept. 8, 1998) (noting enforcement actions should be brought against government contractors at a federal facility with “the ability to correct the violations” that are “within the contractor’s control”).

<sup>10</sup> See NMED, Fee Assessment and Approval Class 1 Permit Modification Request to Add a New Co-Operator (Sept. 7, 2018); DOE, Class 1 Permit Modification Request to Add a New Co-Operator (Aug. 16, 2018).

<sup>11</sup> See also Default Adjustment Factor Matrix, Appendix C to Hazardous Waste Act Civil Penalty Policy, noting that “[g]enerally only the same within the past 5 years are considered.”

<sup>12</sup> Additionally, the specific requirement cited in 20.4.1.300 NMAC was not applicable until 2018.

accumulation areas. However, both alleged violations were also included in settlement agreements whereby Triad did not agree to or admit liability and NMED covenanted not to take any administrative action against Triad under the HWA and HWMR for any of the facts or violations alleged.

Therefore, based on the foregoing, NNSA and Triad respectfully request that the “significant history of noncompliance with the same requirement of the Permit and/or similar HWMR requirements” finding be eliminated.<sup>13</sup>

### **History of Compliance:**

Despite the fact that Triad became the management and operating contractor of LANL in October 2018, and the fact that at Government-Owned, Contractor-Operated facilities it is the operator responsible for the assigned HWMUs and generator sites that properly bears the enforcement assessments, the NOV identifies alleged violations dating back to May 2013. NMED’s basis for identifying these alleged violations is not clear. Furthermore, the NOV portrays these alleged violations as fact, and asserts any civil penalty paid as purported confirmation of them. The NOV fails, however, to place these alleged violations in context. When placed in context, the pattern demonstrated is one of compliance.

The current configuration of Permittees, including Triad as LANL’s management and operating contractor, assumed their respective responsibilities across the Laboratory site in October 2018.<sup>14</sup> With respect to the DOE-Triad HWMUs and generator sites, all alleged violations preceding this assumption of responsibility are not only resolved, but are of no consequence to current operator permitting considerations. The Laboratory, or LANL, moreover, is not a Permittee, nor an operator, nor an owner, and LANL engaged in no noncompliance and paid no penalty.<sup>15</sup> At a Government-Owned, Contractor-Operated DOE site such as LANL, if any noncompliance occurred, it is the responsibility of the Permittee exercising control and oversight over the alleged action or inaction. It is not appropriate or permissible to attempt to assign responsibility for an alleged violation of a prior operator, or another covered Permittee responsible for specific assigned HWMUs, upon a Permittee who exercised no control or oversight over the particular action or inaction.<sup>16</sup> Accordingly, Triad addresses below only the alleged violations over which it exercises control or oversight, *i.e.*, that pertain to the DOE-Triad HWMUs and generator sites.

---

<sup>13</sup> NNSA and Triad acknowledge, *solely for purposes of this response*, that the Hazardous Waste Act Civil Penalty Policy (and the RCRA Civil Penalty Policy) is applicable guidance in implementing penalties pursuant to the New Mexico Hazardous Waste Act (and RCRA). NNSA and Triad, however, reserve the right to contend that the Hazardous Waste Act Civil Penalty Policy (or RCRA Civil Penalty Policy), and any penalties or adjustments made pursuant thereto, is inconsistent with the Hazardous Waste Act (or RCRA), or is otherwise arbitrary, capricious, or not in accordance with law.

<sup>14</sup> See *e.g.* NMED, Fee Assessment and Approval Class 1 Permit Modification Request to Add a New Co-Operator (Sept. 7, 2018); DOE, Class 1 Permit Modification Request to Add a New Co-Operator (Aug. 16, 2018).

<sup>15</sup> The NOV states multiple times that “LANL paid a civil penalty.” The Los Alamos National Laboratory, or LANL, paid no penalty. Penalties for alleged violations were paid by the Permittee responsible for the alleged violation as associated with specific permitted units associated with Permittee operations.

<sup>16</sup> See *e.g.* NMSA 1978 § 74-4-3(M) (defining person in penalty assessment context); NMED, Hazardous Waste Act Civil Penalty Policy (March 2017) (noting a violation results where “[a] person, as defined by the HWA, violates a different requirement of the HWA or HWMR” and history of noncompliance “refers to the violator’s previous compliance”); EPA, RCRA Civil Penalty Policy (June 2003) (noting a history of noncompliance looks “[w]here a party previously has violated federal or state environmental laws” and “[i]n making this determination, enforcement personnel should attempt to ascertain who in the organization had control and oversight responsibility from compliance with RCRA or other environmental laws”); Permit § 1.2 (defining management or operational authorities and responsibilities).

With respect to the November 2018 alleged violation referenced in the NOV, Triad self-reported that it had stored one hazardous waste container for 75-days over and a second container for 45-days over the 1-year storage time limit for the referenced DOE-Triad HWMUs. The alleged violation was formally resolved via settlement. Pursuant to that settlement, Triad did not agree to or admit liability and NMED covenanted not to take any administrative action against Triad under the HWA and HWMR for any of the facts or violations alleged.

With respect to the April 2019 hazardous waste inspection alleged violations referenced in the NOV, eleven alleged violations concerned Triad. NMED recognized that these were “potential violations” or “alleged violations.” The alleged violations arising from the April 2019 hazardous waste inspection were formally resolved via settlement. Pursuant to that settlement, NMED recognized that all actions required to maintain or restore compliance were completed and that payment of the civil penalty was not an admission, but rather a compromise and settlement of the alleged violations. Of the eleven alleged violations, three were not supported and NMED rescinded. The remaining eight alleged violations concerned issues that were promptly addressed and NMED agreed with the corrective actions.<sup>17</sup>

With respect to the August 2020 hazardous waste inspection alleged violations referenced in the NOV, four of the total alleged violations concerned DOE-Triad HWMUs or otherwise related to Triad. NMED recognized that these were “potential violations” or “alleged violations.” The alleged violations were formally resolved via settlement. Pursuant to the settlement, NMED recognized that all actions required to maintain or restore compliance were completed and that payment of the civil penalty was not an admission, but rather a compromise and settlement of the alleged violations. Of the four alleged violations, one was not supported and NMED rescinded. Regarding the first and second alleged violations that related to Triad, labels were promptly corrected on the date of the inspection<sup>18</sup> and NMED acknowledged the maintenance or restoration of compliance. Regarding the final alleged violation that related to Triad operations, concerning a self-reported *potential* noncompliance regarding six containers, Triad demonstrated that none of the six containers contained reactive hazardous waste prohibited from disposal at the Waste Isolation Pilot Plant. In other words, there was no reportable noncompliance. Triad, nevertheless, acknowledged internal process weaknesses and worked diligently to address and correct those weakness. Independent assessment of those corrective actions confirmed that the underlying issues had been appropriately addressed.

With respect to the June 2020 alleged violation referenced in the NOV, that concerned a reporting error that arose prior to the current configuration of Permittees and concerned no action or inaction of Triad. Nevertheless, Triad self-reported the alleged violation upon its discovery and instituted institutional changes to prevent any recurrence.<sup>19</sup>

With respect to the October 2021 hazardous waste inspection, the two alleged violations referenced in the NOV consisted of a 14-gallon poly container observed to have been left open with a funnel in the top in place of the lid and an unlabeled 50-ml vial and 1-gallon poly container. These were addressed at the time of the inspection and no further action was required.<sup>20</sup>

---

<sup>17</sup> See e.g. NOV Response – NNSA-Triad (LA-UR-19-29199) (Sept. 18, 2019).

<sup>18</sup> Response to Notice of Violation with Proposed Penalties (Oct. 26, 2022).

<sup>19</sup> NNSA and Triad, Statement of Position (June 24, 2020).

<sup>20</sup> NMED, Notice of Violation and Resolution (July 19, 2022).

With respect to the January 2022 event, the alleged violation did not concern any action or inaction of NNSA or Triad. Regardless, the violation was “alleged,” NMED acknowledged that all actions required to maintain or restore Permittees’ compliance were completed, and the civil penalty was paid in compromise and settlement of the alleged violation.

### Conclusion

NNSA and Triad are committed to excellence in environmental protection and compliance. Triad, as the management and operating contractor for LANL, exercises its management and control in compliance with the Permit and applicable environmental laws and regulations. Triad’s enduring commitment and compliance is demonstrated by its diligent efforts to avoid, and the immediate correction of, any potential noncompliance. NNSA and Triad respectfully request NMED’s consideration of the response and additional information provided above, and that alleged violation No. 5 be adjusted accordingly.

To schedule an informal conference to address this matter or if you have any questions concerning this response, please contact Robert A. Gallegos (NA-LA) at (505) 901-3824 or by email at [robert.gallegos@nnsa.doe.gov](mailto:robert.gallegos@nnsa.doe.gov) or Jason Hill (Triad) at (505) 551-2218 or by email at [jshill@lanl.gov](mailto:jshill@lanl.gov).

Sincerely,

STEVEN STORY Digitally signed by STEVEN  
STORY (Affiliate)  
Date: 2024.03.25 07:51:49  
-06'00'  
(Affiliate)

Steven L. Story  
Division Leader  
Environmental Protection and Compliance Division  
Triad National Security, LLC  
Los Alamos National Laboratory

Sincerely,

ROBERT GALLEGOS Digitally signed by  
ROBERT GALLEGOS  
Date: 2024.03.27  
16:13:36 -06'00'

Robert A. Gallegos  
Program Manager  
Environmental Permitting and Compliance Program  
National Nuclear Security Administration  
Los Alamos Field Office  
U.S. Department of Energy

SLS/RAG

Copy: Rick Shean, NMED-HWB, Santa Fe, NM, [rick.shean@env.nm.gov](mailto:rick.shean@env.nm.gov)  
Ricardo Maestas, NMED-HWB, Santa Fe, NM, [ricardo.maestas@env.nm.gov](mailto:ricardo.maestas@env.nm.gov)  
Aaron Coffman, NMED-HWB, Santa Fe, NM, [aaron.coffman@env.nm.gov](mailto:aaron.coffman@env.nm.gov)  
Neelam Dhawan, NMED-HWB, Santa Fe, NM, [neelam.dhawan@env.nm.gov](mailto:neelam.dhawan@env.nm.gov)  
Siona Briley, NMED-HWB, Santa Fe, NM, [siona.briley@env.nm.gov](mailto:siona.briley@env.nm.gov)  
Mitchell Schatz, NMED-HWB, Santa Fe, NM, [mitchell.schatz@env.nm.gov](mailto:mitchell.schatz@env.nm.gov)  
Theodore A. Wyka, NA-LA, [theodore.wyka@nnsa.doe.gov](mailto:theodore.wyka@nnsa.doe.gov)  
Stephen Hoffman, NA-LA, [stephen.hoffman@nnsa.doe.gov](mailto:stephen.hoffman@nnsa.doe.gov)  
Jason Saenz, NA-LA, [jason.saenz@nnsa.doe.gov](mailto:jason.saenz@nnsa.doe.gov)  
Karen E. Armijo, NA-LA, [karen.armijo@nnsa.doe.gov](mailto:karen.armijo@nnsa.doe.gov)  
M. Lee Bishop, NA-LA, [lee.bishop@nnsa.doe.gov](mailto:lee.bishop@nnsa.doe.gov)  
Robert A. Gallegos, NA-LA, [robert.gallegos@nnsa.doe.gov](mailto:robert.gallegos@nnsa.doe.gov)  
Brian Harcek, EM-LA, [brian.harcek@em.doe.gov](mailto:brian.harcek@em.doe.gov)  
Steven Coleman, Triad, ALDESHQ, [scoleman@lanl.gov](mailto:scoleman@lanl.gov)  
Jennifer Payne, ALDESHQ, [jpayn@lanl.gov](mailto:jpayn@lanl.gov)  
Jeannette T. Hyatt, Triad, EWP, [jhyatt@lanl.gov](mailto:jhyatt@lanl.gov)  
Steven L. Story, Triad, EPC-DO, [story@lanl.gov](mailto:story@lanl.gov)  
Deepika Saikrishnan, Triad, EPC-DO, [deepika@lanl.gov](mailto:deepika@lanl.gov)

Jessica L. Moseley, Triad, EPC-WMP, [jmoseley@lanl.gov](mailto:jmoseley@lanl.gov)  
Jason S. Hill, Triad, EPC-WMP, [jshill@lanl.gov](mailto:jshill@lanl.gov)  
Cecilia Trujillo, Triad, EPC-WMP, [ceciliat@lanl.gov](mailto:ceciliat@lanl.gov)  
Geri Martinez, Triad, EPC-WMP, [geri@lanl.gov](mailto:geri@lanl.gov)  
Christian Maupin, N3B, [christian.maupin@em-la.doe.gov](mailto:christian.maupin@em-la.doe.gov)  
[rcra-prr@lanl.gov](mailto:rcra-prr@lanl.gov)  
[eshq-dcrm@lanl.gov](mailto:eshq-dcrm@lanl.gov)  
[locatsteam@lanl.gov](mailto:locatsteam@lanl.gov)  
[epccorrespondence@lanl.gov](mailto:epccorrespondence@lanl.gov)  
[lasomailbox@nnsa.doe.gov](mailto:lasomailbox@nnsa.doe.gov)



**COPY**



**Environmental Protection and Compliance Division**

Los Alamos National Laboratory  
P.O. Box 1663, MS M969  
Los Alamos, NM 87545  
505-667-8160

**National Nuclear Security Administration**

Los Alamos Field Office  
3747 West Jemez Road, A316  
Los Alamos, NM 87544  
505-667-5794/Fax 505-606-5948



**Symbol:** EPC-DO-24-088

**Date:** March 27, 2024

**LA-UR:** 24-22579

Mr. Ricardo Maestas, Acting Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6313

**Subject: Response to Notice of Violation with Proposed Penalties, Los Alamos National Laboratory, EPA ID# NM0890010515, Fiscal Year 2023**

Dear Mr. Maestas:

The New Mexico Environment Department (NMED) issued a Notice of Violation with Proposed Penalties, dated February 13, 2024 (NOV),<sup>1</sup> to Permittees covered by the Los Alamos National Laboratory Hazardous Waste Facility Permit, EPA ID. No. NM0890010515 (Permit), arising from the November 14, 2022, Compliance Evaluation Inspection. The NOV addresses potential noncompliance under the Permit and NMED's hazardous waste management regulations, Title 20, Chapter 4, Part 1 of the New Mexico Administrative Code (NMAC). On behalf of the U.S. Department of Energy National Nuclear Security Administration (NNSA)<sup>2</sup> and Triad National Security, LLC (Triad),<sup>3</sup> this letter responds to the NOV allegations related to the singular DOE-Triad hazardous waste management regulation citation, enumerated as alleged violation No. 5.

---

<sup>1</sup> Triad received the NOV February 26, 2024. NMED approved a request to extend the response deadline to March 28, 2024.

<sup>2</sup> Established by Congress in 2000, pursuant to the National Nuclear Security Administration Act, DOE/NNSA is a semi-autonomous agency that is responsible for enhancing national security through the military application of nuclear science.

<sup>3</sup> Triad is comprised of three non-profit member entities, including Battelle Memorial Institute (a non-profit research and development organization with a mission of translating scientific discovery and technology advances into societal benefits), the University of California, and the Texas A&M University System. As a federally funded research and development center (FFRDC), the Laboratory aligns its strategic plan with priorities set by the DOE/NNSA and key national strategy guidance documents, and also executes work across other DOE and federal agency missions, including national security, science, and energy.