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**NEW MEXICO
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 27, 2019

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

Dear Ms. Pugh and Mr. Hintze:

On January 23, 2019, the New Mexico Environment Department ("NMED") received a verbal notification via telephone from Los Alamos National Laboratory ("LANL"), located at Bikini Atoll Road, SM-30, Los Alamos, New Mexico, ("Facility") concerning weather-related damage to Domes 229 and 230 located in Technical Area 54. The damage had been observed during a facility-conducted inspection on January 7, 2019, as required by the Facility's RCRA Hazardous Waste Permit ("Permit"). LANL provided additional information to NMED concerning the damaged domes in a letter dated March 5, 2019.

Upon review of the information, it has been determined that LANL has violated the New Mexico Hazardous Waste Management Regulations (“HWMR”), 20.4.1 New Mexico Administrative Code (“NMAC”), and Permit as specified below:

1. Failure to report, both orally and written, any non-compliance that may endanger human health and the environment, which is a violation of Permit Section 1.9.12. Specifically, LANL became aware of the non-compliance on January 7, 2019 but failed to verbally notify NMED until January 23, 2019. NMED considers damage to the domes a non-compliance and should have been reported to NMED officially both verbally and in writing pursuant to the requirements of the permit.

Corrective Action: LANL provided a written report on March 5, 2019; no further action is required.

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 and mitigate such deterioration or malfunction within 24 hours of discovery of the problem, which is a violation of Permit Section 2.6.2. Specifically, to date LANL has not repaired the damage to the domes.

Corrective Action: No later than April 5, 2019, a written description of actions taken by LANL to address the violation must be submitted. If the violation has not been addressed by April 5, 2019, a formal request for an extension for the repairs to the domes should be submitted by LANL to NMED that includes a schedule for implementation of corrective actions, including estimated completion dates. LANL must provide updates on the repairs of the domes on a monthly basis beginning April 5, 2019 if a request for extension is submitted.

Damage to the domes is considered a non-compliance; therefore, LANL must include the damage to the domes in its annual non-compliance report. These reports shall contain the information listed in Permit Section 1.9.12.2 and 40 CFR § 270.30(l)(10).

This Notice of Violation is considered an informal enforcement response in accordance with NMED’s Enforcement Response Protocol. Please be aware that any future substantial deviations from regulatory requirements may result in your Facility being considered for an elevated enforcement action. Also, be aware that any corrective action taken in response to this letter does not relieve LANL of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Janine Kraemer of my staff at 505-476-4372 or by email at janine.kraemer@state.nm.us. Please address any written response to the attention of Janine Kraemer at the address on the letterhead.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:jk

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