



NEW MEXICO
ENVIRONMENT DEPARTMENT



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FEB 03 2020

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Doug Hintze, Manager
Environmental Management
U.S. Department of Energy
Los Alamos Field Office
P.O. Box 1663 MS M984
Los Alamos, NM 87545

Michael Weis, Manager
National Nuclear Security Administration
Los Alamos Field Office
LANL MS-A316
3747 West Jemez Road
Los Alamos, NM 87544

**RE: REQUEST FOR SUPPLEMENTAL INFORMATION
TRU WASTE CONTAINERS STORED AT AREA G, TA-54
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-MISC**

Dear Messrs. Hintze and Weis:

The New Mexico Environment Department (NMED) has received the Department of Energy (DOE), Newport News Nuclear BWXT-Los Alamos (N3B) and Triad National Security LLC (Triad), collectively referred to as the Permittees' *Response to Request for Information Regarding TRU Waste Containers Stored at Area G, TA-54* (Response) dated and received December 17, 2019 and referenced by N3B-19-0413.

In NMED's request for information, dated September 23, 2019, NMED asked the Permittees to provide information about any additional containers which did not meet the Waste Acceptance Criteria (WAC) for the Waste Isolation Pilot Plant (WIPP) due to the potential presence of nitrates and organics. The Permittees did not address NMED's inquiry regarding additional containers that were not accepted by Central Characterization Program (CCP).

If there are any additional containers which have not been accepted due the potential presence of nitrates and organics, or incompatible wastes, please provide:

1. Any documentation associated with the characterization of the waste in each of these containers, including known or estimated quantities of potentially hazardous constituents/waste within the container;

2. the numbers assigned to the containers and dates of generation;
3. the specific location where the wastes were generated, including the technical area, building, room, glove box, etc.; and
4. the hazardous waste numbers (e.g., D002) if associated with these containers and the dates that those numbers were assigned to the containers.

In the table provided in Enclosure 1 of the Response, *Request for Information for Containers under Responsibility of EM-LA/N3B*, N3B states that additional characterization information would support the containers 55193, 55121, 56066 (original container numbers) being compliant with the Basis of Knowledge (BoK). Please provide documentation of CCP's final determination or acceptance to NMED as it becomes available, or a schedule for when the final determination will be made available to NMED.

For container S863122, the Current Status indicates that the container did not pass the BoK because the specific absorbent was not identified. NMED notes that the Permittees were aware in July-August of 2019, that these containers did not meet the WIPP WAC, and that NMED has already granted an additional 60-extension to provide information on these containers, on October 23, 2019. The Permittees must complete investigation of this container and provide the results to NMED within 30-days of the receipt of this letter.

In the table provided in Enclosure 2 of the Response, *Request for Information for Waste Containers Under Responsibility of NNSA/Triad at TA-54, Area G, Dome 49*; the Current Status provided by Triad indicates that containers 57457, 53700, 62450 (original container numbers) are currently being evaluated. The Permittees must complete investigation of these containers and provide the results to NMED within 30-days of the receipt of this letter.

The Permittees must provide a response within **30-days from the receipt of this letter**. The Permittees compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or to otherwise adequately justify any such failure to respond, may compel enforcement actions by NMED pursuant to Section 74-4-10 for the Hazardous Waste Act. The HWA provides for the imposition of civil penalties for noncompliance. Section 74-4-12 of the HWA provides that any person who violates any provision of the HWA "may be assessed a civil penalty to exceed ten thousand dollars (\$10,000) for each day during any portion of of which a penalty violation occurs". See also §§ 74-4-10(A) and (B).

The Permittees may claim confidentiality for information required by this information request pursuant to the requirements of section 74-4-4.3(D) and (F) for the HWA, and 20.4.100 NMAC (incorporating 40 CFR 260.2).

If you have any questions regarding this letter, please contact Siona Briley at (505) 476-6049.

Sincerely,



Kevin Pierard
Chief
Hazardous Waste Bureau

cc:

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File: 2020 LANL, LANL Permit, Supplemental Information Request Regarding TRU Waste Containers at TA-54, Area G

