



CERTIFIED MAIL - RETURN RECEIPT REQUIRED

September 9, 2022

Joseph Legare
Manager
Environment, Safety and Health
Newport News Nuclear BWXT-Los Alamos
1200 Trinity Drive, Suite 150
Los Alamos, NM 87544

Michael Mikolanis
Manager
DOE Environmental Management
Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, NM 87545

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

Dear Messrs. Legare and Mikolanis:

Beginning on December 28, 2021, the New Mexico Environment Department ("NMED") submitted an information request ("RFI") to Los Alamos National Laboratory ("LANL"), located at Bikini Atoll Road, SM-30, Los Alamos, New Mexico ("Facility"). 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 violation:

1. Failure to dispose of hazardous waste within 90-days or obtain a permit, which is a violation of 20.4.1.300 NMAC, incorporating CFR 262.17(a). Specifically, NMED

inspectors identified five 20-yd³ bins that had been accumulated for greater than ninety days. NMED Inspectors identified the following:

- a) Bin DB1694 was accumulated on July 6, 2021 and was disposed of on December 22, 2021 for 149 days.
- b) Bin 6122 was accumulated on August 24, 2021 and was disposed of on December 22, 2021 for 120 days.
- c) Bin 5410 was accumulated on October 18, 2021 and was disposed of on February 9, 2022 for 114 days.
- d) Bin 5959 was accumulated on September 7, 2021 and was disposed of on February 22, 2022 for 168 days.
- e) Bin DB1152 was accumulated on August 24, 2021 and was disposed of on February 24, 2022 for 184 days.

Corrective Action: The violations were corrected by February 24 2022.

NMED is requesting that LANL provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by LANL to address the violations described above or a schedule for implementation of corrective actions not yet completed.

In accordance with NMSA 1978, Section 74-4-10, NMED may: (1) issue a Compliance Order requiring compliance immediately or within a specified time period or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance for each violation, or both; or (2) commence a civil action in District Court for appropriate relief, including a temporary or permanent injunction.

Due to the nature and severity of the violations listed above, and LANL's past history of noncompliance with 20.4.1 NMAC, NMED will propose a civil penalty for these violations in a separate Notice of Proposed Penalty letter, which is a settlement privileged document.

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 Aaron Coffman of my staff at (505) 690-5211 or by email at aaron.coffman@state.nm.us.

Sincerely,

Rick Shean

Digitally signed by
Rick Shean
Date: 2022.09.09
10:58:37 -06'00'

Rick Shean
Bureau Chief, Acting CTAP Manager
Hazardous Waste Bureau

RS: ac

cc: Aaron Coffman, NMED HWB
Neelam Dhawan, NMED HWB
Thomas X. Vigil, NMED District II Manager (Acting)

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