NEW MEXICO ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 16, 2014

Charles F. McMillan, Director
Los Alamos National Laboratory
P.O. Box 1663, MS K499
Los Alamos, NM 87545

Kimberly Davis Lebak, Manager
Los Alamos Field Office
U.S. Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

RE: REQUEST FOR INFORMATION
MANAGEMENT OF WASTE
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515

Dear Mr. McMillan and Ms. Davis Lebak:

Pursuant to NMSA 1978, Section 74-4-4.3(A) (2001) of the New Mexico Hazardous Waste Act ("HWA"), the New Mexico Environment Department (NMED) hereby requests that the United States Department of Energy (DOE) and Los Alamos National Security, L.L.C. (collectively the Permittees) provide NMED the below-listed information concerning activities associated with the Los Alamos National Laboratory (LANL) no later than July 3, 2014.

Section 74-4-4.3(A) provides that "[f]or the purposes of developing or assisting in the development of any rules, conducting any study, taking any corrective action or enforcing the provisions of the Hazardous Waste Act, upon request of the secretary or his authorized representative, any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes...."

On or about May 22, 2014, NMED obtained a report produced by Energy Solutions that included several emails indicating that the Permittees have been neutralizing waste during the processing of transuranic (TRU) mixed waste at the WCCRF located at Technical Area (TA) 50. A May 17, 2014, memorandum included in the report states: "Attached is information related to the acid and base neutralizers that were used in TRU processing. These neutralizers were used for multiple

solution packages whenever neutralization was required." The attached information referenced in the email indicates the following:

1. prior to September 2013 the Permittees used *Chemtex Acid Neutralizer – Dry Formula* to neutralize acid waste;
2. after September 2013 the Permittees used *Spilfyter Kolorsafe Acid Neutralizer – Liquid Formula* to neutralize acid waste;
3. prior to April 2013 the Permittees used *Spilfyter Kolorsafe Benchtop Kits* to neutralize basic waste; and
4. after April 2013 the Permittees used *Pig Base Encapsulating Neutralizer – Dry Formula* to neutralize basic waste.

Invoices included in the report indicate that the Permittees purchased "ACID POLYMER 5 GAL PAIL 40LBS" from Chemtex as far back as June 2012.

On May 29, 2014, the Permittees submitted to NMED a revised *LANL Nitrate Salt-Bearing Waste Container Isolation Plan* ("Isolation Plan"). The Isolation Plan included an attachment titled, *Summary of Evaluation and Identification of LANL Nitrate Salt Containers* (LA-UR-14-23807). Page 7 of this attachment states: "[t]he processes of waste sorting, neutralization, absorption of liquids, and waste repackaging created remediation daughters that expanded the population [of] nitrate or suspected nitrate salts to seven hundred and seven (707) containers, as summarized in Table 4."

On or about May 30, 2014, NMED obtained LANL procedure EP-WCRR-WO-DOP-0233, *WCRRF Waste Characterization Glovebox Operations*, *Revision 37*. Sections 10.3[3][E] and [5][C] of this procedure, regarding disposition of liquids identified in containers, directs operators to "**NEUTRALIZE** the liquid, as necessary."

40 CFR § 260.10 defines treatment as "any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition or any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume."

To ensure that the Permittees are managing waste in compliance with the LANL Hazardous Waste Facility Permit; the HWA; and the Hazardous Waste Management Regulations, 20.4.1 NMAC, the NMED hereby requests that the Permittees furnish the following information:

1. The current version of standard operating procedures (SOPs) used for packaging waste, for repackaging waste, for absorbing liquids, and for neutralizing waste at all LANL facilities, including but not limited to, the following facilities: TA-50-69; TA-54, Area G, Dome 231 and 375, and Building 412; and TA-55-4.

2. A list of all LANL locations where hazardous waste, mixed waste, and non-hazardous TRU or low level radioactive waste is generated. These locations shall be inclusive of all current waste generation sites and all sites generating waste post 1979.

3. A list of all current LANL and Central Characterization Project (CCP) SOPs related to the generation and management of waste at all LANL locations, including, but not limited to: generation processes; hazardous waste determinations; assignment of EPA hazardous waste codes; waste characterization; packaging, repackaging, and other processing activities; treatment (e.g., neutralization, cementation); and storage (e.g., labeling, venting, aisle spacing, segregation of incompatible wastes, storage of liquids). The list shall include SOPs by descriptor and by unique document number.

After reviewing the lists referenced above, NMED may request additional information specific to the listed items.

Your compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or adequately justify such failure to respond, may result in an enforcement action by NMED pursuant to Section 74-4-10 of the HWA. 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 HWA "may be assessed a civil penalty not to exceed ten thousand dollars ($10,000) for each day during any portion of which a violation occurs." *See also* Sections 74-4-10(A) and (B) of the HWA. The HWA also provides for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with Section 74-4-11(A)(3) of the HWA.

The Permittees may claim confidentiality for any information required by this information request pursuant to the requirements of Sections 74-4-4.3(D) and (F) of the HWA, and 20.4.1.100 NMAC (incorporating 40 CFR 260.2).

The Permittees must submit their response to me at the address on the letterhead by July 3, 2014. If you have any questions regarding the information request, please contact John Kieling at (505) 476-6035, or Steve Pullen at (505) 476-6044.

Sincerely,

for Ryan Flynn
Secretary
New Mexico Environment Department

cc: T. Blaine, Director NMED EHD
J. Kendall, NMED OGC
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File: Reading and LANL 2014 – RCRA Info Request, Management of Waste