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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 5, 2020

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

Mr. Thomas Johnson
Acting Manager
U.S. Department of Energy
Los Alamos Field Office
PO Box 1663, LANL MS M984
Los Alamos, NM 87545

**Re: DEMAND FOR PENALTY
FEDERAL FACILITIES COMPLIANCE ORDER
LOS ALAMOS NATIONAL LABORATORY
EPA ID # NM0890010515**

Dear Messrs. Weis and Johnson:

The New Mexico Environment Department (“NMED”) is hereby notifying the U.S. Department of Energy National Nuclear Security Administration (“NNSA”) and Triad National Security (“Triad”) of repeat violations of the 1995 Federal Facility Compliance Order (“FFCO”) and a demand for a civil penalty of \$303,600.

Per Section XXII of the FFCO, if NNSA or Triad “fail to comply with the obligations of [the FFCO], NMED may assess a civil penalty as provided for pursuant to the HWA.” Accordingly, NMED calculated the civil penalty in accordance with NMSA 1978, Section 74-4-10 and HWB Civil Penalty Policy dated March 2017.

Specifically, NNSA and Triad repeatedly failed to submit FFCO Site Treatment Plan (“STP”) waste shipment information to NMED within 45 days as required by Section 3.1.8(B) of the STP in violation of FFCO Section VI, for the following shipments:

- a. May 23, 2017, one (1) waste container from Waste Activity 3.3.4, Waste Treatability Group: LA-W935; 360 working days past due;
- b. August 17, 2017, one (1) waste container from Waste Activity 3.3.4, Waste Treatability Group: LA-W935; 300 working days past due;

- c. September 13, 2017, one (1) waste container from Waste Activity 3.3.4, Waste Treatability Group: LA-W935; 282 working past due;
- d. March 20, 2018, with a total of seven (7) waste containers from Waste Activity 3.3.4 (B and C), Waste Treatability Group: LA-W935 10-100 nCi/g; 395 working days past due;
- e. March 23, 2018, with a total of six (6) waste containers total, two from Waste Activity 3.1.5, Waste Treatability Group: LA-W921 Activated or Inseparable Lead, and four from 3.1.5, Waste Treatability Group: LA-W935 10-100 nCi/g; 392 working days past due;
- f. April 20, 2018, with one (1) container from Waste Activity 3.1.5, Waste Treatability Group: LA-W921 Activated or Inseparable Lead; 372 working days beyond past due;
- g. July 21, 2018, with one (1) container from Waste Activity 3.1.11, Waste Treatability Group: LA-W907 Halogenated Organic Liquid; 308 working days past due; and
- h. August 30, 2018, with two (2) containers from Waste Activity 3.1.2, Waste Treatability Group: LA-W904 Solids with Heavy Metals; 280 working days past due.

The listed violations are identical to violations of the same FFCO requirement noted by NMED in correspondence dated December 28, 2011, January 2, 2014, and May 15, 2015. As a permittee, please be aware that pursuant to NMSA 1978, Section 74-4-4.2(D), the Secretary may deny any permit application or modify, suspend or revoke any permit issued pursuant to the Hazardous Waste Act. Such factors include your history of non-compliance with applicable requirements and regard for state and federal environmental laws.

Pursuant to the NMED Delegation Order dated January 15, 2020, the Cabinet Secretary has delegated the authority to issue this demand for penalty under the Hazardous Waste Act to the Director of the Resource Protection Division. If you have questions about the civil penalty assessment, please contact Kevin Pierard, at 505-476-6035 or kevin.pierard@state.nm.us Please submit the payment of the penalty to Charlotte Duran at the address on the letterhead.

Sincerely,



Stephanie Stringer, Director
Resource Protection Division

Cc: K. Pierard, HWB NMED
N. Dhawan, NMED
J. Kraemer, NMED
L. King, US EPA Region 6
A. Duran, EM-LA

E. Churchill, EM-LA
P. Maggiore, NA-LA
K. Armijo, NA-LA
S. Story-Hughes, NA-LA
A. Nash, NA-LA
A. Millensted, Triad
A. Stone, N3B
E. Day, N3B
P. Maestas, N3B