



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

**VIA ELECTRONIC DELIVERY
AND CERTIFIED MAIL**

June 9, 2025

Theodore Wyka, Manager
National Security Administration
Los Alamos National Laboratory
3747 West Jemez Road, A 316
Los Alamos, New Mexico 87544

Steven Coleman, Associate Director
Triad National Security, LLC
Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, New Mexico 87545

**RE: TEMPORARY AUTHORIZATION
HAZARDOUS WASTE FACILITY PERMIT
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-19-033**

Dear Mr. Wyka and Mr. Coleman:

On April 4, 2025, the New Mexico Environment Department (NMED) received the United States Department of Energy (DOE) and its field office, the National Nuclear Security Administration Los Alamos Field Office (NA-LA) in association with Triad National Security, LLC (Triad), (collectively referred to as the Permittees) *Notification of Planned Start of a Temporary Authorization Request Waste Management Activity* (Notification) referenced LA-UR-25-21806.

While NMED understands that a technical solution is necessary for the protection of public health and the environment and given significant public interest in this matter, NMED is requiring the Permittees to perform additional steps, as described in this letter, prior to making a final decision regarding the requested temporary authorization.

Background:

On June 18, 2019, the Permittees submitted the *Temporary Authorization Request for Waste Treatment, Storage, and Repacking, Los Alamos Hazardous Waste Facility Permit* (Request) referenced by EPC-DO-19-0176/LA-UR-19-24513. On July 11, 2019, NMED determined that the Request was administratively complete. On March 9, 2020, the Permittees submitted *Withdrawal and Resubmittal of a Temporary Authorization Request for Waste Treatment, Storage, and Repackaging* (Resubmittal).

The Permittees submitted the Request for the temporary authorization to treat, store, and repackage four containers at Technical Area (TA) 54, Area G, Pad 5, building 1028 and TA-16, building 205, Rooms 116 and 122. These four flanged tritium waste containers (FTWCs) were packaged at the Weapons Engineering Treatment Facility (WETF) in 2007 and sent to TA-54 for onsite disposal. During a subsequent audit, DOE determined that these containers could not be disposed of at TA-54 because they contain lead squibs that change the waste designation to low level mixed waste containers subject

to RCRA regulations. The four FTWC containers do not meet U.S. Department of Transportation requirements under 49 CFR part 173 and cannot be transported to an off-site facility due to the potential explosive hazard caused by the pressurized conditions that can result from the radiolysis of tritiated water. To be able to transport the FTWC containers, pressure mitigation must be performed by releasing the pressure from the FTWCs, sampling, and capturing all radioactive gas at TA-54. Following this process, DOE will relocate the containers to TA-16 for additional storage, controlled depressurization, sorting, and then repackaging for final disposal.

Temporary Authorization Prerequisites:

While NMED finds that the Permittees request is consistent with the applicable requirements of 40 CFR §270.42(e), which allows for NMED to consider granting approval of the temporary authorization of a Class 2 modification meeting the criteria in §270.42(e)(3)(ii), there is significant public interest in this matter. Therefore, NMED will not act on the temporary authorization request until the following criteria are successfully met by the Permittees:

1. Independent Technical Review. The Permittees shall obtain an independent, third-party technical review for alternative options for the depressurization of the FTWCs. The independent, third-party technical review report shall be provided to the U.S. Environmental Protection Agency (EPA) Region 6 and the NMED. Such a report shall be a matter of public record and made available to the public on the Permittees website.
2. Public Meeting. The Permittees shall host a public meeting for interested stakeholders. The meeting must include a review of the independent, third-party technical review for alternative options; the preferred treatment process; and a discussion of the safety mechanisms and contingencies that will be utilized to ensure the protection of human health and the environment during operations. The public meeting must provide an opportunity for the public to ask questions and receive answers or to provide comments for the consideration by the Permittees. The Permittees shall provide at least seven (7) business days of public notice prior to hosting the public meeting and shall provide reasonable accommodation for meaningful participation.
3. Tribal Consultation. The Permittees shall host a tribal consultation with interested tribal governments related to the independent, third-party technical review for alternative options; the preferred treatment process; and a discussion of the safety mechanisms and contingencies that will be utilized to ensure the protection of human health, environment, and cultural practices. This is in addition to any tribal consultation conducted by the NMED.
4. Compliance Audit. The Permittees shall retain an independent third-party auditor to conduct a hazardous waste compliance audit of its operations. The independent, third-party auditor review report shall be provided to NMED. Such a report shall be a matter of public record and made available to the public on the Permittees website.

Upon completion of the criteria listed above, the Permittees may submit a revised request for temporary authorization to NMED for consideration. NMED will reconsider the revised request for

June 9, 2025

temporary authorization at that time. The revised request for a temporary authorization shall include the following certification signed by a responsible official representing DOE, NNSA, and Triad (or any other contractor):

"I certify under penalty of law that the temporary authorization and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

In closing, the historical gross mismanagement of these waste streams by DOE and NNSA have placed NMED in an untenable situation. Now, the risk of inaction poses a far greater threat than a technical solution, but no technical solution is free from risk. Your disregard of state laws and rules governing these wastes for almost 20 years greatly exacerbated this situation and put New Mexicans, tribal communities, and our environment at risk. Given your failure to comply with New Mexico Hazardous Waste Act and its regulations codified at 20.4.1 of the New Mexico Administrative Code, you are hereby notified that NMED is separately commencing a civil enforcement action pursuant to this matter.

If you have any questions regarding this letter, please contact JohnDavid Nance of my staff at (505) 629-6764 or via email at jd.nance@env.nm.gov.

Sincerely,



James C. Kenney
Cabinet Secretary

CC:

Scott Mason, Regional Administrator, U.S. EPA Region 6

Josett Monette, Cabinet Secretary, New Mexico Department of Indian Affairs

Christopher Moquino, Chairman, Eight Northern Indian Pueblos Council, Governor, San Ildefonso Pueblo

James Mountain, Chairman, All Pueblo Council of Governors

JohnDavid Nance, Chief, Hazardous Waste Bureau, NMED