

**Violation # 1**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents failed to obtain a permit to treat hazardous wastes in violation of 20.4.1.900 NMAC, 40 C.F.R. § 270.1(c) when Respondents neutralized liquid from 232 containers that had multiple EPA HWNs, and therefore Respondents were not qualified or authorized to neutralize hazardous waste pursuant to the elementary neutralization exemption at 20.4.1.500 NMAC, which incorporated 40 C.F.R. §264.1(g)(6).

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Location: TA-50-69

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**PENALTY AMOUNT:**

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		232
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	2,320,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	2,615,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	915,250
12.	Economic benefit penalty .....		
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	3,530,250

**Violation # 2**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents failed to obtain a permit to treat hazardous wastes, in violation of 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.1(c) when Respondents failed to add absorbent to hazardous waste at the time the waste was first placed into the 672 containers; and, therefore, Respondents were not qualified or authorized to operate under the absorption exemption at 20.4.1.500 NMAC, which incorporated 40 C.F.R. §264.1(g)(10).

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Location: TA-50-69

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**PENALTY AMOUNT:**

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		672
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	6,720,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	7,015,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	2,455,250
12.	Economic benefit penalty .....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	9,470,250

**Violation # 3 and 4**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: #3: The Permittees' treatment of hazardous waste in a storage unit not authorized by the Permit for treatment, in violation of 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.1(c).

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#4: Respondents failed to confine waste treatment to only those units which Respondents had proposed as treatment units in their Permit Application in violation of Permit Section 2.2.

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Location: TA-50-69

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PENALTY AMOUNT:

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		2
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	20,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c .....	\$	315,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	110,250
12.	Economic benefit penalty .....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	425,250

**Violation # 5**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents failed to submit a permit modification request to treat waste at TA-50-69 in violation of 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.42. (Associated applicable requirement - PC 1.6.2)

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Location: TA-50-69

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**PENALTY AMOUNT:**

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		2
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	20,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	315,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	110,250
12.	Economic benefit penalty .....	\$	19,649
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	444,899

**Violation # 6 and 7**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: # 6: Respondents failed to notify NMED in writing within 30 days of discovery of the deviation from the information contained in the Application which caused Respondents to be out of compliance with the Permit in violation of Permit Section 1.5. (Associated applicable requirements - PCs 1.9.14 and 1.9.15 and 40 CFR §§ 270.30(l)(11) and 270.43(a)(2))

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# 7: Respondents failed to notify NMED that they did not submit relevant facts in their permit application or otherwise Respondents submitted incorrect information in their permit application in violation of Permit Sections 1.9.15. (Associated applicable requirement - 40 CFR § 270.30(l)(11))

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Location: TA-50-69

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PENALTY AMOUNT:

1.	Gravity based penalty from matrix	\$	10,000
	(a) Potential for harm		major
	(b) Extent of deviation		major
	(c) Number of counts		2
2.	Multiple count adjustment (multiply line 1 by counts)	\$	20,000
3a	Multiday penalty from matrix	\$	5,000
3b	Days of noncompliance (or other appropriate number)		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a)	\$	295,000
4a	Multiday penalty from matrix		
4b	Days of noncompliance (or other appropriate number)		0
4c	Multiday adjustment (multiply line 4b by line 4a)	\$	-
5a	Multiday penalty from matrix		
5b	Days of noncompliance (or other appropriate number)		0
5c	Multiday adjustment (multiply line 5b by line 5a)	\$	-
6.	Add lines 2, 3c, 4c, and 5c.	\$	315,000
7.	Percent increase/decrease for good faith		5%
8.	Percent increase for willfulness/negligence		15%
9.	Percent increase for history of noncompliance		15%
10.	Total percentage (add lines 7 through 9)		35%
11.	Multiply line 6 by line 10	\$	110,250
12.	Economic benefit penalty	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation	\$	425,250

**Violation # 8**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents failed to provide NMED advanced written notice that they were going to treat hazardous waste at TA-50-69 in violation of Permit Section 1.9.11. (Associated applicable requirement - 40 CFR § 270.30(I)(2))

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Location: TA-50-69

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PENALTY AMOUNT:

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		2
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	20,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	315,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	110,250
12.	Economic benefit penalty .....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	425,250

**Violation # 9**

Facility: Los Alamos National Laboratory

Date violation observed: July 1, 2014

Citation/Violation: Respondents failed to provide NMED an opportunity to inspect the modified unit to ensure Respondents complied with the Permit in violation of Permit Section 1.9.21.

(Associated applicable requirements - 40 CFR §§ 270.30(l)(2)(i) and (ii), and 270.42)

Location: TA-50-69

PENALTY AMOUNT:

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		2
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	20,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	315,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	110,250
12.	Economic benefit penalty .....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	425,250

**Violation # 10**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents accepted waste streams for storage and treatment at permitted units at the Facility that were not fully characterized in violation of Permit Section 2.4.1. (Associated applicable requirement - PC C.3.2)

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Location: TA-50-69

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**PENALTY AMOUNT:**

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		4
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	40,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	335,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	117,250
12.	Economic benefit penalty .....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	452,250



**Violation # 11-14**

Facility: Los Alamos National Laboratory

Date violation observed: July 1, 2014

Citation/Violation: #11: Respondents failed to ensure that initial characterization of waste stream LA-MIN02-V.001, LA-CIN01.001, LA-MIN04-S.001, and LA-MHD01.001 was reviewed or repeated to verify that the characterization was accurate and updated in violation of Permit Section 2.4.7.

(Associated applicable requirement - 40 CFR § 264.13(b)(4))

#12: Respondents failed to reevaluate annually waste streams LA-MIN02-V.001, LA-CIN01.001, LA-MIN04-S.001, and LA-MHD01.001, to verify the accuracy of initial and subsequent characterization results in violation of Permit Section 2.4.7(1).

#13: Respondents failed to reevaluate waste streams LA-MIN02-V.001, LA-CIN01.001, LA-MIN04-S.001, and LA-MHD01.001 to assess the accuracy of the initial waste characterization regarding EPA HWN assignments in violation of Permit Section 2.4.7(2).

#14: Respondents failed to perform reevaluation of initial characterization information and annual verification of waste streams LA-MIN02-V.001, LA-CIN01.001, LA-MIN04-S.001, and LA-MHD01.001 in violation of Permit Attachment C, Section C.3.

Location: TA-50-69

PENALTY AMOUNT:

1.	Gravity based penalty from matrix	\$	10,000
	(a) Potential for harm		major
	(b) Extent of deviation		major
	(c) Number of counts		92
2.	Multiple count adjustment (multiply line 1 by counts	\$	920,000
3a	Multiday penalty from matrix		
3b	Days of noncompliance (or other appropriate number)		0
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a	\$	-
4a	Multiday penalty from matrix		
4b	Days of noncompliance (or other appropriate number)		0
4c	Multiday adjustment (multiply line 4b by line 4a	\$	-
5a	Multiday penalty from matrix		
5b	Days of noncompliance (or other appropriate number)		0
5c	Multiday adjustment (multiply line 5b by line 5a	\$	-
6.	Add lines 2, 3c, 4c, and 5c	\$	920,000
7.	Percent increase/decrease for good faith		5%
8.	Percent increase for willfulness/negligence		15%
9.	Percent increase for history of noncompliance		15%
10.	Total percentage (add lines 7 through 9)		35%
11.	Multiply line 6 by line 10	\$	322,000
12.	Economic benefit penalty	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation	\$	1,242,000

**Violation # 15**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents unlawfully mixed incompatible wastes (nitrate salts) and organic materials (organic kitty litter and organic neutralizers) in the same container in violation of Permit Condition 2.8 and 20.4.1.500 NMAC, both incorporating 40 C.F.R. § 264.177(a).

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Location: TA-50-69

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PENALTY AMOUNT:

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		672
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	6,720,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	7,015,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	2,455,250
12.	Economic benefit penalty .....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	9,470,250

**Violation # 16**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents failed to exercise reasonable and necessary precautions during treatment or storage of ignitable or reactive waste, mixing of incompatible waste, or mixing of incompatible wastes and other materials to prevent reactions which could generate or result in extreme heat, gas pressure, fire, explosions, or dangerous chemical reactions which Respondents knew or should have known could harm human health or the environment in violation of Permit Sections 2.8 (1) and (5), incorporating 40 C.F.R § 264.17(b).

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Location: TA-50-69

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PENALTY AMOUNT:

1.	Gravity based penalty from matrix	.....	\$	10,000
	(a) Potential for harm	.....		major
	(b) Extent of deviation	.....		major
	(c) Number of counts	.....		672
2.	Multiple count adjustment (multiply line 1 by counts)	.....	\$	6,720,000
3a	Multiday penalty from matrix	.....	\$	5,000
3b	Days of noncompliance (or other appropriate number)	.....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a)	.....	\$	295,000
4a	Multiday penalty from matrix	.....		
4b	Days of noncompliance (or other appropriate number)	.....		0
4c	Multiday adjustment (multiply line 4b by line 4a)	.....	\$	-
5a	Multiday penalty from matrix	.....		
5b	Days of noncompliance (or other appropriate number)	.....		0
5c	Multiday adjustment (multiply line 5b by line 5a)	.....	\$	-
6.	Add lines 2, 3c, 4c, and 5c	.....	\$	7,015,000
7.	Percent increase/decrease for good faith	.....		5%
8.	Percent increase for willfulness/negligence	.....		15%
9.	Percent increase for history of noncompliance	.....		15%
10.	Total percentage (add lines 7 through 9)	.....		35%
11.	Multiply line 6 by line 10	.....	\$	2,455,250
12.	Economic benefit penalty	.....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation	.....	\$	9,470,250

**Violation # 17**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents failed to provide an oral report within 24 hours after the time they knew or should have known of the noncompliance which endangered human health or the environment in violation of Permit Section 1.9.12.1. (Associated applicable requirement - 40 CFR § 270.30(l)(6)(i))

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Location: TA-50-69

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PENALTY AMOUNT:

1.	Gravity based penalty from matrix .....	\$	10,000
	(a) Potential for harm .....		major
	(b) Extent of deviation .....		major
	(c) Number of counts .....		1
2.	Multiple count adjustment (multiply line 1 by counts) .....	\$	10,000
3a	Multiday penalty from matrix .....	\$	5,000
3b	Days of noncompliance (or other appropriate number) .....		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a) .....	\$	295,000
4a	Multiday penalty from matrix .....		
4b	Days of noncompliance (or other appropriate number) .....		0
4c	Multiday adjustment (multiply line 4b by line 4a) .....	\$	-
5a	Multiday penalty from matrix .....		
5b	Days of noncompliance (or other appropriate number) .....		0
5c	Multiday adjustment (multiply line 5b by line 5a) .....	\$	-
6.	Add lines 2, 3c, 4c, and 5c.....	\$	305,000
7.	Percent increase/decrease for good faith .....		5%
8.	Percent increase for willfulness/negligence .....		15%
9.	Percent increase for history of noncompliance .....		15%
10.	Total percentage (add lines 7 through 9) .....		35%
11.	Multiply line 6 by line 10 .....	\$	106,750
12.	Economic benefit penalty .....	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation .....	\$	411,750

**Violation # 18**

Facility: Los Alamos National Laboratory

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Date violation observed: July 1, 2014

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Citation/Violation: Respondents failed to provide a written report within five days after they knew or should have known of the noncompliance that endangered human health or the environment in violation of Permit Section 1.9.12.2. (Associated applicable requirement - 40 CFR § 270.30(I)(6)(iii))

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Location: TA-50-69

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PENALTY AMOUNT:

1.	Gravity based penalty from matrix	\$	10,000
	(a) Potential for harm		major
	(b) Extent of deviation		major
	(c) Number of counts		1
2.	Multiple count adjustment (multiply line 1 by counts)	\$	10,000
3a	Multiday penalty from matrix	\$	5,000
3b	Days of noncompliance (or other appropriate number)		60
3c	Multiday adjustment (multiply line 3b minus 1 by line 3a)	\$	295,000
4a	Multiday penalty from matrix		
4b	Days of noncompliance (or other appropriate number)		0
4c	Multiday adjustment (multiply line 4b by line 4a)	\$	-
5a	Multiday penalty from matrix		
5b	Days of noncompliance (or other appropriate number)		0
5c	Multiday adjustment (multiply line 5b by line 5a)	\$	-
6.	Add lines 2, 3c, 4c, and 5c	\$	305,000
7.	Percent increase/decrease for good faith		5%
8.	Percent increase for willfulness/negligence		15%
9.	Percent increase for history of noncompliance		15%
10.	Total percentage (add lines 7 through 9)		35%
11.	Multiply line 6 by line 10	\$	106,750
12.	Economic benefit penalty	\$	-
13.	Add lines 6, 11, and 12 for total penalty amount for this violation	\$	411,750