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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 13 1995

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Mr. Larry D. Kirkman, P.E.
Acting Area Manager
Los Alamos Area Office
U.S. Department of Energy
Los Alamos, NM 87544

Dear Mr. Kirkman:

By your letter dated December 23, 1994, you proposed a modification to the Federal Facility Compliance Agreement (FFCA) between the U.S. Department of Energy (DOE) and the U.S. Environmental Protection Agency (EPA) related to the Resource Conservation and Recovery Act (RCRA) land disposal restriction requirements applicable to mixed waste at the Los Alamos National Laboratory (LANL).

In particular, you requested that the current text of Milestone CAI 200, which requires that a trial burn of the Controlled Air Incinerator be completed by February 13, 1995, be replaced with a requirement that DOE perform a RCRA Destruction and Removal Efficiency (DRE) verification for the Controlled Air Incinerator at least 30 days prior to resuming treatment operations at the facility.

EPA is unwilling to agree to your request to substitute a RCRA DRE verification for a trial burn of the Controlled Air Incinerator. We agree, however, that it may be appropriate to negotiate a modification to the FFCA to adjust the timing of the trial burn. EPA proposes that a meeting of representatives from EPA and DOE be held within the next two weeks to discuss such a modification.

Pursuant to Section XIV, Paragraph 4 of the FFCA, EPA is specifically waiving the requirement that DOE comply with Milestone CAI 200 pending the completion of negotiations related



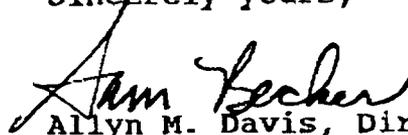
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to your proposed modification. This waiver will remain in effect until a modification has been approved by the parties pursuant to Section XIV of the FFCA or until further notice from EPA. This waiver applies only to Milestone CAI 200. All other requirements of the FFCA remain in effect.

If you have any questions or comments regarding this issue, or to request a time and date for a meeting, please call Dr. Joel Dougherty of my RCRA Enforcement Staff at (214) 665-2281.

Sincerely yours,


Allyn M. Davis, Director 
Hazardous Waste Management Division

cc: Mr. Benito Garcia
New Mexico Environment Department