



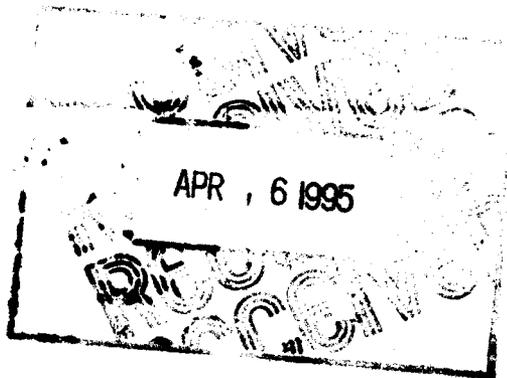
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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



MAR 31 1995

7A-50



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 March 10, 1995, 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).

You proposed that the current requirements related to the Controlled Air Incinerator (CAI) be deleted, specifically CAI Milestones CAI 100, CAI 200, and CAI 300. You requested that the table at the top of page 15 of the Compliance Plan be deleted. You also proposed language to replace the last paragraph on page 14 of the Compliance Plan.

EPA agrees in principle to your proposed modification to the FFCA to adjust the timing of the trial burn until after a decision is made whether or not to use the unit. However, EPA requests that you address the following concerns.

The Milestones CAI 200 and CAI 300 are interrelated to many of the other milestones: HLL 100, HLL 200, TRU 100, HW 600 and OSS 200. The Region requests that you provide a concise assessment of the effect deleting the CAI milestones will have on these other milestones.



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Although the CAI was not scheduled to treat a large percentage of LANL's total mixed waste, the unit was identified as a key component for the treatment of certain classes of mixed wastes. Deleting the CAI from the array of treatment technologies may have a negative impact on the amount of time needed to work off LANL's mixed waste backlog.

The Region is very sensitive to any delay in treatment of mixed wastes. The Region requests that you provide a brief, but cogent assessment of the impact of deleting the CAI from the treatment train. The assessment should clearly identify total volumes of waste involved, the effect on timeliness (duration) of the treatment schedules, known/proven alternatives to incineration, and the potential to use similar offsite units (commercial facilities or other DOE incinerators - Savannah River Site).

If the Record of Decision provides for the use of the CAI, there must be an enforceable mechanism to ensure compliance with the guidance presented in EPA'S Strategy for Hazardous Waste Minimization and Combustion (copy enclosed). EPA is especially concerned that the elements of Indirect Risk Assessment and Public Involvement be an integral part of the permitting process for the CAI mixed waste operations. It may be possible to integrate these goals into the Site-Wide Environmental Impact Study.

It is extremely important that LANL work closely with the New Mexico Environment Department (NMED) in securing the necessary permitting approval. The FFCA does not override NMED's authority to permit the CAI. In this regard, EPA requests that you add language to the modification that will ensure the Region is copied on all correspondence and submittals required by NMED for permitting the CAI.

EPA proposes that DOE/LANL submit modification language to be incorporated into the FFCA which addresses the concerns presented in the previous paragraphs and integrates the components of EPA's Strategy for Hazardous Waste Minimization and Combustion. Please submit these responses to the Region for review within the next 30 days. We recommend a conference call within the next 10 days so that appropriate staff can work out the details of the Modification. If necessary, a meeting of representatives from EPA and DOE can be held to discuss the issue.

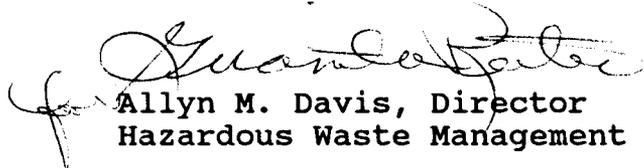
Please send your modification language and all requested assessments to:

Joel M. Dougherty, Ph.D.
ALONM Section (6H-CS)
RCRA Enforcement Branch
Hazardous Waste Management Division
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202

Pursuant to Section XIV, Paragraph 4 of the FFCA, EPA is continuing the waiver of the requirement that DOE comply with Milestone CAI 200 pending the completion of negotiations related 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 technical questions or comments regarding this issue, or need to request a time and date for a conference call (or meeting), please call Dr. Joel Dougherty of my RCRA Enforcement Staff at (214) 665-2281. Legal questions should be directed to Mr. Michael Barra of the Office of Regional Counsel at (214) 665-2143.

Sincerely yours,


Allyn M. Davis, Director
Hazardous Waste Management Division

Enclosure

cc: ↓ Mr. Benito Garcia
New Mexico Environment Department