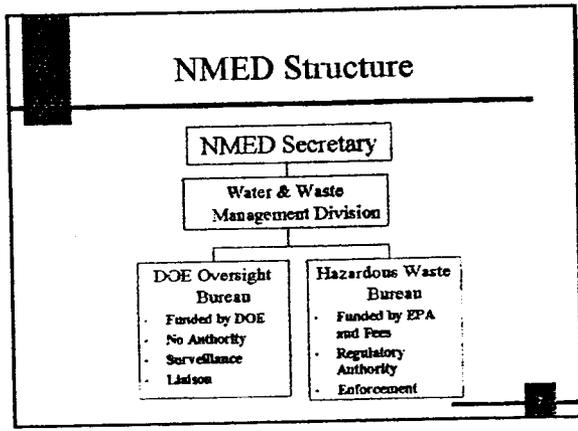


1/23/02

General (Bearzi Permit Presentation to CAB)

**RCRA, LANL, NMED, and ER:  
Can Alphabet Soup Taste Like Environmental Protection?**

James P. Bearzi  
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**Tonight's Topics**

- ✦ What is "RCRA"?
- ✦ Why is RCRA Important?
- ✦ What is the Permitting Process?
- ✦ How Does the Public Participate?
- ✦ How Does RCRA Apply to LANL?
- ✦ How Does LANL Get "Permitted"?
- ✦ What About That "Order"?
- ✦ How Can the CAB Participate?

**What is "RCRA"**

- ✦ Resource Conservation & Recovery Act
  - Subtitle C - Hazardous Waste Management
  - Subtitle D - Solid Waste Management
  - Subtitle I - Underground Storage Tanks
- ✦ Hazardous & Solid Waste Amendments
- ✦ Comprehensive Environmental Response, Compensation, & Liability Act (CERCLA)

**What is "RCRA"**

- ✦ Response to Major Environmental Incidents
- ✦ Amends Solid Waste Disposal Act of 1965
- ✦ RCRA Passed in 1976
- ✦ Regulations Promulgated in 1980
- ✦ CERCLA Passed in 1980

**What is "RCRA"**

- ✦ Defines Hazardous Waste
- ✦ Manage Waste from "Cradle to Grave"
- ✦ Technical Standards for "TSD Facilities"
  - T = Treatment
  - S = Storage
  - D = Disposal
- ✦ Defines Permitting Process

## What is "RCRA"

- ✱ Land Disposal Regulations
- ✱ Ground Water Monitoring
- ✱ "Interim Status" Facilities

## What is "RCRA"

- ✱ HSWA – Hazardous & Solid Waste Amendments of 1984
  - Land Disposal Restrictions (LDRs)
  - Corrective Action at RCRA Facilities
  - Waste Minimization
  - Permit Deadlines
  - Federal Facility Requirements

## What is "RCRA"

- ✱ Federal Facilities Solutions
  - Biennial Inventory
  - Annual Inspections
  - Mixed Waste Agreements
  - Standardized Permit Process
  - FFCA – Federal Facilities Compliance Act
    - FFCA – Federal Facility Compliance Order
    - STP – Site Treatment Plan

## What is "RCRA"

- ✱ CFR – Code of Federal Regulations
  - 40 CFR 260 – Definitions, Rulemakings, Delisting
  - 40 CFR 261 – Hazardous Waste Identification
  - 40 CFR 262 – Generator Standards
  - 40 CFR 263 – Transporter Standards
  - 40 CFR 264 – TSD Facility Standards

## What is "RCRA"

- ✱ CFR – Code of Federal Regulations
  - 40 CFR 265 – Interim Status Standards
  - 40 CFR 266 – Standards for Specific Waste and Certain Facilities
  - 40 CFR 268 – LDRs
  - 40 CFR 270 – Permitting
  - 40 CFR 124 – Public Participation

## What is "RCRA"

- ✱ State Authorized by EPA to "Do" RCRA
  - Must be "Equivalent"
  - Must be "No Less Stringent Than"
  - Must be "Consistent"
  - Must Maintain Adequate Enforcement
- ✱ Permitting – 1985
- ✱ Corrective Action – 1996

## Why is RCRA Important?

- ✦ Industry Can't Police Itself Effectively
- ✦ Government Entrusted with Human Health Protection
- ✦ Polluters, Not Taxpayers, Pay
- ✦ Can you say "Superfund"?
- ✦ Waste Minimization & Pollution Prevention

## Why is RCRA Important?

- ✦ Regulation of Hazardous Waste Management
- ✦ Includes Mixed Waste
- ✦ Permits Operating Units
- ✦ Organizes Cleanup Activities
- ✦ Provides Remedy for Noncompliance
- ✦ Includes Public Participation

## The RCRA Permitting Process

- ✦ Governed by 40 CFR 270 (and state authority)
- ✦ Requirements in 40 CFR 264
- ✦ Permits Last for 10 Years
- ✦ Only TSD Facilities Need Permits
- ✦ Public Participation Required

## The RCRA Permitting Process

- ✦ Facility Submits Application
  - Part A – General Facility Information
  - Part B – Specifics on Waste Management
- ✦ Administrative Authority (AA) Reviews
- ✦ AA May Send "Notice of Deficiency"
- ✦ AA "Deems Complete"
- ✦ AA Conducts Technical Review

## The RCRA Permitting Process

- ✦ AA Issues Draft Permit
  - Public Notice
  - Public Comment Period
  - Request for Hearing?
- ✦ Public Hearing
  - Technical Testimony
  - Oral Comment
- ✦ AA Issues Final Permit

## How Is The Public Involved?

- ✦ Public Comment Period On Draft Permit
- ✦ Public Hearings
- ✦ Direct Inquiries to AA or Facility
- ✦ Participation in Advocacy Groups
- ✦ Ask Questions

## Why RCRA Applies to LANL?

- ✱ LANL Generates Hazardous Waste
- ✱ LANL is a TSD Facility
- ✱ Corrective Action Not Under CERCLA
- ✱ Only Hazardous Waste and Constituents
  - Includes Hazardous Waste Mixed with Radioactive Waste
  - Much of "Non-mixed" Waste Regulated by DOE under AEA (Atomic Energy Act)

## How RCRA Applies to LANL?

- ✱ Waste Management Standards
  - Prevents Releases
  - Protects Workers and the Public
  - Tracks Waste
  - Detects Releases
- ✱ Corrective Action
  - For Future Releases
  - For Known Contaminated Sites
  - For Unknown, Pre-existing Contamination

## RCRA-Covered LANL Activities

- ✱ Hazardous Waste Generation
- ✱ Hazardous Waste Storage
- ✱ Hazardous Waste Treatment
- ✱ Past Disposal
- ✱ Mixed Waste
- ✱ Corrective Action
- ✱ Public Participation

## Examples of LANL Activities

- ✱ Hazardous Waste Generation
  - Laboratory Experiments
  - Sample Analysis
  - Waste Treatment
  - Process Treatment
- ✱ Not Necessarily "Permitted"

## Examples of LANL Activities

- ✱ Hazardous Waste Storage
  - Drums
  - Waste Boxes
  - Laboratory-specific Containers
  - Roll-off Bins
- ✱ Must Be Permitted (in most cases)

## Examples of LANL Activities

- ✱ Hazardous Waste Treatment
  - Solidification
  - Vitrification
  - STP Activities
  - Open Burn / Open Detonation (OB/OD)
- ✱ Must be Permitted (few exceptions)

## Examples of LANL Activities

- ✱ Past Disposal
  - Material Disposal Areas (MDAs)
  - Shafts
  - Pits
  - Trenches
  - OB/OD Areas (many current)
- ✱ Current Practices Must Be Permitted
- ✱ Past Disposal May be Permitted

## Examples of LANL Activities

- ✱ Mixed Waste
  - Currently Covered Under FFCO
  - Some Destined for WIPP
  - Past Disposal at various MDAs and other Sites

## Examples of LANL Activities

- ✱ Corrective Action
  - 260 Outfall at TA-16
  - Septic Tank at TA-21
  - Hydrogeologic Workplan Implementation
  - Site Investigations
  - Canyons Investigations
  - Lagoons at TA-53
  - MDA Closures

## Examples of LANL Activities

- ✱ Public Participation
  - Permit Modifications
  - Reading Rooms
  - FFCO Reports
  - Quarterly Reporting
  - Public Comment Periods

## LANL's Permit

- ✱ Issued in 1989 by NMED
- ✱ HSWA Permit Issued in 1994 by EPA
- ✱ Operating Permit "Expired" in Dec. 1999
  - Old Permit Still in Effect
  - Only TAs 16, 50, and 54 permitted
  - Revised Application Received Oct. 1998
- ✱ Permit Application Under Review

## LANL's New Permit

- ✱ All TAs with TSD activities to be Permitted
- ✱ All RCRA Activities to be Permitted
- ✱ No Separate HSWA Permit
- ✱ "Order" Covering Corrective Action
- ✱ Public Participation Crucial

## Permit Structure

- ✦ General Parts A and B
- ✦ TA-specific "Chapters" for Operations
- ✦ HSWA Module

## Permitting Goals

- ✦ Compliance with Federal & State Law
- ✦ Sound Waste Management Practices
- ✦ Well-Conceived Cleanup Effort
- ✦ Enforceable Document
- ✦ Flexible Document
- ✦ Clear Schedule

## NMED's Framework

- ✦ Waste Management
- ✦ Canyons & Watersheds
- ✦ Ground Water & Sediments
- ✦ Outfalls & Other Sources of Contamination
- ✦ Material Disposal Areas
- ✦ Long-term Stewardship

## Schedule

- ✦ TA Chapters to be Issued



## CAB Involvement

- ✦ Review "No Further Actions" (NFAs)
- ✦ Portions of the Permit
- ✦ Participate at Hearings
- ✦ Provide Public Comment
- ✦ Get Stakeholder Participation
- ✦ Long-Term Stewardship
- ✦ Cleanup Decisions

## Whom to Contact

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