



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270

11/8/1985

File II A.6.

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2-27-85
LWS

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Permit

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

US DOE Los Alamos
Scientific Laboratory
Los Alamos Area Office
Los Alamos, NM 87544
ID #NMO890010515

RE: Request for Information Pursuant to §3007 of the Resource
Conservation and Recovery Act, 42 U.S.C. §6927

Dear Sirs:

In August 1985, the Environmental Protection Agency (EPA) sent your company a letter to advise you that the Resource Conservation and Recovery Act of 1976 (RCRA) had been amended by the Hazardous and Solid Waste Amendments of 1984 (the Amendments), and in particular, to inform you of a new provision known as the loss of interim status provision. The purpose of this letter is to provide additional guidance relative to the loss of interim status provision and to request information regarding your operations before and after November 8, 1985.

The loss of interim status provision states:

(2) In the case of each land disposal facility which has been interim status under this subsection before the date of enactment of the Hazardous and Solid Waste Amendments of 1984, interim status shall terminate on the date [November 8, 1985] twelve months after the date of the enactment [November 8, 1984] of such Amendments unless the owner or operator of such facility-

(A) applies for a final determination regarding the issuance of a permit under subsection (c) for such facility before the date twelve months after the date of the enactment of such Amendments; and

(B) certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

The EPA's interpretation of the requirement under this provision is published at 50 Federal Register 38946 (September 25, 1985), a copy of which is enclosed. Please read and follow this closely. In order for



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you to continue to place wastes in any land disposal unit at your facility on and after November 8, 1985, you must submit: (1) A Part B operating permit application, and (2) a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements prior to November 8, 1985. Certification is allowed on a unit-by-unit basis. The Part B application should be mailed or delivered by November 8, 1985, to:

Mr. Peter Pache, Manager
 Hazardous Waste Section
 Groundwater and Hazardous Waste Bureau
 Environmental Improvement Division
 New Mexico Health and Environment Department
 P. O. Box 968
 Santa Fe, New Mexico 87504-0968

The certification should be mailed by November 8, 1985, to:

U.S. Environmental Protection Agency and
 Hazardous Waste Management Division
 InterFirst II Building - 28th Floor
 1201 Elm Street
 Dallas, Texas 75270
 Attn: Mr. William Rhea (6H-HO)

Mr. Peter Pache, Manager
 Hazardous Waste Section
 Groundwater and Hazardous
 Waste Bureau
 Environmental Improvement Div.
 New Mexico Health & Envir. Depart.
 P. O. Box 968
 Santa Fe, New Mexico 87504-0968

The owner/operator of a facility may certify compliance only if the facility or units for which interim status is retained is in physical compliance. Because this is a Federal statutory provision, an outstanding order issued by any agency with a compliance date on or beyond November 8, 1985, does not relieve the owner/operator of the obligation to be in physical compliance by the date the certification is due. You may not interpret or rely on any order or compliance schedule therein as an extension of the November 8, 1985, deadline. Moreover, difficulties in achieving compliance, such as obtaining insurance, will not be considered as an excuse or exemption from the requirement of physical compliance.

If you do not certify compliance with groundwater monitoring and financial responsibility requirements, and you do not submit a Part B permit application by November 8, 1985, you must cease to place wastes into the land disposal units in question by that date and submit a closure plan for these units to the above addresses by November 23, 1985. This follows by operation of law and does not require notice from EPA.

You are hereby required, pursuant to the authority of §3007 of RCRA, 42 U.S.C. §6927, to report to EPA the following additional information regarding hazardous waste land disposal units that had interim status on or before November 8, 1985, and/or received hazardous waste after November 19, 1980. In particular, you are to submit the information requested in Enclosure 2 according to the schedule specified in

Enclosure 2. Each submission must identify the facility by name, mailing address, facility location, and EPA RCRA I.D. number. Identify the information request number or repeat the request, include a self-explanatory and complete response, and date and sign each response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR §2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. Information covered by such a claim will be disclosed by EPA only to the extent, and by the means of the procedures, set forth by 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

Please forward the additional information requested to:

U.S. Environmental Protection Agency
Hazardous Waste Management Division
InterFirst II Building - 28th Floor
1201 Elm Street
Dallas, Texas 75270
Attn: Mr. William Rhea (6H-HO)

Failure to comply with the above request within the time frame specified may result in an enforcement action by EPA under the authority of §3008 of RCRA, including the assessment of penalties. You should also be aware that knowingly falsifying any information provided pursuant to this request is a criminal violation under §3008(d)(3) of RCRA, and other provisions and may result in fines and imprisonment.

If you have any questions with regard to the above, or should you need further clarification regarding your response to this letter, please contact Mr. William Rhea of my staff at (214) 767-9731.

Sincerely,

Allyn M. Davis
Director
Hazardous Waste Management Division

Enclosures

cc: Peter Pache
New Mexico Health and
Environment Dept.