



NEW MEXICO
HEALTH AND ENVIRONMENT
DEPARTMENT

Enclosure 3

Post Office Box 968
Santa Fe, New Mexico 87504-0968

GARREY CARUTHERS
Governor

LARRY GORDON
Secretary

CARLA L. MUTH
Deputy Secretary

September 9, 1987

Mr. Harold E. Valencia
Area Manager
DOE Los Alamos Area Office
Los Alamos, NM 87544

RE: Revised Part A
NM 0890010515

Dear Mr. Valencia:

Your request of August 17, 1987, to modify your RCRA Part A hazardous waste permit and Part B permit application is denied. New Mexico Hazardous Waste Management Regulations, Section 302.C.3.b. clearly states that justification for a change must be submitted with the revised Part A form. No justification for the increases of capacity was presented.

In addition, several questions about the entries on the forms must be resolved.

EPA Form 3510-1:

- 1) Item II.A. In what way does LANL qualify as a publicly owned treatment plant? LANL is neither a state nor a municipality.
- 2) Item VIII. A. The name entry differs from that in item III. What is the correct name for your installation?
- 3) Item VIII. C. What is the operator's status code? No entry was made.
- 4) Item X. B. There is no permit number for the UIC program yet item II.H. indicates a UIC program exists. Is this an unregulated or unregistered activity?

EPA Form 3510-3:

- 1) There is no explanation for the 405-fold increase in storage requirements (S01).
- 2) The addition of surface impoundments without groundwater monitoring and meeting the technical guidance criteria for impoundments cannot be done without adequate documentation.

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- 3) The major increase in tank storage needs to be explained and justified.
- 4) Item IX owner certification is unsigned and undated.

This proposed major expansion of the quantity of hazardous wastes will have a major impact on the RCRA part B permit. If DOE wishes to modify the application to include these new quantities and processes, the application must be revised to fully incorporate quantities, processes and procedures appropriately.

As you are aware, the state has not yet adopted regulations for mixed wastes, nor is the state authorized to regulate mixed wastes. Mixed wastes will remain subject to EPA authority until the state assumes that responsibility.

Therefore, we ask that you continue to separately report on the Part A forms the RCRA wastes and the Mixed RCRA - radioactive wastes.

If you have any questions, please call Mr. C. Kelley Crossman at 827-2923.

Sincerely,



Michael J. Burkhart
Director

MJB/CKC/aw

cc: Tanga Winkle, EPA (6H-HS)
Kirkland L. Jones, Deputy Director, EID
Jack Ellvinger, Program Manager, HWMS