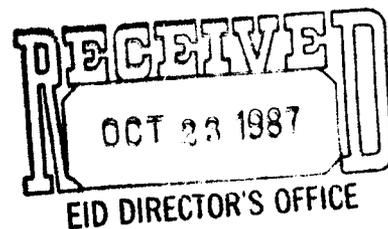




Department of Energy
 Albuquerque Operations
 Los Alamos Area Office
 Los Alamos, New Mexico 87544

P 645 694 **OCT 21 1987**
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kirk

Mr. Michael Burkhart, Director
 N.M. Environmental Improvement Division
 P. O. Box 968
 Santa Fe, New Mexico 87504-0968

Dear Mr. Burkhart:

This letter is in response to your denial of the Department of Energy's (DOE) August 17, 1987, request to modify the Part A for Los Alamos National Laboratory's (LANL) hazardous waste permit application. The primary reason for submitting the revised Part A was a directive from DOE to include mixed waste. It was DOE's understanding that when wastes first become subject to Resource Conservation and Recovery Act (RCRA) regulations the submittal of a Part A is required within 30 days. As the result of June 1, 1987 rulemaking by DOE, it was assumed this started the clock for mixed waste hence the submittal of the revised Part A.

It appears from your September 9, 1987, letter of denial that the Environmental Improvement Division (EID) does not have authority to regulate mixed waste and therefore, will not entertain the approval of a revised Part A addressing mixed waste at this time. It also appears from communications from the Environmental Protection Agency (EPA) that they are deferring regulation of mixed waste to the States, at least until the July 1988 deadline requiring States to have such regulations. For these reasons, the DOE is withdrawing its request to revise the Part A. We do intend, however, to submit a revised Part A in the near future addressing non-mixed wastes modifications.

In addition to the mixed waste issue your letter raised questions regarding EPA Form 3510-1. The subjects of questions 1 and 4 have appeared in every Part A revision since the original was submitted in 1980. Because no comments were received in the past regarding these submittals, including the administrative review by the EID (January 1987), it was assumed nothing was wrong and the information has been duplicated on each revised Part A. The DOE is submitting a revised Form 3510-1 to replace this form in the existing Part A. In addition these four questions are addressed below.

QUESTION 1) Item II.A. In what way does LANL qualify as a publicly owned treatment plant (POTW)? - In reviewing the definition LANL agrees that it does not qualify as a POTW. As you are aware LANL has not claimed any of the exemptions granted to POTWs nor has it in any other way acted as a POTW.



Mr. Michael Burkhart

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QUESTION 2) Item VIII.A. The name entry differs from that in Item III. - The word "Scientific" was inadvertently copied from a previous submittal. The correct name of the installation is "Los Alamos National Laboratory."

QUESTION 3) Item VIII.C. What is the operator's status code. - The operator's status code is "F" for Federal.

QUESTION 4) Item X.B. There is no permit number for the Underground Injection Control (UIC) program yet II.H. indicates a UIC program exists. Is this unregulated or unregistered activity? - This program is related to the Fenton Hill project where water is injected for the purpose of energy recovery. This discharge is regulated under a discharge plan submitted to the New Mexico Oil Conservation Division (OCD). The OCD issued an approval of the Discharge Plan GW-31 to the DOE for this activity on June 5, 1985.

Other items have also been raised in your letter regarding EPA Form 3510-3. Because we are withdrawing our request for approval of this Part A, we will not address Items 1, 3 and 4 at this time. Item 2, however, addresses two surface impoundments (SI) (storage and treatment). As your staff is aware, the Laboratory has two inactive SIs that are the subject of closure plans which have been submitted to your office. Because these SIs are considered "in operation" until the closure plans have been approved by the EID and have been closed in accordance with these plans, we thought it appropriate to include them on the Part A. The Laboratory does not wish to seek a permit for these or any other SI.

If you have any questions regarding this letter or its enclosure call Mr. Jim Phoenix at 667-5288.

Sincerely,


Harold E. Valencia
Area Manager

1 Enclosure

cc w/enclosure:

K. Crossman, NMEID, Santa Fe, NM

LTP:JAP:000019

Please print or type in the unshaded areas only
 fill-in areas are spaced for elite type, i.e., 12 characters

Approved OMB No. 158-R0175

U.S. ENVIRONMENTAL PROTECTION AGENCY
GENERAL INFORMATION
Consolidated Permit Program
(Read the "General Instructions" before starting.)

I. GENERAL LABEL ITEMS

I. EPA I.D. NUMBER

III. FACILITY NAME

V. FACILITY MAILING ADDRESS

VI. FACILITY LOCATION

PLEASE PLACE LABEL IN THIS SPACE

I.D. NUMBER

F N M 0 8 9 0 0 1 0 5 1 5

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		XX		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		XX	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)	XX		NO	D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		XX	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	XX		YES	F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		XX	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		XX		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)	XX		NO
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			X	J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		XX	

III. NAME OF FACILITY

1 SKIP LOS ALAMOS NATIONAL LABORATORY

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)

2 HAROLD VALENCIA

B. PHONE (area code & no.)

505 667 5105 843-5105

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX

3 LOS ALAMOS AREA OFFICE

B. CITY OR TOWN

4 LOS ALAMOS

C. STATE

NM

D. ZIP CODE

87544

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER

5 LOS ALAMOS

B. COUNTY NAME

LOS ALAMOS

C. CITY OR TOWN

6 LOS ALAMOS

D. STATE

NM

E. ZIP CODE

87544

F. COUNTY CODE (if known)

(specify) NATIONAL SECURITY (specify)

(specify) (specify)

II. OPERATOR INFORMATION

A. NAME
LOS ALAMOS NATIONAL LABORATORY

B. Is the name listed in Item VIII-A also the owner?
 YES NO

C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)

FEDERAL M = PUBLIC (other than federal or state) (specify)
STATE D = OTHER (specify)
PRIVATE F

D. PHONE (area code & no.)
5 0 5 6 6 7 4 3 0 1

E. STREET OR BOX
P O BOX 1663 MS 518

F. CITY OR TOWN
LOS ALAMOS

G. STATE
N M

H. ZIP CODE
8 7 5 4 5

IX. INDIAN LAND
Is the facility located on Indian lands?
 YES NO

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)
N N M 0 0 2 8 3 5 5

D. PSD (Air Emissions from Proposed Sources)
P

B. UIC (Underground Injection of Fluids)
U

E. OTHER (specify)
N M 0 0 2 8 5 7 6 (specify) NPDES

C. RCRA (Hazardous Wastes)
R

F. OTHER (specify)

XI. MAP
Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

III. NATURE OF BUSINESS (provide a brief description)

The mission of Los Alamos National Laboratory (LANL) is the application of science and technology to solve national problems including weapons development and energy supply and conservation programs, while basic science research complements and strengthens its fundamental technical capabilities. The LANL is owned by the US Department of Energy and operated under contract by the University of California.

III. CERTIFICATION (see instruction)
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my knowledge of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)
Harold Valencia
Los Alamos Area Manager

B. SIGNATURE
Harold Valencia

C. DATE SIGNED
OCT 21 1987