

Permit

MARALYN BUCK
Acting Secretary

CARLA L. MUTH
Deputy Secretary

MICHAEL J. BURKH
Deputy Secretary

RICHARD MITZELFELT
Director

July 19, 1989

Mr. Robert Layton
Regional Administrator
U.S. EPA - Region VI
1445 Ross Ave.
Dallas, TX 75202

Dear Mr. Layton:

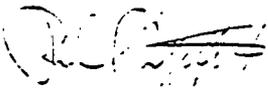
Attached, please find New Mexico's application for RCRA authorization for Mixed Radioactive Waste and Subpart X. This application consists of the following attachments:

- 1) Hazardous Waste Management Regulations - As Amended;
- 2) Addendum to the program description;
- 3) Revised Attorney General's Statement;
- 4) A copy of the statutes;
- 5) Applicable checklists

New Mexico has just amended its' hazardous waste management regulations to encompass the 1968 40 CFR as codified July 1, 1968. These regulations have been filed and became effective on July 9, 1989. Through this action New Mexico now has the regulations required to issue permits to miscellaneous units such as the Waste Isolation Pilot Project (WIPP) located near Carlsbad. In addition to amending the regulations, the exclusion contained within the Hazardous Waste Act preventing the regulation of wastes destined for WIPP has been eliminated. Hopefully, this application carries the same importance at EPA as it does within the EID.

Should you or your staff have any questions concerning this submittal, please contact Mr. Boyd Hamilton of my staff at (505) 827-2926.

Sincerely,


Richard Mitzelfelt
Director

RM:SH:aw

cc: Lynn Prince, U.S. EPA Region VI,
Tracy Hughes, EID - Office of General Counsel
- ENVIRONMENTAL IMPROVEMENT DIVISION -
Harold Runnels Building



15020

PROGRAM DESCRIPTION

This narrative has been developed to augment the program description as submitted by the State of New Mexico in seeking authorization for management of the New Mexico Hazardous Waste Management Program.

Through this application, the State Of New Mexico seeks authorization for a revision to its authorized hazardous waste management program. The State received final authorization from the U.S. EPA in January, 1986, and has subsequently submitted two additional requests for revision. Pursuant to 40 CFR, the State is submitting this application to reflect recent revisions and to assure that the authorized state hazardous waste program remains equivalent to the federal hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended.

The state is amending its regulations to incorporate the 1988 40CFR as codified 1 July 1989. Additionally, the State has amended its statutes to eliminate the language which prevented the regulation of mixed waste destined for WIPP. With these two changes the State is thus applying for Mixed Waste authorization and Subpart X authorization.

Since the State has been operating a hazardous waste waste program for sometime the mechanisms for implementation and enforcement of a mixed waste program are already established. As are the procedures for permitting and regulating facilities under Subpart X. The State will utilize the procedures for implementation, inspection, enforcement, and permitting as currently exist within the authorized program.

It is estimated that there may be in excess of: 100 medical facilities that may generate mixed waste; 100 facilities within the RCRA universe that may generate mixed waste; and, 275 facilities licensed by the New Mexico Radiation Protection Program that may generate mixed waste. Also, there are nine known facilities that have units to be permitted under Subpart X authority. Within this group of facilities that will require permits are the Waste Isolation Pilot Project, Los Alamos National Laboratory, and Sandia National Laboratory

The State will utilize the current hazardous waste program staff that are trained in RCRA activities to implement the mixed waste and Subpart X requirements. As training courses are made available for mixed waste, staff members will be required to attend. Until such time as the program has established the expertise for mixed waste that expertise is available from within the Division. This expertise to be from staff within the Special Waste Bureau (SWB). Present staff positions within the SWB that can be tapped for assistance are as follows:

Health Program Manager: The person within this position is an engineer with years of experience in the area of management of radioactive waste and is trained in the area of health physics.

Radiation Specialist: There are two positions within this classification. Personnel in these positions are trained in both health physics and radiation management.

The SWB will provide the technical support necessary to implement all radioactive phases of the mixed waste portion of the hazardous waste program. When permit applications are received they will be shared between SWB and the hazardous waste program to assure adequate technical reviews. SWB will assign an individual to each permit to be responsible for the review of the radioactive portion of the permit.

ADDENDUM TO
ATTORNEY GENERAL'S SUPPLEMENTAL STATEMENT
TO MAINTAIN AUTHORIZATION

I hereby certify, pursuant to my authority as Assistant Attorney General set forth in §§8-5-2(D) and 8-5-5(A) NMSA 1978, and in accordance with §3006 (b) of the Resource Conservation and Recovery Act ("RCRA") as amended by the Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. 6901 et seq.) and 40 C.F.R. 271 that in my opinion the laws of the State of New Mexico provide adequate authority to carry out the revised "Program Description" submitted by the Environmental Improvement Division of the New Mexico Health and Environment Department ("Division"). The specific authorities provided, which are contained in statutes or regulations lawfully adopted at the time of this Statement and which will be in full force.

I. IDENTIFICATION AND LISTING

G. State regulations define solid waste to include the hazardous components of radioactive mixed wastes, July 3, 1986, 51 FR 24504. Federal Authority: RCRA §§1006 and 3001 (b).

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §201.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORD KEEPING

C. State regulations require that the following be recorded, as it becomes available, and maintained in the operating record, until facility closure, as indicated in Revision Checklist 45: Monitoring, testing or analytical data, corrective action where required by Subpart F and §§264.226, 264.253, 264.254, 264.276, 264.278, 264.280, 264.303, 264.309, 264.347, and 264.602. Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.73(b) as amended December 10, 1987; 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §501, amended through July 1989.

XIII. CORRECTIVE ACTION

F. State regulations require that miscellaneous unit comply with regulations (Subpart F) regarding releases from solid waste management units when necessary to comply with §§264.601 through 264.603 as indicated in Revision Checklist 45. Federal Authority: RCRA 3004 (u); 40 CFR 264.90 (d) as amended December 10, 1987; 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §501, amended through July 1989.

XV. STANDARDS FOR FACILITIES

G. State regulations require compliance with closure/post-closure and financial responsibility requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 24, 36, and 45. Federal Authority: RCRA §§3004 and 3005, 40 CFR 260, 264, 265, and 270 as amended May 2, 1986, 51 FR 16422, March 19, 1987, 52 FR 8704, and December 10, 1987, 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §§101, 501, 601, and 901, amended through July 1989.

J. State regulations require environmental performance standards; monitoring, testing, analytical data, inspection, response and reporting procedure; and post-closure care for miscellaneous units as indicated in Revision Checklist 45. Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600 through 264.603, as amended December 10, 1987; 52 FR 46946.

Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

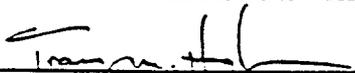
Adoption of federal regulations by reference, HWMR §501, amended through July 1989.

XVI. REQUIREMENTS FOR PERMITS

O. State regulations require that all owners and operators of units that treat, store or dispose of hazardous waste in miscellaneous units must comply with the general application requirements (including Part A permit requirements), the Part B general application requirements of §270.14, and Specific Part B information requirements for miscellaneous units as indicated in Revision Checklist 45. Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 270.14 and 270.23 as amended December 10, 1987, 52 FR 46946.

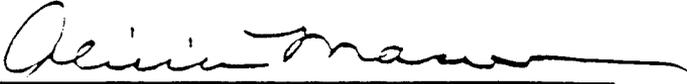
Citation of Laws and Regulations; Date of Enactment and Adoption
Remarks of the Attorney General

Adoption of federal regulations by reference, HWMR-5 §501 and 901 amended through 1989.



Tracy M. Hughes
Special Assistant Attorney General

Assistant General Counsel
Health and Environment Department
1190 St. Francis Drive
Santa Fe, New Mexico 87503



Alicia Mason
Assistant Attorney General
P.O. Box 1508
Santa Fe, New Mexico 87504

[addagsup]