



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

Permits

ENTERED

NOV 20 1992

HSWA LANL G/P/92

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. William K. Honker, Chief
 RCRA Permits Branch
 U. S. Environmental Protection
 Agency
 1445 Ross Avenue, Suite 1200
 Dallas, TX 75202-2733

Dear Mr. Honker:

As requested by your office on March 11, 1992, and pursuant to the Hazardous and Solid Waste Amendments of 1984, the Department of Energy (DOE) and the University of California (UC) are submitting this proposed class III permit modification to Module VIII of the Los Alamos National Laboratory (LANL) hazardous waste operating permit. Due to the complexity of this modification, we are sending this proposal for review before we initiate the permit modification process.

During this Resource Conservation and Recovery Act (RCRA) Facility Assessment performed by LANL, 1,721 onsite and offsite locations were identified. This request for a permit modification lists 822 SWMUs from this assessment as subject to investigation for potential release of hazardous constituents pursuant to RCRA §3004(u). These 822 SWMUs include 361 units identified in the May 1990 permit and 461 units identified after issuance of the permit. A total of 244 units of the 605 units identified in the May 1990 permit and an additional 655 units, which were never in the permit, have been determined (1) not to have managed solid waste; (2) to be subject to other statutory authority such as RCRA §3004(a); or (3) as duplicate or ancillary equipment to other units.

Table I lists all locations identified by LANL as SWMUs subject to investigation for potential release of hazardous constituents pursuant to RCRA §3004(u). Table II lists the 244 units identified in the May 1990 permit which DOE and UC request you remove. In order to establish which onsite and offsite locations are subject to Module VIII, LANL has performed an extensive analysis of all 1,721 sites. The enclosed *Support Document to the 1992 Module VIII Permit Modification* is a summary of the findings for sites identified by LANL to your office. The basis by which a unit has been included (or excluded) for this permit modification is discussed in this report.

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William K. Honker

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Bruce
for coordinate
review & response
w/ Barbara
NOV 20 1992
For Kathy's
signature
Bruce

In addition, there are several other minor changes to the permit which have been discussed with Barbara Driscoll of your staff, which we wish to propose. These are set forth in Attachment I.

Attachment I also quotes the standard dispute resolution language now in use in RCRA permits in your region. We request this be added to our permit.

The staggered schedule for submittal of the 10 Operable Unit Workplans is contained in Attachment II. We request this be added and the May 23 required date (page 16[c]) be stricken.

In your letter dated March 11, 1992, you asked that we clarify the scheduled time frame for completion of all Corrective Measures Studies (CMS). Although we had discussed the potential for need of an additional two years to complete all CMS beyond the time specified in the permit, we now believe the schedule in the permit may be achievable with planned resources. We are therefore no longer requesting the permit be modified in regards to this schedule.

If you or your staff have any questions regarding this proposed permit modification, please contact Steve Slaten, ES&H Branch, at (505) 665-5050. After your staff has had the opportunity to review this proposal, we would appreciate any comments you might have so that we may incorporate them into a formal permit modification request.

Sincerely,

Joseph C. Vozella FOR
Joseph C. Vozella, Acting Chief
Environment, Safety and Health
Branch

LESH:4SS-028

Enclosures

cc w/enclosures:

→ Kathleen Sisneros, New Mexico
Environment Department,
1190 St. Francis Drive
Santa Fe, NM 87502
K. Bitner, ERPO, AL

cc w/o enclosures:

K. Hargis, (EM-8:92-3506-1),
EM-8, LANL, MS K490
R. Vocke, EM-13, LANL,
MS M992

Attachment I

Page 11, paragraph 5, line 5 insert after ...each task. Some generic aspects of the RFI Operable Unit (OU) Specific Workplans (Task II) will be incorporated into the installation Workplan as appropriate, and not repeated in the OU Workplans.

Page 12, paragraph 2, line 7. Change September 1 to November 19.

Page 47, last paragraph, strike "and one compatible disk copy."

Add a new paragraph to read as follows:

Dispute Resolution

- a. The parties shall use their best efforts to informally and in good faith resolve all disputes or differences of opinion. If, however, disputes arise concerning the corrective action which the parties are unable to resolve informally, including but not limited to, disputes over implementation of workplans, approval of documents, scheduling of any work, selection, performance or completion of any corrective action, or any other obligation assumed hereunder, the Permittee shall present a written notice of such dispute and the basis for the objections to EPA within ten business days of the receipt of EPA's disapproval, decision or directive. The notice shall set forth the specific points of the dispute, the position the Permittee maintains should be adopted as consistent with the Permit's requirements, the basis therefore, and any matters which it considers necessary for EPA's proper determination. EPA shall provide to the Permittee a written statement of its decision on the pending dispute, which shall be incorporated into the final Permit unless the Permittee requests an opportunity for a conference in accordance with paragraph b, below. The existence of a dispute as defined herein, and the consideration of such matters which are placed into dispute shall not excuse, toll, or suspend any compliance obligation or deadline while the dispute resolution process is pending.
- b. If the Permittee objects to any EPA determination regarding any requirement by EPA that the Permittee perform work, the Permittee shall, within ten days of its receipt of EPA's decision pursuant to paragraph a, above, notify EPA in writing of its objections, and may request that the Hazardous Waste Management Division Director convene an informal conference. The Director shall state in writing his decision regarding the factual issues in dispute. Such decision shall be the final resolution of the dispute and shall be implemented immediately by the Permittee according to the schedule contained therein.

ATTACHMENT II

**LOS ALAMOS NATIONAL LABORATORY
ENVIRONMENTAL RESTORATION RFI WORK PLAN SCHEDULE FOR FY '93**

ACTIVITY: Deliver to EPA thru LAAO

OU	OUPL	START DATE	FINISH DATE	TOTAL # OF WORKING DAYS
1093	G. Gould	05/03/93	05/14/93	10
1098	P. Longmire	05/24/93	06/04/93	10
1130	G. Gould	05/24/93	06/04/93	10
1132	G. Gould	06/07/93	06/18/93	10
1114	E. Griggs	06/21/93	07/02/93	10
1086	C. Mason	06/21/93	07/02/93	10
1082	B. Martin	07/06/93	07/16/93	9
1157	T. Glatzmaier	07/06/93	07/16/93	9
1140	R. Michelotti	08/09/93	08/20/93	10
1111	C. Rofer	08/16/93	08/27/93	10