



On February 16, 1993, the Department of Energy and the University of California submitted to the US Environmental Protection Agency (EPA) Region VI, a proposed Class III permit modification of Module VIII of the Los Alamos National Laboratory hazardous waste operating permit. The proposed modifications to the permit include the following actions.

Minor wording clarifications and addition of boilerplate dispute resolution language to the existing permits in order to provide consistency with other permits in EPA Region 6. The wording additions in the dispute resolution portion of the permit modifications and wording clarifications are as follows:

Page 11, paragraph 5, line 5 insert after ... each task.

“Some generic aspects of the RFI-Operable-Unit (OU)- specific work plans (Task II) will be incorporated into the Installation Work Plan as appropriate, and not repeated in the OU work plans.”

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.

FACT SHEET for Hazardous Waste Operating Permit Modification Request

March 1993

Acronyms

EPA
Environmental Protection Agency

HEPA
High-efficiency particulate air

OU
Operable Unit

RCRA
Resource Conservation and Recovery Act

RFI
RCRA facility investigation



Addition of 483 solid waste management units to the existing 605, for a total of 1,088 solid waste management units subject to investigation pursuant to Sections 3004 (u) and 3004 (v) of RCRA and identified since Module VIII to the Hazardous and Solid Waste Amendments Permit was issued in 1990. A solid waste management unit is defined as "...any discernible unit at which solid wastes have been placed at any time, irrespective of whether it was intended for the management of solid or hazardous waste. Such units include any area at or around a facility at which solid wastes have been routinely and systematically disposed."

Types and Numbers of Solid Waste Management Units Proposed for Addition

Container storage	11
Tanks	58
Soil contamination	36
Impoundments, landfills, etc.	60
Incinerators	3
Detonation grounds	14
Open burning	4
Treatment	2
Wastewater treatment	175
Septic tanks	48
Scrubbers or HEPA filters	5
Product release	8
Ordnance impact areas	14
Abandoned facilities	44
Miscellaneous Units	<u>1</u>
Total	483

A staggered schedule for submitting RCRA facility investigation work plans. Under the current permit, the work plans were scheduled to be submitted on May 23, 1993. The proposed revised schedule is as follows.

Operable Unit No.	Proposed Submittal Date
1093	05/14/93
1098	06/04/93
1130	06/04/93
1132	06/18/93
1114	07/02/93
1086	07/02/93
1082	07/16/93
1157	07/16/93
1140	08/20/93
1111	08/27/93

A copy of the existing RCRA operating permit is available for viewing at the Environmental Restoration Community Reading Room, 2101 Trinity, Los Alamos, New Mexico.



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