

Los Alamos

Los Alamos National Laboratory
Los Alamos, New Mexico 87545

DATE: **April 2, 1993**
IN REPLY REFER TO: **ADO/93-303-U**
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Allyn M. Davis
Director of Hazardous Waste Management Division
U.S. Environmental Protection (EPA)
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Dear Mr. Davis:

Notification of Delegation of Authority Under The Hazardous and Solid Waste Amendments (HSWA)

Notification of Delegation:

The Environmental Management Division Leader is hereby delegated authority to sign certification statements that accompany reports and information required under the HSWA Module of the Laboratory's Resource Conservation and Recovery Act (RCRA) operating permit.

Background:

The regulations at 40 CFR 270.11 (d) require hazardous waste permit applications and reports or other information required by the Regional Administrator of the Environmental Protection Agency (EPA) Region 6 be accompanied by a certification statement specified in the regulation. Applications, reports, and other information requested by the Regional Administrator must be signed by a responsible corporate official, which means one of two specific classes of persons: (i) a president, vice president of the corporation in charge of a particular business function, or other person who performs similar policy or decision making functions for the corporation or (ii) the manager of one or more facilities employing greater than 250 persons. Authority to sign the certifications for reports and other information (but not permit applications) may be delegated to a person with the responsibility for overall operation of the regulated facility or activity or a person with equivalent responsibility if this written delegation is submitted to EPA.

Two issues must be analyzed:

1. Is the request for permit modification an application or a report or other information requested by EPA?



Requests for permit modification must follow the regulations found at 40 CFR 270.42. For class Two and greater permit modifications, the permittee must, among other things, submit all applicable information required for a permit application. A permit modification request is therefore analogous to a permit application.

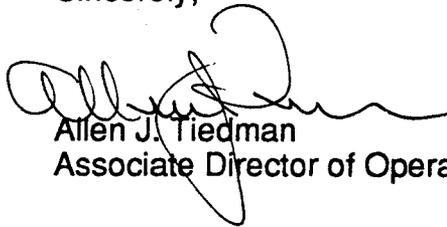
A permit application and by analogy a permit modification request requires certification by the Laboratory equivalent of a president (Director) or vice president in charge of a particular business function (Associate Director). A permit modification request for a permit for a particular facility could be signed by the facility manager. This situation does not apply at the Laboratory because individual "facilities" within the Laboratory do not have individual operating permits. The Division Leader position is, therefore, not of a sufficient level for signature of a permit modification request.

2. Does the Environmental Management Division Leader meet the classification of person required to sign the certification for reports or information requested by EPA.

Because the Division Leader is responsible for the overall environmental compliance activity for the Laboratory, the Division Leader does, however, qualify as a person to whom authority may be delegated by the Associate Director to sign the certification that accompanies required reports and information. The Division Leader may sign the certification statement that accompanies the reports and information, if EPA is informed in writing of the delegation to the Division Leader.

If you have any questions please contact Tom Gunderson at (505) 665-3778.

Sincerely,



Allen J. Tiedman
Associate Director of Operations

AT:BV:plp

Cy:

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S. Slaten, DOE/LAAO, MS A316
T. Taylor, DOE/LAAO, MS A316
J. Shipley, AET, MS F641
K. Bitner, DOE/AL, MS A906
B. Driscoll, EPA, TX

R. Sena, DOE/AL, MS A906
EM-13 Files (EM-13:93-262)
RPF, MS M707
CRM-4, MS A150