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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

October 14, 1994

Mr. Earl Bean  
Department of Energy  
Los Alamos Area Office  
528 t Street  
Los Alamos, New Mexico 87544-5000

RE: Permit modification request for Los Alamos General Operating Permit.

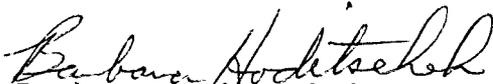
Dear Mr. Bean:

The Hazardous and Radioactive Materials Bureau (HRMB) of the New Mexico Environment Department (NMED) has completed a review of the requested modifications and determined the following Modification Class as indicated on the enclosed pages for each requested modification.

Two of the requested modifications require further information before they can be made, see comment #1 on the next page and comment #11 on page 4. LANL must inform NMED when these modification will be submitted. At that time a fee will be assessed for all of the requested modifications.

If you have any questions concerning these determinations please contact Robert S. (Stu) Dinwiddie of my staff at 827-4308.

Sincerely,

  
Barbara Hoditschek  
Program Manager  
RCRA Permitting



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Following is a list of modifications to the Los Alamos National Laboratory (LANL) Hazardous Waste Permit, Permit #NM0890010515-1 that LANL requested NMED to make a class determination.

1. LANL has requested modification to the Operating Permit by addition of a condition that will simplify the "update" of information in the permit. LANL has recommended that this update take place every six (6) months.
  - A. This has been determined to be a **Class I\*** modification. A Class 1\* modification requires the Director's approval prior to implementation.
  - B. LANL requested NMED to provide a time table for LANL to submit the information covered by this modification. NMED will construct the language of the modification to give explicit time table requirements. The proposed time table will be received by NMED no later than January 31 and July 31 of each year.
  - C. LANL must submit a list of forms and information that is to be covered by this modification within 15 days of the receipt of this correspondence.
2. LANL has requested modifications to correct typographical errors at the following locations in the permit. These modifications are determined to be **Class I** modifications.

PAGE	SECTION	TEXT MODIFIED FROM - TO
15	D.9.b	Change "Fagcility - Facility"
17	H.3	Change "herin - herein"
17	H.3	Change "this - his"
19	B.2	Change "onsite - on-site"
24	K.2.b	Change "827-2929 - 827-4358"
27	B.3.b	Change "accumlation - accumulation"
27	B.3.c	Change "prohibitiation - prohibition"
32	B.5.c	Change "tothe - to the"

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3. LANL has requested modifications to correct administrative titles at the following locations in the permit. These modifications are determined to be **Class I** modifications.

PAGE	SECTION	TEXT MODIFIED FROM - TO
17	H.2	"Director EID - Secretary NMED"
24	K.2.c	"EID - NMED"
31	Title	addition of "Containers and"
43	I.5.b	"EID - NMED"
55	Figure 10	"EID - NMED" and the address is changed to reflect the current NMED/HRMB address.

4. LANL has requested a modification on Page 17 to Section H.3.c that changes the definition of On-Site. The language as proposed by LANL allows the inclusion of waste from: "the historic LANL boundary as circumscribed by the current Los Alamos County boundary, at sites in Sandoval County, at sites where off-site releases have occurred, and at sites where remediation activities have been conducted." as on-site waste.

A. NMED has considered LANL's recommendation but **will not modify the language or change the definition of on-site.**

B. LANL must apply for and receive a provisional EPA number for each site to be investigated that will generate investigative/remediation waste.

5. LANL has requested modification to clarify Permit Conditions at the following locations: These modifications are the addition of words or phrases and are considered to be **Class I** modifications.

PAGE	SECTION	TEXT MODIFIED FROM - to
26	A.1.f	addition of "or equivalent"
27	A.2.d	addition of "or equivalent"
31	A	addition of "containers and"
32	C	addition of "Treatment containers or"
43	J.3	addition of "either" after "may be"

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6. LANL has requested modification on Page 19 to Section B.2 to reflect LANL's proposed definition of on-site. This modification is disapproved. See comment number 4 above.
7. LANL has requested modification on Page 25 to Section II.M eliminating the restrictions on the movement of "Hazardous Waste", stating that DOT regulations are more stringent and protective of human health and the environment during transportation.

**NMED denies the requested modification** because DOT regulations are not more stringent than Section II.M of the Permit. The Operating Permit places a quantity restriction (110 gallons) and a time restriction, during rush hours, on the transport of hazardous waste because NMED considers those restrictions more protective of human health and the environment than DOT regulations. According to DOT correspondence to DOE dated April 23, 1991 DOT regulations do not apply at all times when LANL is transporting hazardous materials, however LANL must also follow DOT regulations when applicable.

8. LANL has requested a modification on Page 54 to Figure 6. LANL wishes to replace old figure 6 with new figure 6. NMED has determined this to be a **Class I** modification.
9. LANL has requested a modification of Page 26 to Section A.1.d correcting the description of gas cylinder storage as it now occurs at TA-54 Area-L. NMED has determined this to be a **Class I** modification.
10. LANL has requested a modification on Page 26 in Section A.1.d to delete the description of the old, and no longer used, method of securing gas cylinders during storage at TA-54 Area-L. NMED has determined this to be a **Class I** modification.
11. LANL has requested a modification on Page 26 to Section A.1.f by the addition of building 54-70 "and three new modular buildings." Because this is an upgrade in facility without an increase in storage capacity, NMED has determined this to be a **Class I** modification.

LANL must submit to NMED the structure numbers for the "three new modular buildings" along with a description of how they will be used in the waste segregation and characterization process before this modification becomes effective.

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12. LANL has requested a modification on Page 31 to Section A.2 to reflect the change in number of Barium Sands Treatment Tanks at TA-54 Area L due to closure of two (2) of the tanks. NMED has determined this to be a **Class I** modification.

Page 31 Section A.2 is also modified to reflect the addition of language describing the "Barium Sands Truck Mounted Container Treatment System" and specify its operating location. This is an upgrade in equipment and determined to be a Class I modification.

13. LANL has requested a modification on Page 31 to Section B.5.b by addition of language clarifying the tank marking and information requirements. NMED has determined this to be a **Class I** modification.
14. LANL has requested a modification on Page 33 to Section C.3 by the addition of language justifying the Barium Sands Truck Mounted Container Treatment System and its addition to the waste treatment process at LANL. NMED has determined this to be a **Class I** modification.
15. LANL has requested modification on Page 33 to Section D.3 by addition of a description of the Barium Sands Truck Mounted Container Treatment System operating location in Attachment L to their Permit. This modification will require a Closure Plan Modification which requires the Director's approval prior to modification and is therefore determined to be a **Class I\*** modification.
16. LANL has requested the modification on Page 34 to Section E.3 by the addition of information describing the Inspection/Reporting procedures for the Barium Sands Truck Mounted Container Treatment System. This has been determined to be a **Class I\*** modification that requires the Director's approval prior to implementation.
17. LANL has requested modification on Page 36 to Section H.3 by addition of language identifying the closure requirements for the Barium Sands Truck Mounted Container Treatment System. This modification has been determined to be a **Class I\*** modification.

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18. LANL originally requested a modification describing the "plumbing changes" to the "Pollution Control Equipment Train" of the Control Air Incinerator. LANL subsequently withdrew that modification request in writing On July 28, 1994.

NMED refers LANL to Page 15 Section 11 of the Permit which requires "Certification of Construction or Modification" in subparts a. and b.