

Los Alamos National Laboratory

Environment, Safety And Health Division (ESH-19)

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Date: September 14, 2000
Refer to: ESH-19:00-083

Mr. James Bearzi, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2044-A Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502-6110



Dear Mr. Bearzi:

Subject: Request for Meeting to Resolve AUA and Permit Fee Issues

The purpose of this letter is to request a meeting with you and your staff and any appropriate members of your management and legal counsel that may be necessary to resolve issues surrounding the Annual Unit Audit (AUA) and the permit fees. We have had some discussion with you, your predecessor, your legal representatives and your staff on this issue without coming to resolution.

In our AUA transmittal letters for the last two years we have listed a number of items that we dispute. We have tried to meet and resolve this informally without any success. Our concern is twofold. One, there are a number of items on the AUA that do not belong there. Some of them should be removed due to past legal proceedings; some were placed there this year after being removed last year, while others have been broken out to their maximum number (i.e. the 22 shafts and three surface impoundments at TA-54-L are listed as 25 separate landfills).

Our second concern leads from the first, the definition of unit. As you might remember, this issue has been discussed as recently as last May when we met to develop the Permit Working Group (High Performance Team). How unit is defined will control what the amount of the fee will be for TA-50 and TA-54.

The Laboratory and DOE have supported and continued to support fees for services for the Hazardous Waste Bureau (HWB). In the fee regulation hearings the consolidation of similar operations at a given TA were discussed as a positive approach in relationship to fees. The issue of federal facilities not being able to pay taxes but only fees for service was brought up by almost every federal facility. The Laboratory remains concerned over what the fee for TA-50 and TA-54 might be based on conversations with you and your staff and your letter last year that stated, "...the suggested \$810,000 is in fact far below the minimum amount expected to be owed for both TA-50 and TA-54".

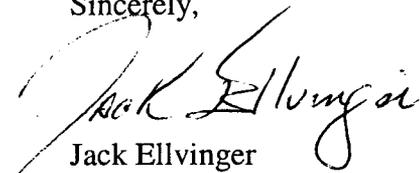


HWB LANL G/Permit

Without some idea of what HWB may be thinking in regards to a fee for the two mentioned TAs it is difficult for the Laboratory to plan and budget for its future. In order to preclude a difficult situation later we would like to meet informally to try and resolve the above issues. The sooner these can be resolved the better it will be for all parties.

The permit-working group has started to organize the work on the TA-50 chapter of the permit. That would mean that a completeness determination and assessment of a fee for that technical area is not far off. I would be happy to coordinate a date and time with you, your staff, DOE and University of California staff members for a meeting on these issues. I can be reached at (505) 667-0633 or by e-mail at JEE@lanl.gov.

Sincerely,



Jack Ellvinger
Hazardous and Solid Waste Group

JE/vh

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