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Permit

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 21, 2003

Gregory Mello
Los Alamos Study Group
312 E. Marcy Street #10
Santa Fe, New Mexico 87501

**RE: RESPONSE TO COMMENTS ON LOS ALAMOS NATIONAL LABORATORY
PERMIT MODIFICATION REQUEST, SEPTEMBER 2002**

Dear Mr. Mello:

The New Mexico Environment Department (NMED) is in receipt of the comments that you submitted to Los Alamos National Laboratory (LANL) and forwarded to NMED. The comments are regarding a Class III Permit Modification Request submitted on September 30, 2002 by LANL and the U.S. Department of Energy (the Permittees) to remove nine solid waste management units (SWMUs) from the Hazardous and Solid Waste Amendments (HSWA) Module of the Permittees Resource and Conservation and Recovery Act (RCRA) Permit (the Permit). The comments were submitted on November 13, 2002 via e-mail during the 60-day public comment period provided by LANL pursuant to the regulations [40 CFR 270.42(c) incorporated by 20.4.1.900 NMAC]. The Permittees held a public meeting regarding this request in Los Alamos on November 14, 2002.

In your comments you had expressed concern that the permit modification was being proposed for a permit that had expired. According to the regulations [40 CFR 270.51(d) incorporated by 20.4.1.900 NMAC], "In a State with an hazardous waste program authorized under 40 CFR 271, if a permittee has submitted a timely and complete application under applicable State law and regulations, the terms and conditions of an EPA-issued RCRA permit continue in force beyond



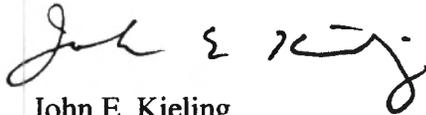
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the expiration date of the permit, but only until the effective date of the State's issuance or denial of a State RCRA permit." The RCRA permit was issued to the Permittees on November 1989, and was effective for ten years. The Permittees submitted a renewal application to NMED in October 1998. NMED is in the process of issuing a new RCRA permit to the Permittees, the existing permit is valid until a new permit has been issued. NMED believes this should address your concern.

NMED is reviewing the request for permit modification and intends to public notice the SWMUs deemed appropriate for NFA in the near future. NMED will notify you of this action. Should you have any questions regarding this letter please contact me at (505) 428-2535 or Neelam Dhawan at (505) 428-2540.

Sincerely,



John E. Kieling
Manager
Permits Management Program

JEK:nmd

cc: J. Bearzi, NMED HWB
C. Will, NMED HWB
J. Young, NMED HWB
N. Dhawan, NMED HWB
J. Vozella, DOE LAAO, MS A316
E. Trollinger, DOE LAAO, MS A316
G. Pete Nanos, LANL Director, MS A100
D. McInroy, LANL RRES-ER, MS M992

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