



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

Permit  **ENTERED**
NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 27, 2012

Kevin W. Smith, Manager
Los Alamos Site Office
Department of Energy
3747 W. Jemez Rd., MS-A316
Los Alamos, NM 87544

Michael Brandt, Associate Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
Los Alamos Research Park
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: REQUEST FOR CLASSIFICATION DETERMINATION FOR PROPOSED
MODIFICATION TO THE LOS ALAMOS NATIONAL LABORATORY (LANL)
HAZARDOUS WASTE FACILITY PERMIT
EPA ID# NM 0890010515**

Dear Messrs. Smith and Brandt:

The New Mexico Environment Department (Department) has received the *Request for Classification Determination for Proposed Modification to the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit* (Request), dated September 20, 2012, from the United States Department of Energy and Los Alamos National Security, LLC (collectively the Permittees). The Permittees seek a class determination for a Permit Modification Request to modify their Hazardous Waste Facility Permit (Permit) to add macroencapsulation treatment.

The Department has reviewed the Permittees' Request, and provides the following comments. The Permittees must address these comments before the Department can complete its evaluation of the Request and make a class determination.

40 CFR 270.42(d)(1) [incorporated by 20.4.1.900 NMAC] states that if the Permittees request a classification determination for a Permit modification, they "must provide the Agency with the

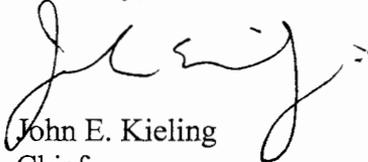


Messrs. Smith and Brandt
September 26, 2012
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with the necessary information to support the requested classification.” The Permittees’ request did not provide the necessary information. Specific changes to the Permit and a complete justification for requesting a Class 1 modification with prior Department approval was not provided with the Request. In order for the Department to determine the appropriate classification, the Permittees must provide the following: (1) a narrative describing the exact changes being proposed to the Permit; (2) a complete justification for requesting that the modification be a Class 1 modification with prior Department approval; and (3) proposed changes to the Permit in redline/strikeout.

If you have questions regarding this correspondence, please contact Tim Hall of my staff at 505-222-9555 or at timothy.hall@state.nm.us.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK/th

cc:

J. Davis, NMED RPD
D. Cobrain, NMED HWB
T. Hall, NMED HWB
L. King, EPA 6PD-N
T. Grieggs, LANS ENV-RCRA, , MS-K490
M. Haagenstad, LANS ENV-RCRA, , MS-K404
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G. Turner, DOE-LASO, MS-A316

File: Reading and LANL Permit 2012