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State of New Mexico
ENVIRONMENT DEPARTMENT



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RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

February 21, 2007

Mr. Dan Glenn, Manager
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

Richard S. Watkins, Associate Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
Los Alamos Research Park
4200 Jemez Road, Suite 400
Los Alamos, NM 87545

**RE: RESPONSE TO "APPROVAL TO PROCEED WITH CONSTRUCTION OF THE CHEMISTRY AND METALLURGY RESEARCH FACILITY REPLACEMENT (CMRR) PROJECT PRIOR TO OBTAINING A RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT" DATED FEBRUARY 6, 2007
LOS ALAMOS NATIONAL LABORATORY EPA ID# NM00890010515**

Dear Messrs. Glenn and Watkins:

The New Mexico Environment Department (NMED) is in receipt of George Rael's February 6, 2007 letter on behalf of the Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, the Permittees), in which he requests approval to proceed with construction of the chemistry and metallurgy research facility replacement (CMRR) project prior to obtaining a Resource Conservation and Recovery Act (RCRA) permit to manage hazardous waste at the facility.

Construction of the CMRR building prior to permit issuance may proceed at the Permittees' own risk with respect to compliance with the New Mexico Hazardous Waste Act and state regulation for the storage of hazardous and mixed waste at 20.4.1 NMAC. However, after review of the Permittees' permit modification proposed to be submitted in the Fall of 2009, NMED may determine that changes are warranted to construction specifications, site location, or other facets of the facility to achieve compliance with the controlling regulations.



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Messrs. Glenn & Watkins
February 21, 2007
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Finally, NMED reminds the Permittees that they are prohibited from storing hazardous or mixed waste within the new CMRR building prior to NMED's issuance of a RCRA permit for the Facility.

If you have any questions or comments regarding this letter, please contact me at (505) 476-6016 or John Kieling, Permits Program Manager, at (505) 476-6035.

Sincerely,



James P. Bearzi
Bureau Chief
Hazardous Waste Bureau

JPB:rjk

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
S. Pullen, NMED HWB
R. Kay, NMED HWB
L. King, EPA Region 6 (6PD-N)
T. George, LANL RRES-SWRC, MS K490
J. Ellvinger, LANL RRES-SWRC, MS K490
G. Turner, DOE LASO, MS A316
G. Bacigalupa, LANL RRES-SWRC, MS K490
File: Reading and ~~LANL 2007~~