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permit
77-35

FEB 24 1994

MEMORANDUM

SUBJECT: Review of Response to Comments and Class III Permit Modification Request for Los Alamos National Laboratory

FROM: William K. Honker, P.E., Chief
RCRA Permits Branch (6H-P)

TO: Lawrence Andrews
Office of Regional Council (6C-M)

Attached is a copy of the response to comments and the changes made to the Hazardous and Solid Waste Amendments (HSWA) portion of the Resource Conservation and Recovery Act (RCRA) permit issued to Los Alamos National Laboratory (LANL) as a result of a Class III permit modification request. The only comments received were from the Permittee clarifying portions of the Class III permit modification request. EPA does not anticipate that there will be an appeal of any of the changes made. Please provide comments by March 9, 1994 to Barbara Driscoll of my staff (x7441). If no comments are received by the above mentioned date, then we will proceed to issue a final determination for this permit.

Barbara Driscoll

6H-PN:BDRISCOLL:BD:2/22/94:J:\USER\SHARE\LANL. ORC

6H-PN 6H-P
NELEIGH THOMAS
m/for *2/23*



BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

February 9, 1994

Ms. Victoria Parrill
900 Calle Carmelita
Santa Fe, New Mexico 87501

**RE: Comments on the Research, Development and Demonstration
Packed-Bed Reactor/Silent Discharge Plasma (RD&D1) and the
Hydrothermal Processing unit (RD&D2) draft Permits**

Dear Ms. Parrill,

The New Mexico Environment Department (NMED) received your request for a public hearing on the above mentioned draft Permits proposed for the U.S. Department of Energy/Los Alamos National Laboratory (DOE/LANL). Your request for a hearing for both of these draft permits was received on December 15, 1993, during the public comment period. Your request however, failed to define the reasons as to why a public hearing should be held regarding the proposed draft Permits.

Your reasons for requesting that a public hearing should be held on these draft Permits must be received by NMED within ten (10) days of the receipt of this letter. Your response should include issues that NMED is able to address in the proposed RD&D draft Permits.

If you prefer, your letter may request that a meeting with you and DOE/LANL be held in order to fully respond to the concerns you may have. This is in accordance with (HWMR-7), Part IX, Section 902.A.4., (see enclosure) which states that, the NMED, acting in conjunction with the applicant, will respond to the request in an attempt to resolve the issues regarding the proposed draft Permits.

If we do not receive your response within the designated time, we must assume that your concerns are satisfied. NMED will then close the public comment period and make a final decision on the draft permit without holding a formal public hearing.

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Parrill: *Comment*
February 9, 1994

If you have any questions regarding this process, you may contact
Cornelius Amindyas of my staff at (505) 827-4308.

Sincerely,



Barbara Hoditschek, Program Manager
RCRA Permits
Hazardous and Radioactive Materials Bureau

Enclosure

cc: Benito Garcia, Bureau Chief, HRMB
William K. Honker, U.S. EPA Region 6
John Mack, DOE LAAO
Tony Grieggs, LANL EM-8
Tracy Hughes, OGC

602. OMISSIONS. The following provisions of 40 CFR Part 265 are omitted from Part VI of these regulations:

- A. Section 265.149; and
- B. Section 265.150.

**PART VII - STANDARDS FOR THE
MANAGEMENT OF SPECIFIC HAZARDOUS
WASTES AND SPECIFIC TYPES OF
HAZARDOUS WASTE MANAGEMENT FACILITIES**

701. ADOPTION OF 40 CFR PART 266. The regulations of the United States Environmental Protection Agency set forth in 40 CFR Part 266, through July 1, 1992, are hereby incorporated as Part VII of the New Mexico Hazardous Waste Management Regulations.

**PART VIII - LAND DISPOSAL
RESTRICTIONS**

801. ADOPTION OF 40 CFR PART 268. The regulations of the United States Environmental Protection Agency set forth in 40 CFR Part 268, through July 1, 1992, are hereby incorporated as Part VIII of the New Mexico Hazardous Waste Management Regulations.

**PART IX - THE HAZARDOUS WASTE
PERMIT PROGRAM**

901. ADOPTION OF 40 CFR PART 270. The regulations of the United States Environmental Protection Agency set forth in 40 CFR Part 270, through July 1, 1992, are hereby incorporated in Part IX of the New Mexico Hazardous Waste Management Regulations.

902. PERMITTING PROCEDURES.

A. Permit Issuance or Denial.

1. Once an application is complete, the Secretary shall prepare and issue either a Draft Permit or a Notice of Intent to Deny.

a. A Draft Permit shall contain all conditions, compliance schedules, monitoring requirements and technical standards for treatment, storage, and/or disposal provided for in 40 CFR Part 270.

b. A Notice of Intent to Deny shall state the Secretary's reasons for the intended denial.

2. Any Draft Permit or Notice of Intent to Deny prepared

by the Department under Section 902.A.1 of these regulations shall be accompanied by a fact sheet and shall be based on the administrative file. Copies of the fact sheet shall be sent to the applicant; to any state or federal agency, as applicable; and, on request, to any other person.

3. The Secretary shall give public notice that a Draft Permit or a Notice of Intent to Deny has been prepared, and shall allow forty-five (45) days for review and public comment, including requests for public hearing.

4. If the Secretary issues a Draft Permit, and a timely written notice of opposition to the Draft Permit and a request for a public hearing is received, the Department, acting in conjunction with the applicant, will respond to the request in an attempt to resolve the issues giving rise to the opposition. If such issues are resolved to the satisfaction of the opponent, the opponent may withdraw the request for a public hearing.

5. No ruling shall be made on permit issuance or denial without an opportunity for a public hearing, at which all interested persons shall be given a reasonable chance to submit significant data, views or arguments orally or in writing and to examine witnesses testifying at the public hearing. A public hearing shall be scheduled if:

a. the Secretary issues a Notice of Intent to Deny, and a timely request for public hearing is received from the applicant;

b. the Secretary issues a Draft Permit, a timely request for public hearing is received from any person opposed to the granting of a permit, and such person does not subsequently withdraw the request pursuant to Section 902.A.4 of these regulations; or

c. the Secretary determines, no later than five (5) days following the end of the comment period specified in Section 902.A.3, that a public hearing should be held notwithstanding the absence of a timely request for public hearing.

6. The comment period specified in Section 902.A.3 shall automatically be extended to the close of any public hearing.

7. The Secretary shall give due consideration and the weight he/she deems appropriate to all comments received during a public comment period and to all relevant facts and circumstances presented at a public hearing.

Att: Carl Stubb

From: Victoria Paniel
900 Calle Carmelita
Santa Fe NM 87501

Comments re:

Draft Research, Development
& Demonstration permit
LANL Hydrothermal Processing
Unit.

Before approval might
be given, the DOE
should produce a
full environmental
impact statement and
hold public hearings
to receive and respond
to public concerns.

Att: Cornelius
Amindyas

From: Victoria Paniel
900 Calle Carmelita
Santa Fe NM 87501

Comments re:

Research, Development
& Demonstration
Experiment (PBR/SDF)
unit.

Before approval may be
given, the DOE
must produce a
full environmental
impact statement
and
hold public hearings
to receive and respond
to public concerns.