

II.I.E. NM 0290010715

AUG 24 1989

Mr. Michael Horan
P.O. Box 2262
Taos, New Mexico 87571-2262

Dear Mr. Horan:

This letter is in response to your June 23, 1989, FOIA letter. In that letter, you posed seven questions, six concerning the inspection of LANL TA-50 incinerator.

Regarding questions 1 through 4 and 6, during EPA's annual inspections, the incinerator was never operating, and had not been operating for some time, therefore, only visual inspection of the incinerator was performed. A RCRA trial burn was performed by LANL on this incinerator with non-radioactive hazardous waste on September 7, 1986. During this burn, an EPA inspector watched LANL perform various tasks, procedures and sampling of this trial burn. In addition to EPA's yearly inspections, there are also random surprise inspections.

Question 5; LANL has not applied for a delisting for the carbon bed filter fly ash or the scrubber water from the TA-50 CAI.

Regarding question 7, presently the regulations (40 CFR 262.41 (a) (6), (7) and 264.73(b)(9)) require a description of efforts to reduce the volume and toxicity of waste generated. The requirements of the above mentioned regulations are contained in the Biennial report, and the permit. This regulation, as written, can not be used to deny a permit if the plans are inadequate. Under the LANL HSWA permit, there is a waste minimization provision. This provision requires LANL to certify that they have a waste minimization program to reduce the volume and toxicity of hazardous waste generated, to the degree determined by the generator to be economically practicable. This wording comes directly from the RCRA statute.

We greatly appreciate the time and effort you have put into the review and comments on the LANL draft permit. As a result of your comments and others during the public comment period, we are trying to strengthen this and other requirements in the permit.

If you have any further questions, please contact Rich Mayer at 214-655-6775.

Sincerely yours,

Bill Gallagher, Chief
ALONM Permits Section
RCRA Permits Branch



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CONCURRENCES							
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