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October 13, 1993

Ms. Marilyn Bange, Director
Waste Management Division
US Department of Energy
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87185-5400

Dear Ms. Bange:

The Department of Energy (DOE) has listed in conceptual site treatment plans (CSTPs) treatment options available to DOE at DOE sites in the nation. The New Mexico Environment Department (NMED) received a copy of Table A that DOE intends to submit as an attachment to the CSTPs.

The National Governors Association has asked that states review the sections of the Table A that reference their respective states. In addition, states were asked to submit written comments directly to the appropriate DOE field staff regarding corrections or confirmations for all information for the sites in their state.

As Director of the NMED Water and Waste Management Division I would like to comment on the RCRA hazardous waste status of the Los Alamos National Laboratory (LANL) Controlled Air Incinerator (CAI).

The CAI was permitted for hazardous waste incineration in 1989. Mixed waste incineration was not requested for this permit. Since the unit is permitted, interim status ended on the date of permit issuance and interim status is no longer available for the unit. Authorization to manage mixed waste in the CAI falls under the New Mexico Hazardous Waste Management Regulations, Revision 7 (HWMR-7) Part IX, Section 270.42 (g) permit modification regulations which require a permit modification request for newly listed or characterized waste.

Since LANL has not submitted a modification request to date, the CAI unit is not permitted or authorized to incinerate mixed waste. LANL may submit a permit modification request to add mixed waste stream(s) to the wastes specified in the permit. Incineration of mixed waste in the CAI unit would be authorized upon the effective date of permit modification issuance by NMED.

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Please modify "Table A" to reflect LANLs CAI as not available for incineration of mixed waste until Permit #NM0890010515-1 is modified. If you have any questions concerning this letter, please feel free to call me at (505) 827-2850.

Sincerely,


Kathleen M. Sisneros, Director
Water and Waste Management Division

cc: Benito Garcia, Bureau Chief, HRMB
Barbara Hoditschek, Program Manager, HRMB
✓ Marc Sides, HRMB IPA
John Thomasian, NGA
William K. Honker, EPA Region 6