



Gary Johnson
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

Permitting Reading
File
TA 520
Mark E. Weidler
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 5, 1995

Mr. Larry Kirkman, Acting Area Manager
Department of Energy
Los Alamos Area Office
528 35th Street
Los Alamos, NM 87544

Dear Mr. Kirkman:

**RE: Request to Modify RCRA Hazardous Waste Permit - Determination
of Classification.
EPA ID No. NM 0890010515-1**

The Hazardous and Radioactive Materials Bureau (HRMB) of the New Mexico Environment Department (NMED) has reviewed DOE/LANL's November 7, 1994, request for a Class 1 permit modification for the Controlled Air Incinerator (CAI). NMED understands the intent of this proposed permit modification is to clarify the circumstances requiring reverification of the destruction and recovery efficiency (DRE) for the CAI.

NMED has determined this to be a Class 2 modification, and rejects the Class 1 modification request. According to 20 NMAC 4.1, Subpart IX, §270.42, Appendix I.B.4, changes in frequency or content of inspection schedules constitute a Class 2 modification. Adding language to permit condition V.I.5.b, allowing the DRE to be verified later than 8000 hours or five years after the effective date of the permit, results in a change in frequency of the inspection schedule. Although the intent of this permit condition may have been to ensure the CAI continues operating at the expected level of efficiency, the current language does not clearly state this intention. The modification proposed by LANL is unacceptable to NMED because it unnecessarily removes language allowing the Department to require verification, and it does not clarify the intent of the permit condition.

HRMB has modified the language in existing permit condition V.I.5.b and moved it into the inspection portion of the permit at V.H.5. Attached is the proposed language for public comment in ~~redline~~/strikeout format.

DOE/LANL must now proceed with public notification of this Class 2 modification pursuant to 20 NMAC 4.1, Subpart IX, §270.42(b). You may use your facility mailing list in lieu of the Department's to



8716

Mr. Larry Kirkman
Page 2
January 5, 1995

inform stakeholders of the 60 day comment period and public meeting. Also attached is suggested language for the fact sheet, public notice, and a radio announcement. Determine a date and location for the public meeting and provide us with copies of final mailings and legal notice within 15 days from receipt of this letter. There will be no fee assessed for this permit modification as the work is being performed as a grant commitment for the EPA.

Contact Mr. Steve Zappe of my staff at (505) 827-4308 if you have any questions.

Sincerely,



Benito J. Garcia
Chief, Hazardous and Radioactive Materials Bureau

cc: Barbara Hoditschek, HRMB
Susan McMichael, NMED
Barbara Driscoll, EPA/Region 6
Jack Ellvinger, LANL
Jon Mack, DOE LAAO
File: LANL Red 95

3. Warning Signs. The legibility and condition of warning signs shall be included in the quarterly inspection. Missing or illegible signs shall be promptly replaced within 24 hours of discovery.
 - a. Signs shall be at the entrances to the hazardous waste units. Collocated units may be included within one signed area.
 - b. Signs shall say "Danger, Unauthorized Personnel Keep Out" and "Hazardous Waste Storage Area".
 - c. Signs shall be in English and Spanish.
 - d. Signs on approachable fences shall be spaced no more than 50 feet apart.
4. Automatic Cutoff. The automatic cutoff system shall be tested every 2000 operating hours to demonstrate proper operation.
5. Destruction and Removal Efficiency. The destruction and removal efficiency (DRE) shall be verified after incinerator modifications affecting the DRE, upon accumulation of eight thousand hours of hazardous waste incineration time or three years after the commencement of hazardous waste incineration (whichever occurs first), or if NMED determines that new information requires further testing of the incinerator. The time calculation shall be restarted following any verification required by this paragraph.

V.I. RECORDKEEPING

1. Waste History. The incinerator operating record shall include the source, date of receipt, description, quantity and date of incineration for each batch of hazardous waste incinerated.
2. Waste Analysis. Records of waste analysis shall be kept in accordance with permit paragraph II.K.1.a. above.
3. Inspections. Records of inspection shall be kept for three years from the date of the last action taken as a result of the inspection.
4. Automatic Waste Feed Cutoff. Whenever the automatic waste feed cutoff system required by permit paragraph V.F.8. above operates, the cause, time and remedy or repair shall be entered in the operating record. This record shall include the testing or demonstration operations required by permit paragraph V.H.4. above.
5. Effluent Analysis.
 - a. Whenever sampling and analysis of the incinerator combustion exhaust or effluent control system scrubber solution are done, the sampling date, individual(s), methods and analytical results shall be entered in the operating record.
 - ~~b. The destruction and removal efficiency (DRE) shall be reverified after incinerator modifications affecting the DRE, upon accumulation of eight thousand hours of hazardous waste incineration time or five years after the effective date of this permit, whichever occurs first or if EID determines that new information requires further testing of the incinerator. Subsequent to a modification subject to this paragraph the time calculation shall be restarted.~~
 - eb. Results of calculations of the DRE associated with effluent analysis shall be entered in the operating record.

**HAZARDOUS WASTE FACILITY
PERMIT MODIFICATION FACT SHEET**

for the

**CONTROLLED AIR INCINERATOR
Los Alamos National Laboratory**

January xx, 1995

Activities: Modification of the Hazardous Waste Facility Permit concerning the verification of the Destruction and Removal Efficiency of the Controlled Air Incinerator.

Facility Name: Los Alamos National Laboratory

EPA ID Number: NM0890010515

Location: Los Alamos National Laboratory (LANL) is located in Los Alamos County, New Mexico. The Controlled Air Incinerator (CAI) is located in Technical Area 50, Building 37.

Background Information: The New Mexico Environment Department (NMED) issued a Hazardous Waste Facility Permit on November 8, 1989, to the Department of Energy and the University of California for the Los Alamos National Laboratory. The permit allows LANL to operate certain hazardous waste management units, such as the CAI. One condition in the permit requires LANL to verify the Destruction and Removal Efficiency (DRE) for the CAI after 8000 hours of hazardous waste incineration time or five years after the effective date of the permit, whichever comes first. The intent of this condition was to ensure the CAI continues operating at the required level of efficiency. However, the CAI has not operated since 1987 and was not ready to operate when the five year verification required by the permit came due in November 1994. LANL proposed a Class 1 modification to NMED which accounted for the fact that the incinerator had never operated under the permit. NMED found the initial proposed language unacceptable, and also determined it to be a Class 2 modification because it sought to change the frequency of inspection schedule for the CAI. NMED developed the current language for the proposed modification.

Effect of Proposed Modification: The current proposed modification addresses the conditions requiring verification of the DRE for the CAI. Under the proposed language, the phrase "five years after the effective date of this permit" would be replaced by "three years after the commencement of hazardous waste incineration". This condition is more protective of human health and the environment by increasing the frequency of verification, while at the same time not requiring verification if the CAI has never burned hazardous waste. The modification also moves this permit condition from the Recordkeeping section (V.I.5.b)

to a more appropriate location in the Inspection section (IV.H.5). A minor typographical error on the same page (Section V.I.1), where "date of incineration" is replaced by "rate of incineration", is also corrected in the modification.

**Permit
Modification
Availability:**

Copies of the proposed permit modification are available for public review weekdays between 8 am and 5 pm at the **NMED Hazardous and Radioactive Materials Bureau, 525 Camino de los Marquez, Suite 4, Santa Fe, NM 87502**, and during normal business hours at the following locations:

LANL Community Reading Room 1450 Central Avenue, Suite 101 Los Alamos, New Mexico	Mesa Public Library 1741 Central Avenue Los Alamos, New Mexico
Santa Fe Public Library 145 Washington Avenue Santa Fe, New Mexico	Española Public Library 314A Oñate Street Española, New Mexico

Public Meeting: The public is invited to attend an informal informational meeting scheduled for (day and date), from (hours of meeting - at least two hours long) at (location). The building is located at (tell them where). NMED, DOE and LANL staff members will be available at the meeting to provide additional information on the proposed permit modification.

**Comment Period
and Request
for Hearing:**

Any person, including LANL, who wants to comment on the proposed decision to approve the permit modification, or who wants to request a public hearing, may do so by submitting written comments or requests to the NMED Hazardous and Radioactive Materials Bureau, 525 Camino de los Marquez, P.O. Box 26110, Santa Fe, NM 87502, ATTENTION: Mr. Steve Zappe. Any request for hearing shall state the nature of the issues proposed to be raised in the hearing and must include the requestor's name and address. Only comments and/or requests received by (60 days from date of notice), will be considered. For further information, call Mr. Zappe at (505) 827-4308.

Final Decision: NMED will consider all comments submitted on this proposed permit modification before formulating a final decision. NMED will notify LANL, and each person who submitted a written comment during the public comment period, of the final decision or of any public hearing which may be scheduled. The final decision will require that activities at the CAI be conducted according to applicable State and Federal laws and with the terms approved in the permit modification.

PUBLIC NOTICE NO. **xx**

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS AND RADIOACTIVE MATERIALS BUREAU
Santa Fe, NM 87502

January **xx**, 1995

NOTICE OF INTENT TO APPROVE
RCRA PERMIT MODIFICATION
LOS ALAMOS NATIONAL LABORATORY
EPA NO. NM0890010515

The State of New Mexico is authorized to operate a hazardous waste management program in lieu of the Federal program for those portions of the Resource Conservation and Recovery Act (RCRA) in effect before the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA). The HSWA imposes additional requirements on hazardous waste management facilities that will be administered by the U. S. Environmental Protection Agency (EPA) until the State of New Mexico receives additional authorization for those requirements.

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 et. seq. NMSA 1978, as amended, 1989) and the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1), the New Mexico Environment Department can approve or disapprove permit modifications. The Hazardous and Radioactive Materials Bureau (HRMB) of the New Mexico Environment Department (NMED) proposes that the Department approve the permit modification initiated by Los Alamos National Laboratory (LANL), Los Alamos, New Mexico, EPA I.D. No. NM0890010515, for the Controlled Air Incinerator (CAI) located at Technical Area 50, Building 37.

NMED issued a Hazardous Waste Facility Permit on November 8, 1989, to the Department of Energy and the University of California for the Los Alamos National Laboratory. The permit allows LANL to operate certain hazardous waste management units, such as the CAI. One condition in the permit requires LANL to verify the Destruction and Removal Efficiency (DRE) for the CAI after 8000 hours of hazardous waste incineration time or five years after the effective date of the permit, whichever comes first. The intent of this condition was to ensure the CAI continues operating at the required level of efficiency. However, the CAI has not operated since 1987 and was not ready to operate when the five year verification required by the permit came due in November 1994. LANL proposed a Class 1 modification to NMED which accounted for the fact that the incinerator had never operated under the permit. NMED found the initial proposed language unacceptable, and also determined it to be a Class 2 modification because it sought to change the frequency of inspection schedule for the CAI. NMED developed the current language for the proposed modification.

The current proposed modification addresses the conditions requiring verification of the DRE for the CAI. Under the proposed language, the phrase "five years after the effective date of this permit" would be replaced by "three years after the commencement of hazardous waste incineration". This condition is more protective of human health and the environment by increasing the frequency of verification, while at the same time not requiring verification if the CAI has never burned hazardous waste. The modification also moves this permit condition from the Recordkeeping section (V.I.5.b) to a more appropriate location in the Inspection section (IV.H.5). A minor typographical error on the same page (Section V.I.1), where "date of incineration" is replaced by "rate of incineration", is also corrected in the modification.

The administrative record for this proposed decision consists of the permit modification, a fact sheet, and related correspondence. You may review the administrative record weekdays between 8 am and 5 pm at the **NMED Hazardous and Radioactive Materials Bureau, Marquez Place, 525 Camino de los Marquez, P.O. Box 26110, Santa Fe, NM 87502**. You may review the permit modification and fact sheet during normal business hours at the **LANL Community Reading Room, 1450 Central Avenue, Suite 101, Los Alamos, NM**, and the main public libraries in Santa Fe, Los Alamos, and Española. To obtain a copy of the administrative record or any part thereof, at 35 cents per page, contact Mr. Steve Zappe at the above Santa Fe address or call (505) 827-4308.

The public is invited to attend an informal **informational meeting** scheduled for (day and date), from (hours of meeting - at least two hours long) at (location). The building is located at (tell them where). NMED, DOE and LANL staff members will be available at the meeting to provide additional information on the proposed permit modification.

Any person wanting to comment upon the proposed plan or to request a public hearing should submit written comments or requests, along with their name and address, to the above Santa Fe address. Requests for a public hearing should state the nature of the issues proposed to be raised in the hearing. Only comments and/or requests received by (60 days from date of notice) will be considered.

NMED will consider all comments submitted on this proposed permit modification before formulating a final decision. NMED will notify LANL, and each person who submitted a written comment during the public comment period, of the final decision or of any public hearing which may be scheduled. The final decision will require that activities at the CAI be conducted according to applicable State and Federal laws and with the terms approved in the permit modification.

**Radio Announcement for
Controlled Air Incinerator
Proposed Permit Modification**

The New Mexico Environment Department proposes to approve a modification to Los Alamos National Laboratory's Hazardous Waste Facility Permit. This modification would address verification of the Destruction and Removal Efficiency for the Controlled Air Incinerator.

Copies of the proposed permit modification are available for public review weekdays between 8 am and 5 pm at the NMED Hazardous and Radioactive Materials Bureau, 525 Camino de los Marquez, Suite 4, in Santa Fe, and during normal business hours at the LANL Community Reading Room and several local libraries.

If you have further questions or comments on this proposed permit modification, or you believe a public hearing should be held, contact Mr. Steve Zappe of the Environment Department in Santa Fe at 827-4308, or write to the NMED Hazardous and Radioactive Materials Bureau, P.O. Box 26110, Santa Fe, NM 87502, no later than March xx, 1995.