

TP 50

State of New Mexico

**ENVIRONMENT DEPARTMENT**  
Hazardous & Radioactive Materials Bureau  
2044 Galisteo  
P.O. Box 26110  
Santa Fe, New Mexico 87502  
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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

*Reading File*

February 16, 1996

Mr. Larry Kirkman  
DOE/LAAO  
528 35th Street  
Los Alamos, NM 87545

Dear Mr. Kirkman:

**RE: Class II Permit Modifications, Controlled Air Incinerator  
(CAI)  
EPA I.D. No. NM 0890010515**

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) has received DOE/LANL's response to HRMB's request for further information regarding the captioned permit modifications. The request addresses proposed modifications to the hazardous waste permit for the Controlled Air Incinerator (CAI). This letter addresses the modifications which the HRMB class determination letter of April 17, 1995 determined to be Class II.

HRMB has reviewed the response to the request for further information and found it to be acceptable. The New Mexico Hazardous Waste Fee Regulations (20 NMAC 4.2) require the assessment of permit fees for permit modifications. However, because the Class II modifications are permit activities covered by an EPA RCRA grant commitment, no fees will be charged.

For the Class II modifications, DOE/LANL must now proceed with public notification pursuant to 20 NMAC 4.1.900 which incorporates 40 CFR §270.42(b). You may use your facility mailing list in lieu of NMED's to inform stakeholders of the sixty (60) day comment period and public meeting. Enclosed are the public notice and fact sheet to be used, along with a list of the proposed Class II modifications in tabular form as Attachment I. Because these modifications are equipment upgrades and do not change Permit language, they cannot be shown in redline/strikeout form. LANL must provide NMED with copies of final mailings and legal notice within fifteen (15) days from receipt of this letter. No later than ninety



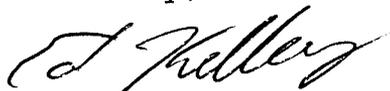
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- (90) days after receipt of the notification request, NMED must:
- (A) Approve the request, with or without changes, and modify the permit accordingly;
  - (B) Deny the request;
  - (C) Determine that the modification request must follow the procedures in 40 CFR § 270.42(c) for Class III modifications for the following reasons:
    - (1) There is significant public concern about the proposed modification; or
    - (2) The complex nature of the change requires the more extensive procedures of Class III.
  - (D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days, or
  - (E) Notify the permittee that he or she will decide on the request within the next thirty (30) days.

If there are any questions please feel free to contact Mr. Michael Chacón at (505) 827-1561.

Sincerely,



Ed Kelley, Ph.D.  
Director, Water and Waste Management Division

Enclosures

cc: David Neleigh, EPA (6H-PN)  
Benito J. Garcia, Chief, HRMB  
Barbara Hoditschek, RCRA Program Manager  
Ron Kern, Manager, RCRA TCP  
File-Reading and LANL TA-50 Red 96

PUBLIC NOTICE NO. 83

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

February 16, 1996

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 a Class II 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 (DOE) 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, which although it has not operated since 1987 is subject to the requirements of the operating permit. LANL has proposed several equipment upgrades which have been determined to be Class II permit modifications by NMED, thus requiring public comment. Processing these Class II modifications will allow NMED to proceed with LANL's proposed closure plan for the CAI .

The administrative record for this proposed decision consists of the plan for Class II permit modifications, 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 library at 2044-A Galisteo, Santa Fe, NM. You may review the permit modification and fact sheet during normal business hours at the LANL Community Reading Room, 1350 Central Avenue, Suite 101, Los Alamos, NM, and the main public libraries in Santa Fe, Los Alamos, Española, and Taos. To obtain a copy of the administrative record or any part thereof, at 35 cents per page, contact Mr. Michael Chacón at (505) 827-1561. LANL's compliance history during the life of the permit being modified is also available from Mr. Chacón.

The public is invited to attend an informal informational meeting on March 7, 1996 from 6:00 p.m. to 9:00 p.m. at the Los Alamos Inn, 2201

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Trinity Drive, Los Alamos. NMED, DOE and LANL staff members will be available at the meeting to provide additional information on the proposed permit modification. For more information, contact Jody Plum (DOE) at (505) 665-5042, Jack Ellvinger (LANL) at (505) 667-0633, or Michael Chacón (listed above).

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: Barbara Hoditschek, RCRA Permits Program Manager, at NMED Hazardous and Radioactive Materials Bureau, P.O. Box 26110, Santa Fe, NM, 87502. 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 April 22, 1996, will be considered.

NMED will consider all comments submitted on this proposed Class II 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.

**HAZARDOUS WASTE FACILITY  
CLASS II PERMIT MODIFICATION FACT SHEET**

for the

CONTROLLED AIR INCINERATOR  
Los Alamos National Laboratory

February 16, 1996

**Activities:** Class II Permit Modification of the Hazardous Waste Facility for 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, which although it has not operated since 1987 is subject to the requirements of the operating permit. LANL has proposed several equipment upgrades which have been determined to be Class II permit modifications by NMED, thus requiring public comment.

**Effect of Modifications:** These modifications will have the effect of bringing the Permit up to date with modifications performed by LANL. When the modifications are complete, NMED will be ready to proceed with the processing of LANL's proposed closure plan for the CAI.

**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 library, which is at 2044-A Galisteo, Santa Fe, NM 87502**, and during normal business hours at the following locations:

LANL Community Reading Room 1350 Central Avenue, Suite 101 Los Alamos, NM 87544 Ph 505/665-2127	Mesa Public Library 2400 Central Avenue Los Alamos, NM 87544 Ph 505/662-8250
Harwood Library 114 Civic Plaza Drive Taos, NM 87571 Ph 505/758-8664	Española Public Library 314A Oñate Street Española, NM 87532 Ph 505/753-3860
Santa Fe Public Library 145 Washington Avenue Santa Fe, NM 87501 Ph 505/984-6781	

**Public Meeting:** The public is invited to attend an **informal informational meeting scheduled for March 7, 1996, from 6:00 - 9:00 PM at The Los Alamos Inn, 2201 Trinity Drive, Los Alamos.** NMED, DOE and LANL staff members will be available at the meeting to provide additional information on the proposed Class II permit modification.

**Comment Period  
and Request  
for Hearing:**

Any person, including LANL, who wants to comment on the intent to approve the proposed Class II permit modification, or who wants to request a public hearing, may do so by submitting written comments or requests to: Barbara Hoditschek, RCRA Permits Program Manager, NMED Hazardous and Radioactive Materials Bureau, 2044-A Galisteo, P.O. Box 26110, Santa Fe, NM 87502. 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 April 22, 1996,** will be considered. For further information, call Mr. Michael Chacón at (505) 827-1561.

**Final Decision:** NMED will consider all comments submitted on this proposed Class II 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.

Proposed Class II Permit Modifications Reviewed by NMED

Permit Page:	Section	Modification Requested	Class	Citation
Module I 6	I.D.10.	Combustion Air Glovebox face removed to accommodate the new valve size changes in this glovebox.	II	40 CFR § 270.42.A.4.b. This is a decrease in what was established as normal operation monitoring of a parameter required by LANL.
6	I.D.10.	Integrated Glovebox-Operated Robotics System added for the hearth sweep-out and inspection of PCC, SCC and main duct added.	II	40 CFR § 270.42.A.4. Change in procedure not a result of "normal maintenance" but is an equipment upgrade.
6	I.D.10.	Removal of combustion gas monitor in the combustion gas glovebox, due to removal of the glovebox front.	II	40 CFR §270.42.A.4.b This is a decrease in what was established as normal operational monitoring of a parameter required by LANL.
6	I.D.10.	Replacement of mechanical process recorders and controllers with multipoint digital controllers.	II	40 CFR § 270.42.A.4.b. Replacement of the controller with multipoint digital controllers does not indicate the process recorders have been replaced with a newer software controlled recording system. This is a decrease in the frequency of monitoring reporting and a change in recordkeeping.

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Permit Page:	Section	Modification Requested	Class	Citation
Module I				
6	I.D.10.	Multiple Energy Gamma Assay System (MEGAS) for SNM assay replaced with Multiple Axis Dual Analysis System (MADAM) system. Also the MADAM and waste package X-Ray systems have been moved from the waste feed glovebox.	II	40 CFR § 270.42.B.1.d. Change in waste sampling and analysis methods.
6	I.D.10.	Main ram glovebox air supply HEPA replaced by direct piping of combustion air to the underfire air blower.	II	40 CFR § 270.42.L.5. Modification of operating condition and the PCC.