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TA-54

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M E M O R A N D U M

Date: March 3, 1993
TO: Rip Harwood, Office of General Counsel
THROUGH: Kathleen M. Sisneros, Director, NMED, W&WMD
FROM: Benito J. Garcia, Bureau Chief, NMED, H&RMB
SUBJECT: Options on Permit Status of New Storage Facility for
Mixed Waste at LANL-54 Area G/LANL Compliance Order

I am requesting your opinion as to whether or not the proposed construction of the storage dome for the storage of mixed waste from TA-54 Area G can be handled under the settlement agreement or must be permitted pursuant to 40 CFR Part 264 of the RCRA regulations.

The reason for this is that LANL/DOE staff believe that the construction phase for such a dome must begin almost immediately, therefore without a permit, in order to meet projected times scheduled to meet obligations proposed under the proposed Settlement Agreement.

If the mechanism exists to allow the construction of such a new dome to begin and allow the program to pursue the permitting process concurrently, this would be the preferred option. If your legal research shows no options but to pursue the permitting of the storage facility prior to construction, please advise. LANL/DOE proposed time frames are based on the assumption that construction could begin almost immediately.

I have discussed this issue verbally with Ms. Susan McMichael and have relayed to her the need to take a position on this issue prior to final submittal of deliverables by LANL/DOE.

Should you have any questions on this issue please contact me at 827-4358.

cc: Susan McMichael, OGC, NMED
Tracy Hughes, OGC, NMED
Barbara Hoditschek, RCRA Permet Section



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