

55

0 NTL 10

LANL TA-55
Temporary Authorization
Treatment and Repackaging
MTRU

Cobrain, Dave, NMENV

From: Hall, Timothy, NMENV
Sent: Wednesday, August 22, 2012 9:12 AM
To: Haagenstad, Mark P; Henckel, George C; Turner, Gene E.; mjgraham@lanl.gov
Cc: Kieling, John, NMENV; Cobrain, Dave, NMENV; Briley, Siona, NMENV
Subject: FW: Treatment and storage unit at TA-55, Room 432

Good morning,

This email is regarding LANL's proposal to request a temporary authorization (TA) under 40 CFR 270.42(e) that would create a short-term container storage and treatment unit at TA-55 in Room 432. Based on information NMED received from LANL, there is a "window of opportunity" to conduct treatment and/or repackaging of STP-covered mixed TRU waste currently in storage at TA-55 that does not meet the WIPP WAC. This window of opportunity ends in early 2013. The information provided to NMED in June 2012 states that the "waste work-off campaign will be completed in less than 180 days."

In a meeting on August 20, 2012, LANL staff informed NMED that the work may not be completed during the 180-day term of the TA due to some waste that cannot be handled using the equipment proposed for use to repackage and/or treat the waste, and that LANL may at some unspecified future date request another TA to complete these activities and/or work off the remaining waste.

40 CFR 270.42(e)(1) states, "Temporary authorizations must have a term of not more than 180 days."

40 CFR 270.42(e)(4) states, "A temporary authorization may be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and: (i) The reissued temporary authorization constitutes the Director's decision on a Class 2 permit modification in accordance with paragraph (b)(6)(i)(D) or (ii)(D) of this section."

53 Fed. Reg. 37919 states, "It is expected that temporary authorizations will be useful in the following two situations: (1) To address a one-time or short-term activity at a facility for which the full permit modification process is inappropriate; or (2) to allow a facility to initiate a necessary activity while its permit modification request is undergoing the Class 2 or 3 review process."

Based on the language in 40 CFR 270.42(e) and in 53 Fed. Reg. 37919, requesting a TA without requesting a permit modification is appropriate if the treatment/repackaging activities will be completed within the 180-day term of the TA. However, if LANL only requests a TA, but does not request a permit modification, the TA may not be extended; in other words, the work must be completed within the 180-day term of the TA, and LANL may not request a TA for the same activity at a future date.

NMED believes that a Class 2 PMR is appropriate. LANL may request a TA at the same time, and if the information submitted meets the requirements in 40 CFR 270.42(e), and NMED approves the TA, LANL should be able to conduct at least some of the work within the timeframe proposed. If the PMR is approved, LANL will have a permitted unit in the future when additional repackaging and/or treatment is necessary.

Please feel free to contact me if you have questions or want to discuss this further.

Tim Hall
New Mexico Environment Department
Hazardous Waste Bureau
timothy.hall@state.nm.us



****Please note my new phone and fax numbers****

Phone: (505) 222-9555

Main HWB Phone: (505) 476-6000

Fax: (505) 222-9510