



Attorney General of New Mexico

ENTERED

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14 July 2003

Mr. Steve Zappe
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive, Building E
Santa Fe, NM 87505



Re: WIPP Hazardous Waste Act permit; proposed modification concerning removal of formaldehyde as a required analytical parameter for LANL

Dear Mr. Zappe:

This letter submits comments by the Water, Environment, and Utilities Division of the New Mexico Attorney General's Office concerning a proposed modification to the Hazardous Waste Act permit for the Waste Isolation Pilot Plant (WIPP). The proposed modification concerns removal of formaldehyde as a required analytical parameter for Los Alamos National Laboratory (LANL) in characterization of summary category groups S3000 and S4000 wastes, homogeneous solids and soil/gravel (at 1). Permittees propose that the modification be considered under Class 2 procedures, citing 20.4.1.900 NMAC, incorporating 40 CFR 270.42, Appendix I, Item B.1.d.

Our comments are as follows:

1. The proposal asks to delete formaldehyde on the basis of an investigation of acceptable knowledge on the issue. The investigation is documented in a two-page report (Att. G). This report states, on the main question of the presence



shows. “Acceptable knowledge includes a number of techniques used to characterize transuranic (TRU) mixed waste, such as process knowledge, records of analysis acquired prior to RCRA, and other supplemental sampling and analysis data.” (B4-1). Until it is shown that acceptable knowledge supports such conclusion, it is not appropriate to delete the analyte.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Lindsay A. Lovejoy, Jr.", written in a cursive style.

LINDSAY A. LOVEJOY, JR.
Assistant Attorney General

LALJr:laljr