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LETTER DATED 9-23



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Westinghouse  
Electric Corporation

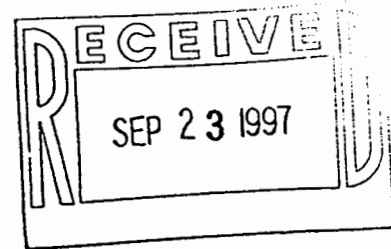
Government and Environmental  
Services Company

Waste Isolation Division

Box 2078  
Carlsbad New Mexico 88221

September 22, 1997

Dr. Robert S. (Stu) Dinwiddie, Manager  
RCRA Permits Management Program  
Hazardous and Radioactive Materials Bureau  
2044A Galisteo Street  
Santa Fe, NM 87505-2100



Subject: WESTINGHOUSE WASTE ISOLATION DIVISION'S PROPOSED  
REVISIONS TO N.M. HAZARDOUS WASTE FEE REGULATIONS,  
20 NMAC 4.2

Dear Dr. Dinwiddie:

The Westinghouse Waste Isolation Division (WID) appreciates the opportunity to comment on the proposed revisions to the hazardous waste fee regulations at 20 NMAC 4.2. Our comments are attached.

Please feel free to contact me at (505) 234-8383 if you have any questions.

Sincerely,

*Gloria J. Barnes*

Gloria Barnes  
Senior Counsel

kdw

Attachment

cc: Cooper Wayman  
Elizabeth Rose

970924



**WESTINGHOUSE WASTE ISOLATION'S COMMENTS ON  
PROPOSED REVISIONS TO N.M. HAZARDOUS WASTE FEE  
REGULATIONS, NMAC 4.2**

**General Comments:**

Increase in TSDF fees is more than 10 times the original fee. Justification should be provided for this increase.

Do not levee fees for SWMUs listed in permits that are being addressed by voluntary corrective action or for SWMUs that have been addressed (closed, no further action required, etc.). Failure to levee fees will serve as an incentive for facilities to conduct voluntary action/address SWMUs.

**Specific Comments by Section**

- 106 Add "Permitting" after "...Hazardous" and before "Waste" in line 3 to ensure fees are dedicated to permitting.
- 107.2 Delete this definition and term from the regulations. "Area of Concern" is vague, not clearly defined previously in NMED regulations, subject to broad interpretations and change, and is a precursor to a Solid Waste Management Unit (SWMU). Regulation should focus on SWMUs and interpretive guidelines should be developed by the NMED for this term only.
- 107.8 Delete this definition and term from the regulations. "Potential Release Site" of Concern is vague, not clearly defined previously in NMED regulations, subject to broad interpretations and changes, and is a precursor to a Solid Waste Management Unit (SWMU). Regulation should focus on SWMUs and interpretive guidelines should be developed by the NMED for this term only.
- 107.10 Replace with definition of SWMU directly from the proposed Federal Subpart S Regulations for SWMUs.
- 107.11 Change definition to state; "unit" means "hazardous waste management unit" as defined in 20 NMAC 4.4.101
- 203 Delete "Potential Release Site (PRS), Area of Concern (AOC)." These terms are vague, subject to broad interpretation and change. Fee is appropriate for SWMUs only.
- 205 Delete this section. Permit review fees called for by NMED should be paid for by the NMED.

Mr. R.S. Dinwiddie

September 22, 1997

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bcc: WID Distribution

K. S. Donovan  
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J. R. Stroble  
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