

FACSIMILE TRANSMITTAL

TO: Dr. Robert (Stu) Dinwiddie, Manager
RCRA Permits Management Program
Hazardous and Radioactive Materials Bureau
TEL/FAX: 505-827-1561/505-827-1544

FROM: Gloria J. Barnes
Westinghouse Waste Isolation Division
TEL/FAX: 505-234-8383/505-234-6006

DATE: September 23, 1997

RE: WESTINGHOUSE WASTE ISOLATION DIVISION'S COMMENTS ON
PROPOSED REVISIONS TO N.M. HAZARDOUS WASTE
REGULATIONS, 20 NMAC 4.2

Dear Mr. Dinwiddie:

Please **DISCARD** my prior submittal, dated September 22, 1997, which should have been delivered to your office today via Federal Express. The attached letter and comments, dated September 23, 1997, constitute a replacement for the prior submittal.

A copy of the attached correspondence will also be transmitted by regular mail.

Your cooperation is appreciated. If you have any questions, please give me a call at the above number.

Sincerely,

Gloria J. Barnes
Gloria J. Barnes





AA:97:00131
UFC:1730.00

Westinghouse
Electric Corporation

Government and Environmental
Services Company

Waste Isolation Division

Box 2078
Carlsbad New Mexico 88221

September 23, 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 COMMENTS ON
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,

A handwritten signature in cursive script that reads "Gloria J. Barnes".

Gloria Barnes
Senior Counsel

kdw

Attachment

cc: Cooper Wayman
Elizabeth Rose

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. Detailed justification should be provided for this proposed increase.

Do not impose 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.). A policy of not imposing fees will serve as an incentive for facilities to conduct voluntary action/address SWMUs.

Specific Comments by Section

- 107.2 Delete this definition and term from the regulations. "Area of Concern" is vague, not clearly defined previously in NMED regulations and subject to broad interpretations and change. This 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" is vague, not clearly defined previously in NMED regulations and subject to broad interpretations and changes. This 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; as follows:
- Any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released. 55 FR 30798, July 27, 1990.*
- 107.11 Change definition to state; "unit" means "hazardous waste management unit" as defined in 20 NMAC 4.1.101.
- 203 Delete "Potential Release Site (PRS), Area of Concern (AOC)." These terms are vague, subject to broad interpretation and change. Fee is appropriate only for SWMUs not undergoing voluntary corrective action.

- 204.1 Omit the last sentence of this section, i.e. "Therefore, permit renewals are subject to the same fees as initial applications". It seems improper for a permit renewal process to be subject to the same amount of permit application fees paid for an initial permit. Any fees for a renewal should be determined based upon the items listed in section 203 and not based upon the amount initially assessed.
- 205 Delete this section. Costs for reviewing permits every five years should be covered by the annual business fees paid to the department.

Dr. R.S. Dinwiddie

September 23, 1997

AA:97:00131

bcc: WID Distribution

K. S. Donovan
R. F. Kehrman
J. R. Stroble
R. R. Chavez