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September 15, 1993

Thomas A. Ladd, Director
Environment and Safety
U.S. Army White Sands Missile Range
White Sands Missile Range, New Mexico 88002

**RE: High Energy Laser Systems Test Facility (HELSTF) Shutdown
Activities**

Dear Mr. Ladd:

On September 9, 1993, the Hazardous and Radioactive Materials Bureau (HRMB) received your request for an emergency permit to treat 12,000 gallons of chromated deionized water used to cool the laser optics at HELSTF. Your letter indicated that this treatment is proposed as part of the closure of HELSTF due to down sizing of the U.S. Army.

The HRMB reviewed the information presented in your letter and offers the following regulatory analysis for effectively processing closure and waste treatment associated with decommissioning the chromated deionized water unit (CDWU). On the date designated by White Sands Missile Range (WSMR) for removing the CDWU from service, the CDWU and its 12,000 gallon inventory may be considered a hazardous waste management unit. The CDWU becomes a hazardous waste management unit on the designated date because its beneficial use for cooling the laser optics will cease and on that date the 12,000 gallon inventory becomes hazardous waste which must be treated, stored, or disposed in accordance with interim status or a permit.

WSMR should apply to the HRMB for a change during interim status to include the CDWU as a hazardous waste management unit at HELSTF under the New Mexico Hazardous Waste Management Regulations (HWMR-7), Part IX, Section 270.72. The change in interim status may be requested because it is necessary to comply with the Federal requirement to shutdown HELSTF operations. Upon the HRMB approval of the change in interim status to add the CDWU, the unit is officially subject to permitting or closure. Since WSMR has notified the HRMB that the unit will be shutdown, a closure plan must be submitted.

The closure plan should address all requirements of HWMR-7, Part VI, Section 265.110 through 115, including but not limited to, details of WSMR's procedures for decontaminating and disposing of the 12,000 gallon waste inventory and its residue as well as .

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cleaning or otherwise decontaminating internal components of the CDWU which contacted the hazardous waste chromated deionized water. The HRMB will review the closure plan, issue public notice, and reach a final approval within 90 days of our receipt of the closure plan. We must point out that our processing of the closure plan within the 90 day time period is dependent upon the technical and regulatory quality of the closure plan that WSMR prepares for the CDWU.

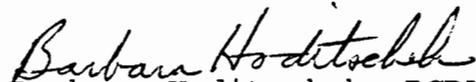
WSMR shall then implement the approved closure plan activities, and submit a closure report and closure certification to the HRMB. The HRMB will approve clean closure of the CDWU and terminate interim status, as appropriate, based on the results of closure activities as documented in the closure certification report.

We consider the closure plan option more appropriate than an emergency permit for this unit because closure can include an integrated approach for treating the 12,000 gallons of waste and cleanup of contaminated system components. An emergency permit could only address the treatment of the 12,000 gallon inventory, and may prove to be a more cumbersome and lengthy administrative process. Also, emergency permits can only be issued when the Secretary finds that an imminent and substantial endangerment to human health and the environment exists. WSMR has not demonstrated that this type of situation is present.

Enclosed is a tentative schedule of the closure process based on WSMR's shutdown scheduled for the third quarter of FY94. A more specific timeline will depend upon actual submittal dates. As you can see from the tentative schedule, timely submission of the closure plan and efficient processing are critical in order for the third quarter of FY94 shutdown to remain on schedule if it is to be conducted under an approved closure plan.

I hope that this information is useful to your operations. Please contact me or Marc Sides of my staff at (505) 827-4308 if you have any questions.

Sincerely,



Barbara Hoditschek, RCRA Permit Program Manager
Hazardous and Radioactive Materials Bureau

CLOSURE SCHEDULE

HIGH ENERGY LASER SYSTEMS TEST FACILITY CHROMATED DEIONIZED WATER UNIT USED FOR COOLING LASER OPTICS

November 1993	WSMR submits request for change during interim status to add CDWU as a hazardous waste unit at HELSTF
December 1993	HRMB approves the request
January 1994	WSMR provides written notification to the HRMB that the CDWU will be closed and submits a closure plan for approval
February 1994	**HRMB reviews the closure plan and issues public notice if the plan is technically and regulatorily acceptable
March 1994	Public comment period ends
April 1994	**NMED issues final closure plan approval of the CDWU
Third quarter FY94	WSMR implements closure activities per NMED approved plan
Per approved closure schedule	WSMR submits closure report and closure certification within 60 days of completing closure activities
	**Within 60 days of HRMB receipt of closure certification HRMB accepts clean closure and terminates interim status for the CDWU

**Note that this tentative schedule does not include potential delays that could result from: multiple reviews of a poor quality closure plan; responding to significant public comments; or from multiple reviews of a poor quality closure certification report.