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DAVE MARTIN
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BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 30, 2012

Kevin W. Smith, Manager
Los Alamos Site Office
Department of Energy
3747 W. Jemez Rd., MS-A316
Los Alamos, NM 87544

Michael Brandt, Associate Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
Los Alamos Research Park
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: DISAPPROVAL
TA-63 TRANSURANIC WASTE FACILITY
PERMIT MODIFICATION REQUEST
REVISION 2.0
LOS ALAMOS NATIONAL LABORATORY
EPA ID# NM 0890010515
LANL-11-045**

Dear Messrs. Smith and Brandt:

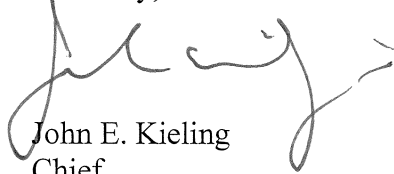
The New Mexico Environment Department (Department) has received the *Permit Modification Request for Technical Area 63, Transuranic Waste Facility, Hazardous Waste Container Storage Unit, Revision 2.0* (PMR), dated July 12, 2012, from the United States Department of Energy and Los Alamos National Security, LLC (collectively the Permittees). The Permittees seek to modify the Hazardous Waste Facility Permit (Permit) for Los Alamos National Laboratory (LANL) for the construction of a new Transuranic Waste Facility (TWF) at Technical Area 63 (TA-63) to store mixed transuranic and hazardous waste.

The Department has reviewed the Permittees' *Response to Notice of Disapproval* and the PMR, and hereby issues this Disapproval. The Permittees must address the attached comments before

the Department can further evaluate the PMR. The Permittees' response to this Disapproval must include five items: 1) a narrative responding to each of the comments; 2) a revised electronic version of the PMR with all changes tracked from the original Permit; 3) a revised PDF version of PMR without tracked changes; 4) a revised Word version of the PMR without tracked changes; and 5) a hard copy of the revised PMR that shows all proposed changes to the Permit. The Permittees must respond to this Disapproval no later than October 1, 2012.

If you have questions regarding this correspondence, please contact Tim Hall of my staff at 505-222-9555 or at timothy.hall@state.nm.us.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK/th

Attachment

- 1) Comments and Deficiencies

cc:

J. Davis, RPD, NMED
J. Kieling, HWB, NMED
T. Hall, HWB, NMED
L. King, EPA 6PD-N
T. Grieggs, ENV-RCRA, LANS, MS-K490
M. Haagenstad, ENV-RCRA, LANS, MS-K404
G. Bacigalupa, ENV-RCRA, LANS, MS-K404
G. Turner, DOE-LASO, MS-A316

File: Reading and LANL Permit 2012

LANL-11-045

ATTACHMENT

COMMENTS

PERMIT MODIFICATION REQUEST FOR TECHNICAL AREA 63, TRANSURANIC
WASTE FACILITY, HAZARDOUS WASTE CONTAINER STORAGE UNIT, REVISION 2.0
(JULY 12, 2012)

LOS ALAMOS NATIONAL LABORATORY
HAZARDOUS WASTE FACILITY PERMIT

Introduction:

The New Mexico Environment Department (Department) provides the following comments regarding the *Permit Modification Request for Technical Area 63, Transuranic Waste Facility, Hazardous Waste Container Storage Unit, Revision 2.0* (PMR) and the Permittees' *Response to Notice of Deficiency (NOD)*, dated July 12, 2012. The Permittees seek to modify the Hazardous Waste Facility Permit (Permit) for Los Alamos National Laboratory (LANL) for the construction of a new Transuranic Waste Facility (TWF) at Technical Area 63 (TA-63) to store mixed transuranic and hazardous waste.

General Comments

1. Revision 2.0 of the PMR is incomplete. The Permittees included only the proposed changes to the Permit made to Revision 1.0 of the PMR in Attachment G (*Proposed Revisions to the LANL Hazardous Waste Facility Permit*). 40 CFR 270.42(c)(1)(i) states, "the permittee must submit a modification request to the Director that: [d]escribes *the exact change to be made to the permit conditions* and supporting documents referenced by the permit" (emphasis added). Attachment G of the PMR must include all the changes the Permittees are proposing to the Permit.

Specific Comments

2. 40 CFR 264.176 states: "Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line." Permit Part 2, Section 2.8, requires the Permittees to store ignitable and reactive waste "at least 15 meters from the facility boundary defined as the technical area (TA) specific boundary." Although the 15-meter buffer appears to meet the distance requirements in 40 CFR 264.176 and Permit Section 2.8, Figure 2-39 of the PMR indicates that the 15-meter buffer for ignitable and reactive waste extends outside the fence line and at least partially into Pajarito Road, which is not protective of human health and the environment.

The purpose for the 15 meter buffer zone is to reduce the potential for exposure to, and/or contact with, ignitable and reactive wastes. Based on the information provided in the PMR, it is conceivable that uninformed persons could get within a few feet of ignitable or reactive waste stored within the proposed 15 meter buffer.

Revise the PMR and propose Permit language that requires a 15 meter buffer between areas where ignitable and reactive waste will be stored and the TWF fence line.