



State of New Mexico
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

ESHID-603173-01

August 13, 2018

William S. Goodrum, Manager
National Nuclear Security Administration
Los Alamos Field Office
LANL MS-A316
3747 West Jemez Road
Los Alamos, NM 87544

Douglas E. Hintze, Manager
Environmental Management
Los Alamos Field Office
P.O. Box 1633, MS -M984
Los Alamos, NM 87544

**RE: FEE ASSESSMENT AND APPROVAL WITH MODIFICATIONS
TRANSMITTAL OF CLASS 1 PERMIT MODIFICATION REQUEST
FOR THE ADDITION OF TREATMENT BY MACROENCAPSULATION
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-18-038**

Dear Messrs. Goodrum and Hintze:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE), the Los Alamos National Security, LLC. (LANS), and Newport News Nuclear-BWXT-LA (N3B)'s *Class 1 Permit Modification Request for the Addition of Treatment by Macroencapsulation* dated and received July 19, 2018, referenced by LA-UR-18-23354/EPC-DO-18-243. Hereafter, DOE, LANS, and N3B are collectively referred to as the Permittees. The Permittees have submitted this Class 1 Permit Modification Request (PMR) requiring prior approval seeking to add treatment by macroencapsulation of hazardous waste. This treatment would allow waste that is restricted from land disposal to meet applicable treatment standards at permitted storage units. This PMR revises Permit Parts 1 and 8, and Attachments B, C, and J. This modification does not result in any changes to the overall storage capacities of the permitted units.

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NMED hereby approves the PMR with the modifications listed in Attachment 1: Table 1, NMED Modifications to the Class 1 * PMR.

NMED met with the Permittees on July 26 and 27, 2018 to discuss inconsistencies noted between Attachments B and J, for the amount of waste proposed to be treated at Technical Areas (TA) 54, and 63. Based on these discussions, the Permittees sent an email on July 30, 2018, resolving the inconsistencies. NMED has revised Attachment J accordingly. In addition, NMED has revised Permit Part 8, for additional information please see Table 1 of Attachment 1.

An electronic version of the Permit that incorporates the modifications is enclosed with this letter. The PMR will be available on the NMED's Hazardous Waste Bureau website at: <https://www.env.nm.gov/hazardous-waste/lanl-permit/>

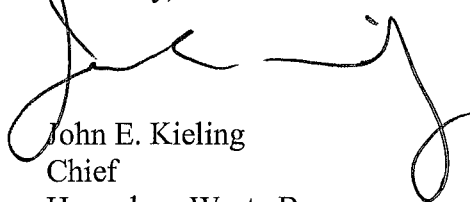
The New Mexico Hazardous Waste Management Regulation at 20.4.1.901 A (10) NMAC states "A final permit decision shall become effective thirty (30) days after the notice of the decision has been served on the applicant..." NMED approves this PMR on August 13, 2018; hence, the effective date of the modification shall be on September 12, 2018.

NMED has accepted the submittal for review in accordance with the New Mexico Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2.201.B(2) NMAC. The fee invoice is attached to this letter. If you disagree with the fee assessed, you may notify Mr. Brian Holton in writing, at 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313, of the intent to appeal the invoice under the provisions of 20.4.2.302.A NMAC.

The New Mexico Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2.201.F NMAC require the assessment of fees. Payment is normally due within sixty (60) calendar days from the date that you receive the invoice in accordance with 20.4.2.301.C NMAC. However, because NMED currently maintains a supplemental fee agreement with the Permittees for State fiscal year 2019, and the Permittees transmitted payment of supplemental fees, the fee invoice has been effectively paid under these supplemental fees.

If you have any questions regarding this letter, please contact Siona Briley at (505) 476-6049.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

Attachments:

- 1) Table 1, NMED Modifications to the Class 1 * PMR
- 2) CD Attachment
- 3) Fee Invoice LANL-18-038

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Messrs. Goodrum and Hintze
August 13, 2018
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cc w/o attachments:

B. Holton, NMED HWB
N. Dhawan, NMED HWB
S. Briley, NMED HWB
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File: 2018 LANL Permit: Fee Letter and Approval with Modification: Class 1* PMR
LANL-18-038

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Attachment 1: Table 1, NMED Modifications to the Class 1 * PMR

#	Location	NMED Modification in redline strikethrough	Rationale
1	Permit Parts 1-11, Section 8.2 (2)	Macroencapsulation shall utilize the soft-sided transportable container, which contains at least 3 layers of materials, an outer, middle, and an inner layer. This closure system ensures a permanent and impermeable barrier between the waste debris and the outer environment	Removed text which was applicable to a specific macroencapsulation method.
2	Permit Parts 1-11, Section 8.2 (4)	The Permittees shall inspect the soft-sided transportable macroencapsulation container to ensure that there are no tears or damage to the container during the macroencapsulation treatment process.	See #1 above.
3	Permit Parts 1-11, Section 8.2 (5)	Prior to using a specific method for treatment by macroencapsulation, the Permittees shall demonstrate to NMED that the specific method utilized meets the requirements of 40 CFR §§ 268.42 and 268.45.	The Permittees may use different methods for macroencapsulation. The Permittees must demonstrate to NMED that the specific method to be used for macroencapsulation meets the requirements of 40 CFR §§ 268.42 and 268.45.
4	Permit Parts 1-11, Section 8.3	The Permittees shall ensure that any release of waste to the environment (e.g., soil, surface water, groundwater, atmosphere) that may endanger human health or the environment from a permitted unit utilized for macroencapsulation treatment is reported to the Department within 24 hours of its detection in accordance with Permit Section 1.9.12.	Revised text to be consistent with Permit Section 1.9.12.
5	Attachment J, TA-54 West	23,160 3,441 gal/day	Revised to be consistent with the total gallons/day (U) listed in Attachment B Table 6 Process codes.
6	Attachment J, TA-63 TWF	3,441 23,160 gal/day	See #5 above.

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