



National Nuclear Security Administration

Los Alamos Field Office
3747 West Jemez Road, A316
Los Alamos, New Mexico 87544
(505) 667-5105/Fax (505) 667-5948

Environmental Management

Los Alamos Field Office
1200 Trinity Drive, Suite 400P
Los Alamos, New Mexico 87544
(240) 562-1122 562-1122

Date: March 28, 2023

Mr. Dave Cobrain, Acting Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313

Subject: Path Forward Regarding the Los Alamos National Laboratory General Part A and Part B Permit Application for Renewal of the Los Alamos National Laboratory Hazardous Waste Facility Permit, EPA ID #NM0890010515

Dear Mr. Cobrain:

The purpose of this letter is to provide an update to the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) regarding the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit (Permit) renewal application revisions and response to NMED-HWB's comments that LANL received in August 2022. The Permit authorizes the U.S. Department of Energy (DOE); Triad National Security, LLC (Triad); and Newport News Nuclear BWXT-Los Alamos, LLC (N3B), collectively the Permittees, to manage, store, and treat hazardous waste at LANL.

The Permittees submitted a Permit renewal application on June 29, 2020, which included three thermal treatment units, one for open burning and two for open detonation. All three units currently operate in interim status. Since then, the NMED-HWB and Permittees have engaged in comments and responses to move towards an administratively complete determination. The most recent formal correspondence is the Permittees' May 25, 2022, Response to Second Administratively Incomplete Determination General Part A and Part B of the Resource Conservation and Recovery Act Permit Renewal Application for Los Alamos National Laboratory EPA ID#NM0890010515, HWB-LANL-20-001.

On June 7, 2022, the U.S. Environmental Protection Agency (EPA) issued a memorandum regarding open burning and open detonation of waste explosives under the Resource Conservation and Recovery Act, which provides guidance for permitting these types of units. The Permittees planned and hosted the EPA, DOE personnel, personnel from other DOE facilities, and the NMED-HWB on November 30 and December 1, 2022, to address open burn/open detonation waste treatment at LANL. The site visit and the question-and-answer sessions provided insight into the intentions of the EPA memorandum and proposed rulemaking, as well as provided additional context for information that EPA and NMED-HWB would like to see in permit applications that contain a request to permit open burn and/or open detonation treatment units, such as the LANL Permit renewal application. The focus and time taken to coordinate the effort for the site visit and the development of responses to the EPA concerns has led to a delay in the revision of the Permit renewal application. The Permittees are working to ensure that the information identified during the site visit is incorporated into the application and is clearly communicated.

The Permittees and the NMED-HWB met on July 27, 2022, to discuss a path forward on the Permit renewal and the potential for modifications during the renewal process. The parties reached a consensus for the Permittees to revise and resubmit the Permit renewal application to include responses to the NMED-HWB comments discussed during the meeting and to include a proposed permitted storage and treatment unit at Technical Area 60, Building 17 (TA-60-0017).

The NMED-HWB emailed supplemental informal comments, discussed during the July 2022 meeting, on August 8, 2022. Based on these comments and the information within the EPA memorandum, the Permittees began revision to the Permit renewal application. However, LANL delayed the submittal due to issues related to the application for the open burning/open detonation units and the potential impacts on waste activities.

In addition, over the last few months, the necessity for additional storage capacity flexibility became more urgent. Therefore, as discussed in a meeting with NMED-HWB on February 17, 2023, the Permittees submitted a Class 2 permit modification request to add a storage and treatment unit at TA-60-0017 prior to submittal of the revised Permit renewal application. The Request for Class 2 Permit Modification for the Addition of New Hazardous Waste Management Unit at Technical Area 60, Los Alamos National Laboratory Hazardous Waste Facility Permit, EPA ID #NM0890010515 was submitted to the NMED-HWB on March 13, 2023.


To accommodate the time and effort required for implementation of the Class 2 permit modification, the Permittees propose to submit a revised Part A and Part B Permit renewal application shortly after completion of the Class 2 permit modification action by the NMED-HWB. The revised Permit renewal application will include responses to the NMED-HWB's comments, enhanced information regarding open burning and open detonation treatment at LANL, and the results of the Class 2 permit modification request.

If you have questions or comments for Triad concerning this submittal, please contact Karen E. Armijo (NA-LA) at (505) 665-7314 or Patrick L. Padilla (Triad) at (505) 412-0462.

If you have questions or comments for N3B concerning this submittal, please contact Arturo Duran (EM-LA) at (575) 373-5966 or Christian Maupin (N3B) at (505) 695-4281.

Sincerely,

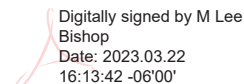
Robert A.
Gallegos

 Digitally signed by Robert A. Gallegos
Date: 2023.03.28 15:33:57 -06'00' FOR

Karen E. Armijo
Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

Sincerely,

M Lee
Bishop

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Bishop
Date: 2023.03.22
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M. Lee Bishop, Director
Office of Quality and Regulatory Compliance
Environmental Management
Los Alamos Field Office
U.S. Department of Energy

copy: Laurie King, USEPA/Region 6, Dallas, TX, king.laurie@epa.gov
Rick Shean, NMED, Santa Fe, NM, rick.shean@env.nm.gov
Dave Cobrain, NMED-HWB, Santa Fe, NM, dave.cobrain@env.nm.gov

Neelam Dhawan, NMED-HWB, Santa Fe, NM, neelam.dhawan@env.nm.gov
Siona Briley, NMED-HWB, Santa Fe, NM, siona.briley@env.nm.gov
Mitchell Schatz, NMED-HWB, Santa Fe, NM, mitchell.schatz@env.nm.gov
Theodore A. Wyka, NA-LA, theodore.wyka@nnsa.doe.gov
Stephen Hoffman, NA-LA, stephen.hoffman@nnsa.doe.gov
Jason Saenz, NA-LA, jason.saenz@nnsa.doe.gov
Karen E. Armijo, NA-LA, karen.armijo@nnsa.doe.gov
Robert A. Gallegos, NA-LA, robert.gallegos@nnsa.doe.gov
Adrienne L. Nash, NA-LA, adrienne.nash@nnsa.doe.gov
Silas DeRoma, NA-LA, silas.deroma@nnsa.doe.gov
Stephen Jochem, NA-LA, stephen.jochem@nnsa.doe.gov
Michael Mikolanis, EM-LA, michael.mikolanis@em.doe.gov
M. Lee Bishop, EM-LA, lee.bishop@em.doe.gov
David Nickless, EM-LA, david.nickless@em.doe.gov
John Evans, EM-LA, john.h.evans@em.doe.gov
Arturo Duran, EM-LA, arturo.duran@em.doe.gov
Cheryl Rodriguez, EM-LA, cheryl.rodriguez@em.doe.gov
Jesse Kahler, EM-LA, jesse.kahler@em.doe.gov
Steven Coleman, Triad, ALDESHQ, scoleman@lanl.gov
James D. Coy, Triad, ESHQSS-INT, jcoy@lanl.gov
Jeannette T. Hyatt, Triad, EWP, jhyatt@lanl.gov
Sylvia de la Sancha, Triad, EWP, sdelasancha@lanl.gov
Jennifer E. Payne, Triad, EPC-DO, jpayne@lanl.gov
Kristen A. Honig, Triad, EPC-DO, khonig@lanl.gov
Andie McLaughlin-Kysar, Triad, EPC-DO, andiek@lanl.gov
Deepika Saikrishnan, Triad, EPC-DO, deepika@lanl.gov
Jessica L. Moseley, Triad, EPC-WMP, jmoseley@lanl.gov
Patrick L. Padilla, Triad, EPC-WMP, plpadilla@lanl.gov
Cecilia Trujillo, Triad, EPC-WMP, ceciliat@lanl.gov
Maxine McReynolds, GC-ESH, mcreynolds@lanl.gov
Cristina Mulcahy, GC-ESH, mulcahy@lanl.gov
Kim Lebak, N3B, kim.lebak@em-la.doe.gov
Bradley Smith, N3B, bradley.smith@em-la.doe.gov
Dana Lindsay, N3B, dana.lindsay@em-la.doe.gov
Erik Loechell, N3B, erik.loechell@em-la.doe.gov
Robert Macfarlane, N3B, robert.macfarlane@em-la.doe.gov
Christian Maupin, N3B, christian.maupin@em-la.doe.gov
William Alexander, N3B, william.alexander@em-la.doe.gov
rcra-prr@lanl.gov
eshq-dcrm@lanl.gov
locatsteam@lanl.gov
epccorrespondence@lanl.gov
lasomailbox@nnsa.doe.gov
n3brecords@em-la.doe.gov
emla.docs@em.doe.gov
interface@lanl.gov
N3Binterface@em-la.doe.gov



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