

Prelim

Comments submitted  
by David McCoy  
PO Box 4276  
Abq, NM 87196  
7/28/09

**Los Alamos National Laboratory  
Revised Draft Hazardous Waste  
Facility Permit**

Public Information Meeting

July 28, 2009

New Mexico Environment Department

[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)

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**What is this Meeting About?**

- LANL's Revised Draft Hazardous Waste Facility Permit
- How the public can participate
- What questions you have
- What answers NMED has (or needs to find out)

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**What is this meeting not about**

- This meeting is not a public hearing
  - The meeting is not being recorded
  - No "evidence" is being submitted
  - No decisions are made based on tonight's meeting

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**Why Does LANL Need a Permit?**

- LANL treats and stores hazardous waste
- LANL used to dispose of hazardous waste
- LANL must close units
- LANL must clean up releases after the Consent Order

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**Who Is Involved? Everyone!**

- LANL (the U.S. Department of Energy and Los Alamos National Security, LLC)
- NMED
- The public
- Pueblos
- Communities
- Other local, state, and federal agencies

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**How Do I Participate?**

- Submit comments (mail or email) to:
  - John Kieling  
2905 Rodeo Park Drive E., Bldg 1  
Santa Fe, NM 87505  
[john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)
- Must be in writing
- Must include name and address to be considered
- You may provide comments today!

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### When Do I Participate?

- Public comment period – July 6, 2009 - September 4, 2009 at 5:00 p.m. MDT
- Public hearing (if one is requested)
- Public meetings

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### Where is LANL and the facilities subject to permitting?

- On the Pajarito Plateau, about 15 miles SW of Española
- 26 hazardous waste management facilities (“Units”) at five TA’s require a permit
- 3 Units require “closure” very soon
- Corrective action (non-Consent Order) LANL-wide

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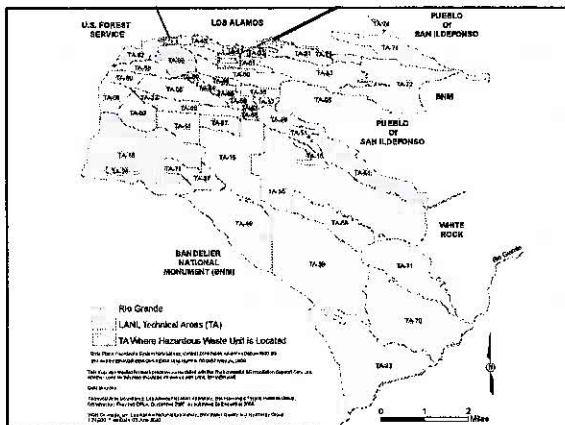
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## What Does the Permit Cover?

- State and federal regulation of hazardous waste management
  - Storage and treatment
  - "Closure" of waste management facilities
  - Schedules
- "Mixed Waste"
- Permits the operations of 26 hazardous waste management units
- Organizes cleanup activities NOT covered by the Consent Order
- Remedies for noncompliance
- Public participation

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## What the Permit Does Not Cover

- Radionuclides
- Air emissions
- Water discharges
- Testing and experimental activities
- Weapons development and manufacture
  - unless hazardous waste generation is involved

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*NMED needs to set forward the testing + experimental regulations upon which it relies in the Permit. NMED is interpreting those reg too broadly in excluding hazardous waste left after projects at RCRA facilities.*

## Permit Structure

### PART 1: GENERAL PERMIT CONDITIONS

- General requirements for all hazardous waste management units (Units)
  - Duration of the permit
  - NMED's authority to inspect
  - Definitions
  - Information Repository
  - Community Relations Plan

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## Permit Structure

### PART 2: GENERAL FACILITY CONDITIONS

- Requirements for all permitted Units
  - Authorized wastes
  - Waste characterization requirements
  - Security, inspection, and training requirements
  - Preparedness and prevention
  - Contingency plan
  - Record keeping
  - Financial assurance

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*What provisions exist for increasing financial requirements; how will the necessary funds be maintained & what provisions exist for inflationary costs for treatment, removal, etc?*

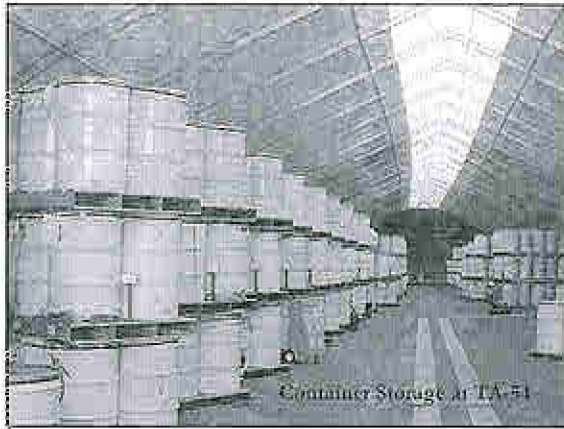
## Permit Structure

### PART 3: STORAGE IN CONTAINERS

- Condition of containers
- Container management
- Container labeling
- Requirements for liquids in containers
- Any unit-specific requirements

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**Permit Structure**

**PART 4: STORAGE & TREATMENT  
IN TANKS**

- Tank system integrity
- Liquids in tanks
- Prohibition of ignitable or reactive wastes
- Specific restrictions at the Radioactive Liquid Waste Treatment Facility

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**Permit Structure**

**PART 6: TREATMENT BY OPEN  
BURNING**

- Requirements for treating reactive wastes at TA-16
  - Maximum annual and per-burn quantities
  - Prohibited wastes
  - Weather restrictions
  - Soil and surface water monitoring/sampling requirements

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*No open burning should be permitted! Only Subpart O should apply. No Subpart X treatment. Alternative technologies exist.*

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### TA-16-388 Flash Pad



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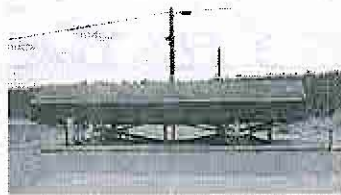
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### TA-16-399 (Burn Tray)



Length = 16 feet    Height = 2 feet    Width = 4 feet

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### Permit Structure

#### PART 9: CLOSURE

- Requirements for closure of Units
  - Closure requirements for indoor, outdoor, and regulated units
  - Closure performance standards
  - Closure plans

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## Permit Structure

### PART 10: POST-CLOSURE CARE

- Requirements for waste or waste residues allowed to remain at a Unit
  - Post-closure care plans (none yet!)
  - Notification
  - Record-keeping

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## Permit Structure

### PART 11: CORRECTIVE ACTION

- Requirements for releases from a Unit to the environment.
- Addresses:
  - Fence-to-fence (including off-site migration)
  - Cleanup standards
  - Sampling and analytical methods
  - Drilling and well installation
  - Risk assessment
  - Reporting
  - Groundwater monitoring
  - Long-term monitoring and maintenance

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WSAR is inadequate & defective according to NALS & EPA Kern Laboratory.

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## Permit Structure

### Permit Integrates with Consent Order

- Consent Order
  - "Legacy" waste sites
  - Covers all release sites known today
  - Terminates not before 2015
  - Covers groundwater cleanup and landfill remedies
  - Has stipulated penalties
  - Permitted Units are not covered by the Consent Order
  - Facility-wide groundwater monitoring and cleanup
- Permit Corrective Action Chapter
  - "Future" waste sites
  - Covers releases from Units
  - Covers closure and post-closure of Units
  - Covers long-term monitoring and maintenance of sites cleaned up under Consent Order
  - Covers corrective action after Consent Order terminates
  - Detection groundwater monitoring at TA-54

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Well monitoring at LANL is not in compliance with requirements of 40 CFR 264.90 - 100. POC requirements are not met.

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## Permit Structure

### ■ ATTACHMENTS

- Attachment A – TA specific unit descriptions
- Attachment B – Waste codes
- Attachment C – Waste Analysis Plan
- Attachment D – Contingency Plan
- Attachment E – Inspection Plan
- Attachment F – Personnel Training Plan
- Attachment G – Closure Plans
- Attachment H – Post-closure Care Plans
- Attachment I – Compliance Schedule
- Attachment J – Hazardous Waste Management Units
- Attachment K – SWMUs and AOCs
- Attachment L – Off-site facilities
- Attachment M – Cost Estimates
- Attachment N – Figures
- Attachment O – Long-term Maintenance and Monitoring Plans

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## Public Participation

### ■ Public Comment Period:

July 6, 2009 – September 4, 2009

### ■ Public Notice, Fact Sheet, and Revised Draft

Permit can be viewed at:

[http://www.nmenv.state.nm.us/hwb/lanlperm.html#LANLRevised7\\_6\\_2009](http://www.nmenv.state.nm.us/hwb/lanlperm.html#LANLRevised7_6_2009)

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## What's Next

- Public comment period
  - Written comments
  - Requests for public hearing
- NMED considers public comments
- If a hearing is not requested
  - Secretary issues final permit
  - Written response to comment
- If a hearing is requested
  - Secretary convenes hearing (through Hearing Officer)
  - Evidentiary hearing
  - Technical and non-technical testimony
  - Hearing Officer recommendation to Secretary
  - Secretary issues final permit, written response to comments
- Appeal to Court of Appeals

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*A public hearing is hereby requested.*

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## Don't Forget...

### Packet Contains:

- Public Notice
- Comment Sheet
- Presentation Slides
- Acronym List

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New Mexico Environment Department  
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[james.bearzi@state.nm.us](mailto:james.bearzi@state.nm.us)

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