



ESHID-603860

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MAIL CERTIFIED - RETURN RECEIPT REQUESTED

November 15, 2024

Therodore Wyka, Manager
Department of Energy-NNSA
Los Alamos Field Office
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Jessica Kunkle, Manager
DOE Environmental Management
Los Alamos Field Office
1200 Trinity Drive, Suite 400P
Los Alamos, NM 87544

RE: DIRECTION
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
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-20-001

Dear Theodore Wyka and Jessica Kunkle:

The New Mexico Environment Department (NMED) has received the United States Department of Energy's (DOE) *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*, (Path Forward) dated and received March 28, 2023.

On June 26, 2020, the DOE submitted the RCRA Permit Renewal Application. NMED determined that the Renewal Application was Administratively Incomplete and provided formal comments to DOE on March 23, 2021. On July 21, 2021, DOE responded to comments which were not adequate. On January 25, 2022, NMED issued a Second Administrative Incomplete determination. On May 22, 2022, DOE responded to comments and provided additional information but failed to include NMED's comments on the alternative technology assessment. On August 2022, NMED provided additional Administrative Incomplete comments to DOE. Following discussions with DOE on the need to prioritize permitting a storage and treatment unit at Technical Area 60, DOE submitted a Path Forward letter to NMED. NMED concurred with the Path Forward proposal. On November 14, 2023, NMED approved the Class 2 Permit Modification Request for storage and treatment unit at TA-60.

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505 - (505) 476-6000
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In the Path Forward letter, the Permittees proposed:

“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.”

Prior to DOE’s submittal of the revised Part A and Part B permit renewal application, EPA released a proposed rule in the *Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives* (Federal Register Number 2024-05088, Docket ID No. EPA-HQ-OLEM-2021-0397) on March 20, 2024, which amended the regulations for the open burning and open detonation (OB/OD) of waste explosives. EPA has identified safe alternatives that are potentially applicable for treatment of some waste streams. The proposed rule describes procedures to evaluate and implement alternative treatment technologies, including a new subpart that establishes technical standards for OB/OD units.

NMED notes that the EPA’s proposed rule impacted portions of the LANL permit renewal application which currently includes OB/OD units. However, DOE has had sufficient time to evaluate the proposed rule and make appropriate changes to the permit renewal application with the revised alternative technology assessment. Therefore, NMED expects no further delays and is directing DOE to submit a revised Permit Renewal Application. The revised permit application must incorporate the NMED draft comments provided in August 2022.

A revised permit renewal application **must be submitted to NMED within 180 calendar days from the date of this letter.**

If you have any questions regarding this letter, please contact Siona Briley at (505) 690-5160.

Sincerely,

JohnDavid Nance  Digitally signed by JohnDavid Nance
Date: 2024.11.15 12:44:17 -07'00'

JohnDavid Nance
Designated Agency Manager
Chief, Hazardous Waste Bureau
New Mexico Environment Department

cc: N. Dhawan, NMED HWB
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LANL-20-001