

New Mexico Health and Environment Department

ENTERED

GARREY CARRUTHERS
Governor

DENNIS BOYD
Secretary

MICHAEL J. BURKHART
Deputy Secretary

RICHARD MITZELFELT
Director

February 20, 1990

George K. Pratt, Lt. Col.
Environmental Mgt. Dir.
HQ/1606th ABW/EM
Kirtland AFB, NM 87117-5000

Dear Colonel Pratt:

Enclosed is the correspondence regarding the transport of explosives between Sandia National Laboratories, Albuquerque and Kirtland Air Force Base. If you have any questions, please contact me at (505) 827-2934.

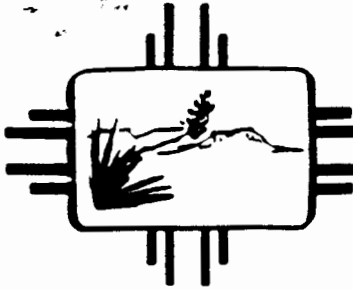
Sincerely,

A. Elizabeth Gordon, Ph.D.
Permitting Supervisor
Hazardous Waste Program

enclosures

KAFB1022





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February 16, 1990

Albert R. Chernoff
Director, Management
Support Division
Department of Energy
P.O. Box 5400
Albuquerque, NM 87115

Dear Mr. Chernoff:

This is in response to the inquiries by Sandia National Laboratories, Albuquerque (SNLA) and Kirtland Air Force Base (KAFB) regarding the following: 1) An evaluation of the SNLA/KAFB proposal that the transportation of D003 wastes to KAFB by SNLA be considered on-site transportation, not subject to Department of Transportation (DOT) regulation and 2) a determination as to whether KAFB's Part A should reflect the gross weight of materials containing explosive waste or the net weight of the explosives.

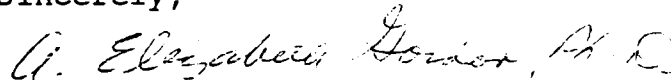
I have talked with Ms. Emily Roth (Waste Characterization Branch, Environmental Protection Agency (EPA) Headquarters) and Mr. John Averbach (Office of General Counsel, EPA Headquarters) regarding the first issue. According to them, because two different federal agencies are involved and because each facility is on its own property, the transportation cannot be considered on site and SNLA must notify as a transporter and follow the EPA regulations regarding transportation. However, EPA regulations adopt certain DOT regulations and, they, according to Mr. Gene Colt (DOT Albuquerque Office), exempt government vehicles as motor carriers. Consequently, the transport of D003 materials between SNLA and KAFB eventually ends up exempt from DOT regulations and DOT inspections. Please remember that SNLA must follow the EPA regulations regarding manifests, etc.

Mr. Chernoff
February 16, 1990
Page 2

In regards to the second issue, KAFB should use the gross weight of the explosives on its Part A because, according to the mixture rule, any solid waste mixed with a hazardous waste becomes a hazardous waste [New Mexico Hazardous Waste Management Regulations (HWMR), as amended 1989, Part II, 40 CFR section 261.3(a)(2)(iii) and (iv)].

If you have any questions, please contact me at (505) 827-2934.

Sincerely,

A handwritten signature in cursive script that reads "A. Elizabeth Gordon, Ph.D.".

A. Elizabeth Gordon Ph.D.
Permitting Supervisor
Hazardous Waste Program