

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090
Located in Glendale, Colorado

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

October 17, 2008

Lieutenant Colonel Christopher K. Chesney
Commander, Pueblo Chemical Depot
45825 Highway 96 East
Building 1
Pueblo, CO 81006

Paul D. Henry, Project Manager
Bechtel Pueblo Team
45825 Highway 96 East
Process Support Building (PSB)
Pueblo, CO 81006

Gary Anderson, Site Project Manager
Assembled Chemical Weapons Alternative Program
45825 Highway 96 East
Process Support Building (PSB)
Pueblo, CO 81006

RE: State RCRA RD&D Phase III Class 3 Permit Modification Approval and Response to Comments

Gentlemen:

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division), has reviewed comments and information submitted by the Army and the Bechtel Pueblo Team (BPT) regarding the draft Phase III Class 3 Permit Modification for the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP). The draft permit prepared for the Phase III Modification would allow the Army and BPT to construct the remaining buildings and structures at PCAPP, including the hazardous waste processing units.

In accordance with 6 CCR 1007-3, Section 100.511, the Division has reached a final decision to approve the permit modification with the changes outlined in the attached Response to Comments. Parts I through VI and Attachments A through C in the draft permit as well as several permit drawings were revised in the final permit and are attached to this letter. Please replace the associated text and drawings in the draft permit with the revised permit parts and

drawings to assemble the final RD&D Permit for PCAPP. Please also note that the drawing list has been rearranged in the final permit and that the permit drawings included in the draft permit will need to be renumbered in the final permit to match the drawing list. Attachments D through F in the draft permit have not been modified in the final permit and have therefore not been included with this letter. A complete hard copy of the final permit is also attached to this letter for your reference.

The Phase III final RD&D Permit for PCAPP will become effective on November 17, 2008. We recommend that the Army, BPT and ACWA review the Permit carefully to ensure compliance with its requirements. In particular, the Permit contains compliance schedule items that require submission of design documentation for certain structures at the facility that must be approved by the Division prior to beginning their construction. Please ensure that a copy of the final permit and response to comments is placed in each information repository for the permit in accordance with condition II.O.1 of the final permit.

Issuance of this permit decision constitutes final agency action for the purposes of judicial review. Procedures for appeal of State RCRA permits are found in 6 CCR 1007-3, Section 100.514.

If you have any questions regarding this matter or would like to schedule a meeting to discuss please contact me at 303-692-3414.

Sincerely,



Doug Knappe, Unit Leader
Permitting and Compliance Assistance Unit
Solid and Hazardous Waste Program

- ATTACHMENTS:
- I) Response to Comments
 - II). Permit Replacement pages (Parts I – VI, Attachments A through C, and revised drawings)
 - III). Final Phase III RD&D Permit

Bill Rothenmeyer (w/e-copy of Attachments I and III), USEPA Region VIII
Kim Headley (w/e-copy of Attachments I and III), Pueblo County Planning and Development
Heather Maio (w/e-copy of Attachments I and III), Pueblo Health Department
Irene Kornelly (w/e-copy of Attachments I and III), CAC Permitting Workgroup Chair
James Hindman (w/Attachments I and II), CDPHE
Lisa Woodward (w/Attachments I and II), CDPHE
Kevin Mackey (w/Attachments I and II), CDPHE
Clay Trumpolt (w/Attachments I and II), CDPHE
Ken Niswonger (w/Attachments I and II), CDPHE
David Kreutzer (w/e-copy of Attachments I and III), Colorado AGO