



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

**2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us**



RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

September 17, 2010

**RE: NOTICE OF AVAILABILITY PROPOSED REVISION 20.0 OF THE LOS
ALAMOS NATIONAL LABORATORY FEDERAL FACILITY COMPLIANCE
ORDER SITE TREATMENT PLAN COMPLIANCE PLAN VOLUME**

Dear Interested Person:

Enclosed is a notice regarding the New Mexico Environment Department's (NMED's) intent, pending public input, to approve with modifications Revision 20.0 of the U. S. Department of Energy (DOE) and the Los Alamos National Security (LANS) (collectively, the Respondents) Federal Facility Compliance Order (FFCO), Fiscal Year 2009 Site Treatment Plan (STP) Update. If approved, the proposed Revision would allow the following:

1. Waste inventory quantities for the various Treatability Groups as listed in Tables 2.1-1 and 2.2-1 in Part I ("Background Update"); Table A-1 in Appendix A; and Table E-1 of Appendix E of the FFCO STP;
2. Extension of the milestone compliance date for Milestone Activity 3.2(J) for Waste Treatability Group LA-W934 in Part III, Section 3.2, of the FFCO STP; and
3. Restructuring of the STP Update to make it more user-friendly to read.

Only written comments received from the public by **5:00 p.m. MDT, October 18, 2010** will be considered by NMED in making a final decision.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling".

John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau



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PUBLIC NOTICE NO. 10-05

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU**

Santa Fe, New Mexico 87505

September 17, 2010

NOTICE OF AVAILABILITY

**PROPOSED REVISION 20.0 OF THE LOS ALAMOS NATIONAL LABORATORY
FEDERAL FACILITY COMPLIANCE ORDER SITE TREATMENT PLAN
COMPLIANCE PLAN VOLUME**

The State of New Mexico is authorized to operate a hazardous waste management program in lieu of the Federal program for most provisions of the Resource Conservation and Recovery Act (RCRA). The Federal Facilities Compliance Act (FFCA) is coded in RCRA §6001. Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 NMSA 1978 (CUM. SUPP.)), and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC), the New Mexico Environment Department (NMED) may issue a Federal Facility Compliance Order (FFCO) to federal facilities located within New Mexico's borders.

On October 4, 1995, NMED issued an FFCO to the United States Department of Energy (DOE) and the Regents of the University of California (UC) to co-operator (collectively, the Respondents). Los Alamos National Security, LLC (LANS) replaced UC as co-operator in 2006. The FFCO requires compliance with the STP Compliance Plan Volume (CPV) for the treatment and disposal of mixed waste at Los Alamos National Laboratory (LANL). The Respondents must comply with the New Mexico Hazardous Waste Act, NMSA 1978, §§74-4-1 (1998 CUM. SUPP.) and section 3012(b) of RCRA, 42 U.S.C. §6939(c), as amended by the FFCA of 1992, Public Law 102-386, 106 Stat. 1505 (1992). Under Section X "Revisions" of the FFCO, all proposed or required revisions shall be made available for public review and comment.

Revisions to the FFCO include, but are not limited to, changes in the covered mixed waste inventories and compliance dates reported in the STP Fiscal Year Update reports received by NMED since the FFCO was issued on October 4, 1995. Revision 20.0 includes: 1) the addition and deletion of mixed waste volumes; 2) modifications of certain compliance dates associated with specific treatability groups; and 3) expedited shipments of waste. NMED may approve, approve with modifications, or disapprove the

proposed revision. Pending public input, NMED intends to approve with modifications the requested revision.

NMED has made the following modification to Revision 20.0:

- NMED corrected the Compliance Date in Part III, Table 3.2-3, Activity J, from “12/31/10” to “12/31/13,” as requested in Part II, Section 5.0.

Based on discussions with NMED last year, LANL has also made changes to the STP update that make it more streamlined and user-friendly. Some of these changes include:

- Deleting mixed low-level waste inventories from prior years, with the exception of FY08’s inventory, which is retained as Appendix D;
- Removing tables in Part III that referred to milestones and compliance dates for waste no longer in the LANL inventory, and adding table numbers to previously unnumbered tables;
- Replacing tables throughout Parts I and II that contained redundant information with a single set of reference data in the appendices;
- Adding a more comprehensive introduction at the beginning of the STP and revising the introductions to the three parts of the STP to tailor the introductory information to the material contained in those parts; and
- Finally, providing the total volumes in the mixed transuranic (MTRU) inventory to four-decimal places, as has been the convention in past reports, and to three-decimal places as a transition to FY10 MTRU reporting, the convention for future reporting.

The Administrative Record (AR) for this notice of intent to approve includes the proposed Revision 20.0, other FFCO-required documents and operational data, and verification of off-site waste shipments for treatment or disposal. The proposed Revision 20.0 and the AR may be reviewed at: **NMED, Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico, 87505-6303** between the hours of 8:00 a.m. and 5:00 p.m. for a period of thirty (30) days beginning **September 17, 2010**. The proposed revision 20.0, this public notice, and the interested person letter can also be reviewed at the NMED web page at: <http://www.nmenv.state.nm.us/HWB/lanlperm.html> under the link “Federal Facility Compliance Order.” To obtain a copy of the AR, or any part thereof, please contact **Ms. Pam Allen** by calling **(505) 476-6000**.

Any person who wishes to comment on the proposed Revision 19.0 should submit written or electronic mail (e-mail) comments, along with his or her name and address, to the NMED, Hazardous Waste Bureau address or by e-mail to: john.kieling@state.nm.us. Only comments received by **5:00 p.m. MDT, October 18, 2010** will be considered. All timely comments submitted will be considered in forming a final decision. NMED may modify the Revision based on the comments received. NMED will notify each person who submitted written comment during the public comment period of the final decision.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Judy Bentley at NMED, Personnel Service Bureau, Room N-4071, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico, 87502. Ms. Bentley’s telephone number is (505) 827-9872. TDY users please access Ms. Bentley’s number through the New Mexico Relay Network at 1-800-659-8331.