



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



RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

May 21, 2008

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 17.0 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 2006 Site Treatment Plan (STP) Update, Compliance Plan Volume (CPV). If approved, the proposed Revision would allow extensions of milestone compliance dates for Milestone Activities 3.1.8(A), 3.1.9(A) and 3.2(J) for waste Treatability Groups LA-W917, LA-W918, and LA-W924, LA-W925, and LA-W934 of the FFCO STP CPV. Waste inventory quantities for the various Treatability Groups are listed in Tables 2.1-2 and 2.2-2.

Only written comments received from the public by 5:00 p.m. MDT, June 20, 2008, 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. 08-05**

**NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU  
Santa Fe, New Mexico 87505  
May 21, 2008**

**NOTICE OF AVAILABILITY  
PROPOSED REVISION 17.0 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 17.0 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 a modification the requested revision. The modification NMED is proposing concerns compliance dates for STP Milestone Activities 3.1.8(A), 3.1.9(A), and 3.2(J). NMED is proposing the following compliance dates for the following milestone activities: 1) 3.1.8(A), LA-W917 (compressed gases requiring scrubbing), August 28, 2008; 2) 3.1.9(A), LA-W918 (compressed gases requiring oxidation), August 28, 2008; and 3) 3.2(J) including LA-W924 (lead wastes), LA-W925 (mercury wastes) and LA-W934 (high activity wastes), December 31, 2008.

The Respondents requested Activities 3.1.8(A) 3.1.9(A) be extended from August 28, 2007 to August 28, 2009 and Activity 3.2(J) be extended from December 31, 2007 to December 31, 2010. NMED requested supporting data from the Respondents as specified in the FFCO, Section X.C.2 which states: “. . . written proposal which includes: a) a detailed description of the proposed revision; b) the rationale for the proposed revision; c) the anticipated length of any delay in performance that would result from the proposed revision, including all compliance dates that would be affected; and d) if the proposed revision would result in a delay in performance, a plan for implementing all reasonable measures to address the cause of the delay, to avoid or minimize the delay, and to avoid such delays in the future, and a schedule for implementing such plan.” NMED did not receive the required supporting data from the Respondents regarding the postponements.

The Administrative Record (AR) for this notice of intent to approve with modification includes the proposed Revision 17.0 with the above-mentioned modification, other FFCO-required documents and operational data, and verification of off-site waste shipments for treatment or disposal. The proposed Revision 17.0 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 **May 21, 2008**. The proposed revision 17.0, proposed modifications, this public notice, and the interested citizen 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 2007 and 2008.” To obtain a copy of the AR, or any part thereof, please contact **Mr. John Kieling** by calling **(505) 476-6000**.

Any person who wishes to comment on the proposed Revision 17.0 should submit written or electronic mail (e-mail) comments, along with his or her name and address, to the NMED-HWB address or by e-mail to: [john.kieling@state.nm.us](mailto:john.kieling@state.nm.us). Only comments received by **5:00 p.m. MDT, June 20, 2008** 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**

Persons with a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at NMED, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502 or by telephone at (505) 827-9872. TDY users may access her number via the New Mexico Relay Network at 1-800-659-8331.