



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
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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

December 10, 2008

**RE: NOTICE OF AVAILABILITY PROPOSED REVISION 18.0 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 18.0 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 2007 Site Treatment Plan (STP) Update. If approved, the proposed Revision would allow the following:

1. extensions of milestone compliance dates for Milestone Activities 3.1.8(A), 3.1.9(A), 3.1.11(A), and 3.2(J) for waste Treatability Groups LA-W917, LA-W918, LA-W908, and 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 in the "STP Background Volume, Attachment A";
2. development of a new CPV activity 3.3.4, treatability group *10-100 nCi/g waste* and treatability number LA-W935; and
3. withdrawal of the extension request for Milestone Compliance Activity 3.1.5(A) for treatability group LA-W922 from 12/31/08 to 12/31/09.

Only written comments received from the public by **5:00 p.m. MDT, January 9, 2009** will be considered by NMED in making a final decision.

Sincerely,

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



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PUBLIC NOTICE NO. 08-06

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico 87505
December 10, 2008**

**NOTICE OF AVAILABILITY
PROPOSED REVISION 18.0 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 18.0 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 is proposing modifications concerning the deletion of the Respondents' request to extend the Milestone

Compliance Activity date for Milestone Activity 3.1.5(A). In the Respondents' original STP Update submittal on April 25, 2008 and subsequent submittals of revised pages on July 8, 2008 and July 31, 2008, the Respondents requested an extension of Milestone Activity 3.1.5(A) from 12/31/08 to 12/31/09. However, since this request, the Respondents shipped the LA-W922 waste and officially withdrew their request for extension on November 21, 2008 (see LANL ENV-RCRA 08-234). This change is reflected in the following sections:

1. CPV Attachment B (Fiscal Year 2007 Annual Update for the STP Compliance Plan Volume) Table 2.1 B (FY07 Correspondence) page 4;
2. CPV Attachment B (Fiscal Year 2007 Annual Update for the STP Compliance Plan Volume) Section 5.0 (Any Other Changes to the Overall Schedule in the CPV) page 5;
3. CPV Attachment C (Revision 18.0 Proposal) Table X.C.2.a.-7 (Proposed Extensions of Milestone Activity Compliance Dates) page 4; and
4. CPV Attachment D pages 15 and 42.

The other modifications include editorial changes that update the submittal dates on all relevant pages (*i.e.*, title pages and headers) of the Update and Revision, correction to compliance due dates reflected in CPV Attachment B (Fiscal Year 2007 Annual Update for the STP Compliance Plan Volume) Section 1.1, Table 1.1 A (FY07 FFCO and STP Milestones) on page 2, and two additional pieces of correspondence added to Table 2.1B (FY07 Correspondence) on page 3-4 in the same Attachment.

The Administrative Record for this notice of intent to approve with modification includes the proposed Revision 18.0 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 18.0 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 **December 10, 2008**. The proposed revision 18.0, proposed modifications, 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 Administrative Record, or any part thereof, please contact **Ms. Pam Allen** by calling **(505) 476-6000**.

Any person who wishes to comment on the proposed Revision 18.0 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, January 9, 2009** 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.