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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 26, 2008

Mr. Albert Dye
Site Treatment Plan Project Manager
Water Quality & RCRA Group
Los Alamos National Security, LLC
PO Box 1663, Mail Stop K490
Los Alamos, NM 87545

Mr. Dave D. Stewart
Interim Waste Management Program Manager
Department of Energy
528 35th Street
Mail Stop A316
Los Alamos, NM 87544

**RE: APPROVAL WITH MODIFICATIONS OF THE PROPOSED REVISION
17.0, ANNUAL UPDATE TO SITE TREATMENT PLAN, FEDERAL
FACILITIES COMPLIANCE ORDER
LOS ALAMOS NATIONAL LABORATORY, EPA ID# NM0890010515
LANL-07-019**

Dear Messrs Dye and Stewart:

The New Mexico Environment Department (NMED) public noticed with modifications the Annual Update, Revision 17.0 (Fiscal Year 2006 (FY06)) of the Department of Energy's (DOE) and Los Alamos National Laboratory's (LANL) (collectively, the Respondents') Site Treatment Plan (STP) of the Federal Facilities Compliance Order (FFCO) issued to the Respondents on October 4, 1995.

No comments were received on the FY06 STP Annual Update Revision 17.0. NMED hereby approves the Respondents' FY06 STP Annual Update Revision 17.0 with the following modifications, as provided in the attachments:

1) Page 4, Revision 17.0 Proposal, Attachment C, Table X.C.2.a.-7: Proposed Extensions of Milestone Activity Compliance Dates (see Table X.C.2.a.-7) – NMED approved with modifications the addition of treatability groups LA-W-925 Mercury Wastes, LA-W933 Lab Packs, and LA-W924 Lead Wastes, to the column associated with Milestone Activity 3.2(J).

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NMED approved with modifications the dates on Table X.C.2.a.-7 for milestone activities 3.1.8(A) 08/28/2008, 3.1.9(A) 08/28/2008 and 3.2(J) 12/31/2008.

2) Page 19, LANL CPV, 3.1.8(A) Treatment for Compressed Gases Requiring Scrubbing – NMED approved with modification the Compliance Date for Activity A as 8/28/2008.

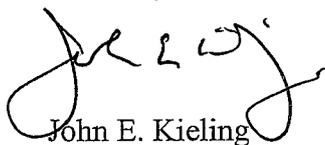
3) Page 20, LANL CPV, 3.1.9(A) Treatment for Compressed Gases Requiring Oxidation – NMED approved with modification the Compliance Date for Activity A as 8/28/2008.

4) Page 27, LANL CPV, 3.2(J) Mixed Waste Requiring Further Characterization or for Which Technology Assessment Has Not Been Done – NMED approved with modification the compliance date of 3.2(J) as 12/31/2008.

5) Page 40, LANL CPV, Appendix A, History of STP Revisions and Amendment, Table A-1, Summary of Changes to the CPV and the FFCO – NMED approved with modifications the compliance dates for Rev 17.0 of the table to reflect the modifications of 3.1.8(A), 3.1.9(A) and 3.2(J) as mentioned above.

If you should have any questions concerning this letter, please contact Rebecca Kay of my staff at (505) 476-6040 or by email at rebecca.kay@state.nm.us.

Sincerely,



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

cc: J. Bearzi, NMED-HWB
R. Kay, NMED-HWB
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S. Zappe, NMED-HWB
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T. Grieggs, ENV-RCRA, LANL, K490
T. George, ENV-DO, J978
G. Turner, LASO/EO, A316
J. Ellvinger, ENV-RCRA, LANL, K490
File: Reading and LANL FFCO 2008

DOE and LANS are requesting that the following milestone activity dates be extended to secure offsite shipment and treatment or because currently there is no path forward for the waste streams.

Table X.C.2.a.-7: Proposed Extensions of Milestone Activity Compliance Dates

Milestone Activity	Treatability Group	Revision 16 Compliance Date	Proposed Extended Compliance Date	Rationale for Extension
3.1.5(A)	<i>LA-W922 Noncombustible Debris</i>	08/25/2003	12/31/08	An extension of this Compliance Date is requested to secure offsite treatment and to complete shipment of this waste stream newly generated in FY06.
3.1.8(A)	<i>LA-W917 Compressed Gases Requiring Scrubbing</i>	08/09/2007	08/28/2008	An extension of this Compliance Date is requested because there is no path forward at this time for this waste stream. It is hoped that radioactivity will have decayed to an amount acceptable to commercial Treatment Storage and Disposal Facilities (TSDF), or that the items will be found amenable to treatability studies, and can be removed from inventory.
3.1.9(A)	<i>LA-W918 Compressed Gases Requiring Oxidation</i>	08/09/2007	08/28/2008	An extension of this Compliance Date is requested because there is no path forward at this time for this waste stream. It is hoped that radioactivity will have decayed to an amount acceptable to commercial TSDFs, or that the items will be found amenable to treatability studies, and can be removed from inventory.
3.2(J)	<i>LA-W934 High Activity Wastes LA-W925 Mercury Wastes LA-W933 Lab Packs LA-924 Lead Wastes</i>	12/31/2007	12/31/2008	An extension of this Compliance Date is requested because there is no path forward at this time for some items within these waste streams. In addition, this treatability group includes waste stream items newly generated in FY06. It is hoped that radioactivity will have decayed to an amount acceptable to commercial TSDFs, or that the items will be found amenable to treatability studies, and can be removed from inventory.

Any and all requirements imposed by the off-site (commercial or non-commercial) treatment facility and state regulatory, federal regulatory or other regulatory requirements applicable at the treatment site shall be met by DOE. DOE will notify the NMED Project Manager in writing as soon as possible and in any event within forty-five (45) working days of receipt of waste at the treatment facility.

Should DOE elect to use on-site recycling/re-use facilities in lieu of (or in combination with) treatment, it will follow the requirements prescribed in Section 2.3, as if the waste were shipped off-site for treatment. DOE will provide a notification letter to the NMED within forty-five days, in place of documentation that waste was received at an offsite facility.

Activity	Compliance Dates
A. Complete shipping of existing wastes to an off-site treatment facility or complete parallel option	8/28/08
B. Provide documentation to NMED that waste was received at off-site facility or provide notification of parallel option	Within 45 days of receipt of waste at treatment facility or within 45 days after completion of parallel option

3.1.9 Compressed Gases Requiring Oxidation.

Treatability Group(s):

Treatability group	MWIR waste ID	RCRA codes	Net volume (m ³)
compressed gases requiring oxidation	LA-W918	D001, U226	0.0758
Totals			0.0758

Treatment:

Shipment off-site for treatment is the preferred option. Parallel preferred options include on-site or off-site recycling/re-use or radiological decontamination. Should DOE decide to treat waste at an off-site non-commercial facility the DOE shall notify the NMED Project Manager in writing as soon as possible and in any event within fourteen (14) working days after confirmation of a shipment date with the affected off-site facility. The NMED Project Manager shall approve in writing the off-site non-commercial treatment option proposed by DOE prior to any shipment by DOE.

Any and all requirements imposed by the off-site (commercial or non-commercial) treatment facility and state regulatory, federal regulatory or other regulatory requirements applicable at the treatment site shall be met by DOE. DOE will notify the NMED Project Manager in writing as soon as possible and in any event within forty-five (45) working days of receipt of waste at the treatment facility.

Should DOE elect to use on-site recycling/re-use facilities in lieu of (or in combination with) treatment, it will follow the requirements prescribed in Section 2.3, as if the waste were shipped off-site for treatment. DOE will provide a notification letter to the NMED within forty-five days, in place of documentation that waste was received at an offsite facility.

Activity	Compliance Dates
A. Complete shipping of existing wastes to an off-site treatment facility or complete parallel option	8/28/08
B. Provide documentation to NMED that waste was received at off-site facility or provide notification of parallel option	Within 45 days of receipt of waste at treatment facility or within 45 days after completion of parallel option

3.1.10 Elemental Mercury.

Treatability Group(s):

Treatability group	MWIR waste ID	RCRA codes	Net volume (m ³)
elemental mercury	LA-W920 LA-W920-16	.D006, D009, F005	0 0.0009
Totals			0.0009

Treatment:

Shipment off-site for treatment is the preferred option. Parallel preferred options include on-site or off-site recycling/re-use or radiological decontamination. Should DOE decide to treat waste at an off-site non-commercial facility the DOE shall notify the NMED Project Manager in writing as soon as possible and in any event within fourteen (14) working days after confirmation of a shipment date with the affected off-site facility. The NMED Project Manager shall approve in writing the off-site non-commercial treatment option proposed by DOE prior to any shipment by DOE.

J. Complete shipping of wastes to an off-site treatment facility, or submit documentation assigning waste items to applicable treatability groups or complete parallel option	12/31/08
K. Provide documentation to NMED that waste was received at off-site facility or provide notification of parallel option	Within 45 days of receipt of waste at off-site facility or within 45 days after completion of parallel option

3.3 Plans for Other Types of Activities.

The following subsection summarizes plans for other types of activities.

3.3.1 Lead Decontamination

Treatability Group(s):

Treatability group	MWIR waste ID	First Category	Second Category	Totals
		Net volume (m ³)	Net volume (m ³)	Net volume (m ³)
lead for surface decontamination	LA-W930-0 LA-W930-5	0.00	0.00	0.00
Totals		0.00	0.00	0.00

Note: See below for additional wastes in this treatability group

Action	Document Modified	Effective Date	Effect on FFCO/STP
Rev. 9.0	STP/CPV	6/7/00	Added and deleted volumes reported in FY98 <i>Annual Update</i> to certain treatability groups.
Amendment 3.0	STP/CPV	8/30/99	Transferred three items to MTRU, transferred one item to subgroup within same treatability group.
Rev. 10.0	STP/CPV	12/18/00	Added and deleted volumes reported in FY99 <i>Annual Update</i> to certain treatability groups.
Rev. 11.0	STP/CPV	4/18/01	Added and deleted volumes reported in FY00 <i>Annual Update</i> .
Rev. 12.0	STP/CPV	3/13/02	Added and deleted volumes reported in FY01 <i>Annual Update</i> . Extended CPV Activity 3.1.5A Compliance Date to 8/25/03. Extended CPV Activity 3.1.11A to 2/01/04. Removed the requirement to develop treatment technologies and the associated compliance schedule in CPV Activity 4.0 and added language specifying that MTRU waste would be shipped off-site to WIPP for disposal.
Rev 13.0	STP/CPV	7/14/03	Added and deleted volumes reported in FY02 <i>Annual Update</i>
Rev 14.0	STP/CPV	1/5/05	Added and deleted volumes reported in FY03 <i>Annual Update</i>
Rev 15.0	STP/CPV	8/16/05	Added and deleted volumes reported in FY04 <i>Annual Update</i>
Rev 16.0	STP/CPV	12/12/06	Added and deleted volumes reported in FY05 <i>Annual Update</i> . Extended CPV Activity 3.1.8(A) Compliance Date to 8/09/07. Extended CPV Activity 3.1.9(A) Compliance Date to 8/09/07. Extended CPV Activity 3.1.10(A) Compliance Date to 8/31/07. Extended CPV Activity 3.1.11(A) Compliance Date to 12/31/07. Extended CPV Activity 3.2(J) Compliance Date to 12/31/07. Reclassified 0.2082 m ³ of LA-W934 High Activity MLL waste to MTRU waste.
Rev 17.0	STP/CPV	TBD	Added and deleted volumes reported in FY06 <i>Annual Updates</i> , Extended CPV Activity 3.1.5(A) Compliance Date to 12/31/08. Extended CPV Activity 3.1.8(A) Compliance Date to 8/28/08. Extended CPV Activity 3.1.9(A) Compliance Date to 8/28/08. Extended CPV Activity 3.2(J) Compliance Date to 12/31/08.