NEW MEXICO
ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 5, 2007

Mr. Albert Dye
Site Treatment Plan Project Manager
Water Quality & RCRA Group
Los Alamos National Laboratory
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: NOTICE OF DISAPPROVAL OF SITE TREATMENT PLAN (STP)
FISCAL YEAR 2006 (FY06) UPDATE AND REVISION 17.0 PROPOSAL
LOS ALAMOS NATIONAL LABORATORY (LANL)
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)
SUBMITTED ON MARCH 13, 2007
EPA ID NO. NM08990010515**

Dear Messrs. Dye and Stewart:

The New Mexico Environment Department (NMED) has received the above-referenced document submitted by Los Alamos National Laboratory (LANL) and the U.S. Department of Energy (the Respondents) and referenced by LA-UR-07-1451. NMED has reviewed the document, and identifies the following deficiencies.

Corrections to be made in Respondent's March 13, 2007 STP FY 06 and Update and LANL FFCO Revision 17.0 Proposal:

Comment 1:

Administrative Adjustments

a. Administrative Adjustment of .0001m^3 for LA-W909 (Bulk Oils) is not represented in the total volume on Table 2.1-2 (FY06 MLLW Inventory Detailed Update by Treatability Group, p.3). Revise the table to accurately reflect the adjustment in the total volume.

b. Administrative Adjustment of .0001m^3 for LA-W910 (PCB Wastes with RCRA Components) [identified in the February 23, 2007 letter ("Proposed Administrative Adjustments for the FY06 STP Revision 17.0"), STP Attachment A, Table 3.6-1 (Administrative Adjustments and Corrections, Background Volume p.10), and STP Attachment C, Table X.C.2.a.-6 (Proposed Administrative Adjustments, p.3)] is accounted for in the total volume on Table 2.1-2 (STP Attachment A, FY06 MLLW Inventory Detailed Update by Treatability Group, p.4). However, the adjustment itself was omitted from the comments column; revise the comments to reflect the adjustment in the comments.

c. Not all of the total volumes listed in the "Proposed Addition of Newly Covered Waste" (Table X.C.2.a.-1, Attachment C, p.2) reflect the totals affected by certain administrative adjustments applied (such as LA-W909, LA-W924, LA-W933, and the total). A similar problem exists for LA-W910 (*PCB Wastes with RCRA Components*) in Table X.C.2.a.-2 (in the same Attachment). Revise the table to reflect adjustments in all totals.

Comment 2:

a. In Table 2.1-2 (FY06 MLLW Inventory Detailed Update by Treatability Group, p.3), the column entitled "Proposed Revision 17.0" for LA-W918 (Compressed Gases Requiring Oxidation) does not list a total volume. Revise the table to include the appropriate total volume.

b. Also Table 2.1-2 LA-W909 (*Bulk Oils*) shows that a newly generated amount of 0.1060m^3 was shipped on May 3, 2006. However, NMED did not receive a "request for expedited treatment" letter informing the Department of this shipment. The Respondents must clarify in Attachment B, Section 2.0 the rationale for not generating and sending a request letter to the Department for this shipment, or otherwise resolve the discrepancy.

c. An October 4, 2005 letter entitled "Request for Expedited Treatment, Site Treatment Plan, LANL", for waste group LA-W910 (*PCB Wastes with RCRA Components*), indicates a volume of 1.2864m^3. However, a January 24, 2006 letter entitled "Notice for Completion of Off-Site Waste Shipment Activity 3.1.11 (B) in the CPV, STP, LANL" indicates that a total volume of 0.6322m^3 was shipped. The Respondents must add an explanation in Attachment B, Section 2.0 explaining the discrepancy in the volume predicted to be shipped and the actual volume shipped. In the future, the Respondents must explain any discrepancies between requests for expedited treatment and the associated notices of completion.

Comment 3:

Attachment B, Section 5.0 (Any Other Changes to the Overall Schedule in the Compliance Plan Volume, p.4) states "There were no other changes to the overall schedule in the CPV of the STP." However, many shipment dates have changed as reflected in Attachment D Sections: 3.1.5; 3.1.8; 3.1.9; 3.1.11; and 3.2. The Respondents must revise this Section to accurately reflect changes in this Revision (17.0).

Comment 4:

In Attachment C, Table X.C.2.a.-2 (p.2), the reference for CPV Section for LA-W933 *Lab Packs* states this treatability group is found in Section 3.1.6. The Respondents must change the referenced section to Section 3.2 (see page 26 of Attachment D).

Comment 5:

The Respondents must re-organize the information on page 4 of Attachment C from narrative form to tabular form. The table must include the same information, but must be presented in a more readable and traceable form.

Comment 6:

The activities and dates in Attachment D, Table A-1 (Summary of Changes to the CPV and the FFCO, Revision 17.0, p.39) are not accurate. The Respondents must revise all compliance dates to reflect actual changed dates in sections 3.1.5, 3.1.8, 3.1.9, 3.1.11, and 3.2.

Comment 7:

The information provided throughout the year for mixed low-level waste (MLLW) is significantly more detailed, traceable, and verifiable than the transuranic waste (TRU) inventory information. The Respondent's diligence in sending "Notices of Completion of Off-Site Shipment", "Completion of Milestone Activity", and "Request for Expedited Treatment" letters to the Department for MLLW throughout the year facilitates the Department's accounting of newly generated and shipped waste at the Facility. However, for TRU waste, scant information is provided to NMED regarding quantities remaining on-site from previous fiscal years, newly generated TRU waste, and waste shipped to the Waste Isolation Pilot Plant (WIPP). This issue has been the subject of many discussions between NMED and the Respondents, but to date, the Respondent's have moderately addressed it.

The Respondents must devise a plan to address this issue. The plan must be submitted to NMED for review approval no later than December 31, 2007. NMED requires improvements to the tracking system this federal fiscal year for TRU waste at the Facility. NMED also requires a table, similar to that of the MLLW inventory, to be submitted in the FY07 STP, Revision 18.0 for the Facility's TRU waste.

The information identified in this notice of disapproval must be revised and adequately addressed before NMED can approve the STP FY 06 Update and Revision 17.0 Proposal.

If you have any questions or comments regarding this letter, please contact Rebecca Kay of my staff at (505) 476-6052 or by email at rebecca.kay@state.nm.us.

Sincerely,

James P. Bearzi

James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED-HWB
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File: Reading and LANL FFCO 2007