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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 16, 2007

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: ADDENDUM TO THE OCTOBER 5, 2007 NOTICE OF DISAPPROVAL SITE TREATMENT PLAN (STP) FISCAL YEAR 2006 (FY06) UPDATE AND REVISION 17.0 PROPOSAL LOS ALAMOS NATIONAL LABORATORY (LANL)
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)
EPA ID NO. NM08990010515

Dear Messrs. Dye and Stewart:

On October 5, 2007, the New Mexico Environment Department (NMED) issued Los Alamos National Security, LLC and the U.S. Department of Energy (the Respondents) a "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." After further review of the Site Treatment Plan Update and Revision 17.0 Proposal (referenced by LA-UR-07-1451) dated March 13, 2007, the following additional deficiencies have been identified.

Additional corrections to be made to the Respondent's March 13, 2007 STP FY 06 Update and Revision 17.0 Proposal:

Comment 1:
A November 27, 2006 letter entitled "Request for Expedited Treatment, Site Treatment Plan, LANL", for waste group LA-W924 (*Lead Wastes*), indicates that a volume of 0.2271m^3 was shipped to Energy Solutions in Utah. NMED never received a "Notice for Completion of Off-Site Waste Shipment Activity 3.2 in the CPV, STP, LANL." Attachment D of the CPV (page 27)

states that [the Respondents] must "provide documentation to NMED that waste was received at off-site facility...within 45 days of receipt or within 45 days of parallel option." Table 2.1-2 in the STP Update (page 4) does not reflect this expedited shipment amount of $0.2271m^3$ nor does the table included in Attachment D of the CPV (page 26).

The Respondents must add documentation in Attachment B, Section 2.0 explaining the discrepancy and reporting the actual volumes shipped, and provide supporting documentation that the off-site facility received the waste. In the future, when the Respondent's request an "expedited treatment" of a waste treatability group, a notice of completion of off-site waste shipment activities must be submitted to NMED within the 45 day allotted time period indicated in the Compliance Plan Volume. All total volumes must be accurately reported throughout the STP and the CPV.

Comment 2:
An October 4, 2006 letter entitled "Request for Expedited Treatment, Site Treatment Plan, LANL", for waste group LA-W910 (*PCB wastes with RCRA components*), indicates that a volume of $1.2864m^3$ was shipped to M&EC in Oak Ridge, TN. NMED never received a "Notice for Completion of Off-Site Waste Shipment Activity 3.1.11 in the CPV, STP, LANL." Attachment D of the CPV (page 23) states that [the Respondents] must "provide documentation to NMED that waste was received at off-site facility...within 45 days of receipt or within 45 days of parallel option." Moreover, Table 2.1-2 in the STP Update (page 4) does not reflect this expedited shipment amount of $1.2864m^3$ nor does the table included in Attachment D of the CPV (page 22).

The Respondents must add documentation in Attachment B, Section 2.0 explaining the discrepancy, reporting the actual volumes shipped, and provide supporting documentation that the off-site facility received the waste. In the future, when the Respondent's request an "expedited treatment" of a waste treatability group, a notice of completion of off-site waste shipment activities must be submitted to NMED within the 45 day allotted time period indicated in the Compliance Plan Volume. All total volumes must be accurately reported throughout the STP and the CPV.

Comment 3:
An April 20, 2006 letter entitled "Request for Expedited Treatment, Site Treatment Plan, LANL", for waste group LA-W933 (*Labpacks*), indicates that a volume of $0.0946m^3$ was shipped to Waste Control Specialists in Andrews County, TX. NMED never received a "Notice for Completion of Off-Site Waste Shipment Activity 3.2 in the CPV, STP, LANL." Attachment D of the CPV (page 27) states that [the Respondents] must "provide documentation to NMED that waste was received at off-site facility...within 45 days of receipt or within 45 days of parallel option." Table 2.1-2 in the STP Update (page 4) does not reflect this expedited shipment amount of $0.0946m^3$ nor does the table included in Attachment D of the CPV (page 26).

The Respondents must add documentation in Attachment B, Section 2.0 explaining the discrepancy, reporting the actual volumes shipped, and provide supporting documentation that the off-site facility received the waste. In the future, when the Respondent's request an

"expedited treatment" of a waste treatability group, a notice of completion of off-site waste shipment activities must be submitted to NMED within the 45 day allotted time period indicated in the Compliance Plan Volume. All total volumes must be accurately reported throughout the STP and the CPV.

Comment 4:
A June 13, 2006 letter entitled "Notice of Completion of Off-Site Waste Shipment Activities in the CPV, STP, LANL" for waste group LA-W909 (*Bulk Oils*), indicates that a volume of $0.3180m^3$ was shipped to PermaFix in Florida. However, the manifest that accompanies the letter in fact indicates that M&EC/PermaFix, Inc. in Oak Ridge, Tennessee received the shipment. In the future, the Respondents must accurately report the facility that received the waste shipment and its geographic location.

Comment 5:
A June 26, 2006 letter entitled "Notice of Completion of Off-Site Waste Shipment Activities in the CPV, STP, LANL" indicates that a volume of $0.0152m^3$ for waste group LA-W918 (*Compressed gases requiring oxidation*) and a volume of $0.4164m^3$ for waste group LA-W933 (*Bulk Oils*) were shipped on May 21, 2007 to either Gainesville, FL or Oakridge, TN. Table 2.1-2 (pp. 3-4) in the STP Update does not indicate that these volumes were generated (for waste group LA-W918) or shipped (for both waste groups). The Attachment D tables' totals in the CPV (pp.19 and 26) as well as the column "FY06 Annual Update" totals in the STP are not accurate because they do not reflect the shipped waste volumes as indicated in the notification letter.

The Respondents must add documentation in Attachment B, Section 2.0 explaining the discrepancy and reporting the actual volumes generated and shipped. The Respondents must revise the STP and the CPV to accurately report all total volumes.

Comment 6:
A March 15, 2006 letter entitled, "Notice of Completion of Milestone 3.1.3(D) in the CPV, STP, LANL" notified the Department that this particular milestone activity had been met by the CPV date of October 1, 2005. Section XX of the FFCO requires written notification to the Department within ten days after meeting a milestone compliance date; the Respondents were five months late in sending this notification. The Respondents must provide a detailed explanation in Attachment B, Section 2.0 for why the letter was delinquent.

Comment 7:
Attachment C, page 4, proposes four extensions of compliance dates for milestone activities (3.1.5(A), 3.1.8(A), 3.1.9(A), and 3.2(J)). In the future, the Respondents must submit an extension request letter if an extension request is anticipated no later than 60 days prior to the milestone activity compliance date. In order for the Department to consider such a request, the respondents must provide, at a minimum, the following information:

1. A description of the waste in the treatability group(s);
2. A list of the EPA hazardous waste numbers associated with those wastes;

3. A description of the treatment processes required for the treatability group(s);

4. A full list of all the commercial facilities the Respondents contacted requesting treatment and acceptance of the treatability group(s); and

5. All correspondence, formal or otherwise, between the commercial facilities, identified in item 4 above, including reasons for their denial of acceptance and treatment of the treatability group(s).

In addition, two of the proposed extension requests are for treatability groups (LA-W918 and LA-W934) which the Respondents have indicated "...there is no path forward at this time..." However, the Respondents have shipped waste in these treatability groups this past FY (See "Notice of Completion of Off-Site Waste Shipment Activities" letters dated June 26, 2007, June 28, 2007, and August 23, 2006.) The Respondents must provide in Attachment B, Section 2.0 the rationale for why this extension is being requested for waste groups for which the Respondents have historically found shipping destinations.

The Respondents must revise the information identified in the October 5, 2007 Notice of Disapproval as well as this addendum and submit a response to NMED no later than December 31, 2007. As a reminder, this submission must also include a plan regarding an improved tracking system for the Facility's mixed transuranic waste as explained in Comment 7 of the October 5, 2007 NOD.

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
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED-HWB
D. Cobrain, NMED-HWB
R. Kay, NMED-HWB
S. Pullen, NMED-HWB
S. Zappe, NMED-HWB
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File: Reading and LANL FFCO 2007