NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 13, 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: LOS ALAMOS NATIONAL LABORATORY (LANL) SITE TREATMENT PLAN (STP) COMBINED RESPONSE TO THE OCTOBER 5, 2007 NOTICE OF DISAPPROVAL (NOD) OF THE FISCAL YEAR 2006 (FY06) STP AND THE RESPONSE TO THE NMED NOVEMBER 16, 2007 ADDENDUM TO THE OCTOBER 5, 2007 NOD FOR THE FY06 STP LOS ALAMOS NATIONAL LABORATORY, EPA ID# NM0890010515 LANL-07-019

Dear Messrs. Dye and Stewart:

The New Mexico Environment Department (NMED) has received the above-cited responses submitted by Los Alamos National Security (LANS) and the U.S. Department of Energy (the Respondents) and referenced by ENV-RCRA-07-256 and ENV-RCRA-08-009. NMED has reviewed the documents and identifies the following issues.

NMED Comment #1:
The proposed extended compliance dates for treatability groups LA-W917 and LA-W918 are incorrectly identified throughout the STP Update as "8/28/09." The Respondents must correct the error and indicate the actual compliance date of 8/28/08 in the appropriate sections throughout the STP and Compliance Plan Volume.

NMED Comment #2:

NMED does not approve of the proposed extended compliance date of 12/31/10 for waste treatability group LA-W934. The November 16, 2007 "Addendum to the October 5, 2007 Notice of Disapproval STP FY06 Update and Revision 17.0 Proposal LANL" explained in Comment # 7 that without an adequate rationale and justification for extending compliance dates for shipment, NMED cannot approve such a request. The Respondents failed to provide such justification. However, because of the delay of the FY06 STP Revision 17.0 Approval, NMED will allow the compliance date for shipment to be extended to December 31, 2008.

NMED Comment #3:
Comment #6 in the "Addendum to the October 5, 2007 Notice of Disapproval STP FY06 Update and Revision 17.0 Proposal LANL" highlighted that a March 15, 2006 *Notice of Completion of Milestone 3.1.3(D) in the CPV, STP, LANL* was submitted to NMED five months past the due date required in the STP. Despite the fact that this milestone activity was reported on the previous fiscal year STP Update (FY05), NMED instructed the Respondents to account for this delinquency in the current FY06 STP Revision 17.0 Update in order to keep NMED's Administrative Record current. The Respondents replied that doing so would be "confusing and therefore inappropriate." The only explanation provided to NMED for the delinquency in this notification was that it was "late due to an oversight."

The Respondents must re-submit revisions of pages 3-4 of Attachment C of the Background Volume (BV) and two revision copies of pages 19-20, 27-28, and 40 of Attachment D in the CPV reflecting the appropriate dates. All revisions must also be submitted in redline-strikeout format. The revisions must be submitted to NMED no later than April 15, 2008.

If you have any questions or comments regarding 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: D. Cobrain, NMED-HWB
R. Kay, NMED-HWB
L. King, EPA 6PD-N
J. Ellvinger, ENV-RCRA, LANL-LASO, MS K490
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G. Turner, DOE-LANS, MS A316
File: Reading and LANL FFCO 2007
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