



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
www.nmenv.state.nm.us**



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

November 17, 2009

RE: NOTICE OF AVAILABILITY PROPOSED REVISION 19.0 OF THE LOS ALAMOS NATIONAL LABORATORY FEDERAL FACILITY COMPLIANCE ORDER SITE TREATMENT PLAN, COMPLIANCE PLAN

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 19.0 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 2008 Site Treatment Plan (STP) Update. If approved, the proposed Revision would allow the following:

1. Waste inventory quantities for the various Treatability Groups as listed in Tables 2.1-2 and 2.2-2 in Part I ("Background Update") of the FFCO STP;
2. A new milestone compliance date for Activity 3.1.4(A) for waste Treatability Group LA-W919 in Part III ("Compliance Plan") of the FFCO STP; and
3. A new milestone 3.3.4(C) for waste Treatability Group LA-W935 in Part III ("Compliance Plan") of the FFCO STP.

Only written comments received from the public by **5:00 p.m. MDT, December 17, 2009** will be considered by NMED in making a final decision.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kielling".

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



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PUBLIC NOTICE NO. 09-04

NEW MEXICO ENVIRONMENT DEPARTMENT

HAZARDOUS WASTE BUREAU

Santa Fe, New Mexico 87505

November 17, 2009

NOTICE OF AVAILABILITY

**PROPOSED REVISION 19.0 OF THE LOS ALAMOS NATIONAL LABORATORY
FEDERAL FACILITY COMPLIANCE ORDER SITE TREATMENT PLAN,
COMPLIANCE PLAN**

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 codified 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 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 19.0 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.

The Administrative Record (AR) for this notice of intent to approve includes the proposed Revision 19.0, other FFCO-required documents and operational data, and verification of off-site waste shipments for treatment or disposal. The proposed Revision 19.0 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 **November 17, 2009**. The proposed revision 19.0, 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 AR, or any part thereof, please contact **Ms. Pam Allen** by calling **(505) 476-6000**.

Any person who wishes to comment on the proposed Revision 19.0 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, December , 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.