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## NEW MEXICO ENVIRONMENT DEPARTMENT

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### PUBLIC NOTICE NUMBER 16-11

### NEW MEXICO ENVIRONMENT DEPARTMENT HAZARDOUS WASTE BUREAU

August 31, 2016

### NOTICE OF AVAILABILITY PROPOSED REVISION No. 15 OF THE SANDIA NATIONAL LABORATORIES FEDERAL FACILITY COMPLIANCE ORDER SITE TREATMENT PLAN COMPLIANCE PLAN VOLUME

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 is coded 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 Federal Facility Compliance Orders to federal facilities located within New Mexico's borders.

On October 4, 1995, NMED issued a Federal Facility Compliance Order (FFCO) to the United States Department of Energy/National Nuclear Security Administration (DOE/NNSA) and Sandia Corporation (Sandia) for the Sandia National Laboratories (SNL) Facility. DOE/NNSA is the owner, and Sandia Corporation is the operator of SNL. The FFCO requires a Site Treatment Plan (STP) Compliance Plan Volume (CPV) for the treatment and disposal of mixed waste at SNL. Mixed waste is waste that contains both hazardous and radioactive components. DOE/NNSA and Sandia 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 Federal Facility Compliance Act of 1992, Public Law 102-386, 106 Stat. 1505 (1992). Under Section X "Revisions" of the FFCO STP CPV, all proposed or required revisions shall be made available for public review and comment.

Revision No. 15 is comprised of two Parts: X.C.2.a and X.C.2.b. If approved, revisions under Part X.C.2.a would set a new Compliance Date for all treatment technologies and associated treatability groups (TG) of December 31, 2020. The current STP CPV Compliance Dates will expire in December 2016, so setting new Compliance Dates is essential. Additionally, the proposed revision will update the STP to describe the parallel preferred options for management of Mixed Transuranic (MTRU) wastes to reflect available options for management of remote-

handled MTRU wastes. The volumes for each TG will also be changed to reflect current inventory if necessary.

If approved, revisions under Part X.C.2.b will establish a Compliance Date for the current and future inventory of MTRU Waste that is destined for the Waste Isolation Pilot Plant (WIPP). As WIPP is currently not accepting MTRU wastes, the Compliance Date for the treatment and disposal of all waste in this TG will be set to December 31, 2020. In addition, the Permittees request that a waste volume of 1.0 cubic meter (m<sup>3</sup>) of MTRU waste be incorporated into the STP and be subject to the CPV activity milestones proposed in this revision. In accordance with Section X.B.5 of the FFCO (Amendment No.3), a revision to the CPV is required if the increase is greater than one m<sup>3</sup> or 10% of the treatability group volume. The proposed revisions will also allow on-site certification of MTRU waste and direct shipment of the waste to WIPP. Upon approval of Revision No. 15, the MTRU waste volume will be incorporated into the STP and will be subject to the existing CPV activity milestones approved in this Revision.

The Administrative Record includes proposed Revision No. 15, all earlier revisions, the FFCO, various deletion requests, and other FFCO-required documents. Proposed Revision No. 15 and the Administrative Record 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 August 31, 2016. Proposed Revision No. 15, this public notice, and the interested citizen letter can also be reviewed at the NMED web page at: [www.nmenv.state.nm.us/hwb/sn/perm.html](http://www.nmenv.state.nm.us/hwb/sn/perm.html) under the link "Federal Facilities Compliance Order". To obtain a copy of the Administrative Record or any part thereof please contact **Mr. Dave Cobrain** by calling (505) 476-6055.

Any person who wishes to comment on proposed Revision No. 15 should submit written or e-mail comments, along with his or her name and address, to the above address where the Administrative Record is located, or for e-mail comments to [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us). Only comments received by **5:00 p.m., September 30, 2016** will be considered. All timely comments submitted will be considered in forming a final decision, and 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**

Any person with a disability and requiring assistance or auxiliary aid to participate in this process should contact J.C. Borrego, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, TDD or TDY users please access Mr. Borrego's number via the New Mexico Relay Network at 1-800-659-8331.