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ENVIRONMENT DEPARTMENT

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PUBLIC NOTICE NO. 03-03

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico 87505
May 9, 2003

NOTICE OF AVAILABILITY
REVISION 13.0 OF THE LOS ALAMOS NATIONAL LABORATORY
FEDERAL FACILITY COMPLIANCE ORDER

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, the NMED issued a Federal Facility Compliance Order (FFCO) to the United States Department of Energy (DOE) and the University of California (UC) (collectively the Respondents), requiring compliance by Respondents with a Site Treatment Plan (STP) for the treatment of mixed waste at the Los Alamos National Laboratory (LANL). The FFCO requires a Site Treatment Plan (STP) Compliance Plan Volume (CPV) for the treatment and disposal of mixed waste at 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 Federal Facility Compliance Act 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.

The Respondents have requested Revision 13.0 to the FFCO. This revision includes changes in covered waste inventories that have been reported in the STP Fiscal Year Update reports received by the NMED since the FFCO was issued on October 4, 1995. Revision 13.0 includes the addition/deletion of mixed waste volumes, modification of certain compliance dates associated with specific treatability groups, expedited shipments, and the return of mixed low-level waste from Applied Technology Group treatment facility in Richland, Washington. NMED may approve, approve with modifications, or disapprove the proposed revision.

However, pending public input, NMED intends to approve the requested revision because its impact is negligible in terms of the total amount of mixed wastes managed at LANL during upcoming years.

The administrative record for this notice of intent to approve the revisions includes operational data and proof of shipment offsite for treatment or disposal. The proposed Revision 13.0 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 **May 9, 2003** and ending on **June 9, 2003**, and at the Los Alamos National Laboratory, Community Relations Office, 1619 Central Avenue, Los Alamos, New Mexico, 87544, between the hours of 8:00 a.m. and 5:00 p.m.. The contact person at the Community Relations Office is Linda Anderman. A copy of Revision 13.0 is also available on the NMED website at <http://www.nmenv.state.nm.us/HWB/lanlperm.html> under Federal Facility Compliance Order.

To obtain a copy of the administrative record or a portion thereof, in addition to further information, please contact Sandra Gabaldón at (505) 428-2543, or the address given below. The NMED will provide members of the public with up to 80 pages of the Administrative Record free of charge. Thereafter, NMED will charge a copy fee of \$0.25 per page.

Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. Only comments and/or requests received on or before **5:00 p.m. June 9, 2003** will be considered.

John E. Kieling, Program Manager
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All written comments submitted on the draft Permit will be considered in formulating a final decision and may cause the revision to be modified. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail.