



PUBLIC NOTICE No. 21-006
NEW MEXICO ENVIRONMENT DEPARTMENT
Santa Fe, New Mexico 87505
June 7, 2021

**NOTICE OF INTENT TO APPROVE PROPOSED REVISION 31.0 OF THE SITE TREATMENT PLAN
FEDERAL FACILITY COMPLIANCE ORDER 2020 ANNUAL SITE TREATMENT PLAN UPDATE
LOS ALAMOS NATIONAL LABORATORY**

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 federal 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, NMSA 1978, Sections 74-4-1 to -14 (1953, as amended through 2018), 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 Regents of the University of California (UC) (collectively, the Respondents). Los Alamos National Security, LLC (LANS) replaced UC as a co-operator in 2006. In 2019, Los Alamos Newport Nuclear BWXT-Los Alamos LLC, (N3B) and Triad National Security LLC (Triad) replaced LANS as the co-operators. The FFCO requires compliance with the Site Treatment Plan (STP) Compliance Plan Volume (CPV) 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, Sections 74-4-1 to -14 (1953, as amended through 2018) 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). In accordance with Section X, "Revisions" of the FFCO, all proposed or required revisions shall be made available to the public for review at appropriate locations.

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 (FY) Update reports received by NMED since the FFCO was issued on October 4, 1995.

Revision 31.0 includes:

1. A description of deleted STP wastes which were shipped offsite for treatment, disposal, or recycling or were otherwise determined to not be mixed waste. These covered wastes are included in Appendix B, Appendix F, and Appendix G.
2. Addition of newly covered waste, which includes wastes placed in storage during FY2019 and were proposed to become covered wastes in FY2020. A description of this waste is included in Section 6.1 and is included in Appendix E.
3. Administrative adjustments as a result of addition of newly identified covered waste and transfer of waste to other treatability groups in FY2020, are included in Appendices A, C, E, and G.
4. New milestone dates for two waste activities:
(1) Waste Activity Table 3.1.8-2(A) changed from September 30, 2021, to September 30, 2023, and

(2) Waste Activity Table 3.2-3(A)) changed from September 29, 2021, to September 29, 2023.

NMED may approve, approve with modifications, or disapprove the proposed revision. Pending public input, NMED intends to approve the requested revision.

The proposed Revision 31.0, this public notice, and the notice of intent to approve letter can also be reviewed at the NMED web page at:

<https://www.env.nm.gov/hazardous-waste/lanl-ffco-stp/> under the heading “Federal Facility Compliance Order.” To obtain a copy of any of these documents, please contact NMED by calling **(505) 476-6000**.

In the event the State of New Mexico Executive Order 2020-004 issued in response to the Coronavirus Disease 2019 (“COVID-2019”) no longer affects access to the NMED Hazardous Waste Bureau office, the documents may also be available for review at the address listed below. Please call (505) 476-6000 for more information.

NMED will accept public comment on Proposed Revision 31.0 for 30 days. Any person who wishes to comment on Proposed Revision 31.0 should submit written comments along with their name and address, to the NMED Hazardous Waste Bureau, 2905 Rodeo Park Drive, Building 1, Santa Fe, New Mexico, 87505-6303 or by email to neelam.dhawan@state.nm.us. Only written comments received by **5:00 p.m. MDT, July 6, 2021**, will be considered by NMED in making a final decision.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Kathryn Becker, Non-Discrimination Coordinator, by phone at (505) 827-2855, or via email at: nd.coordinator@state.nm.us. Toll-free numbers are available for TDD or TDY users to access the New Mexico Relay Network at 1-800-659-1779 (voice); TTY users: 1-800-659-8331.

DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED’s non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.