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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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PUBLIC NOTICE NO. 19-006

**NEW MEXICO ENVIRONMENT DEPARTMENT
Santa Fe, New Mexico 87505
July 15, 2019**

**NOTICE OF INTENT TO APPROVE PROPOSED REVISION 28.0 OF THE LOS ALAMOS NATIONAL
LABORATORY FEDERAL FACILITY COMPLIANCE ORDER ANNUAL SITE TREATMENT PLAN UPDATE**

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 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 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 2018, Los Alamos Newport Nuclear BWXT-Los Alamos LLC, (N3B) and Triad National Security LLC (Triad) replaced LANS as the co-operator. The FFCO requires compliance with the 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 §§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 28.0 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. An addition of new covered waste, which includes wastes placed in storage during FY2016 and were proposed to become covered wastes in FY2017. A description of this waste is included in Section 6.1 and is included in Appendix E.
3. Administrative adjustments as a result of additions of newly-identified covered waste and

transfer of waste to other treatability groups in FY2017 to Appendices A, C, E, and G.

4. New milestones for Activities:

- a. 3.1.8 (A) Compressed Gases Requiring Scrubbing to *“complete shipping of existing waste to an offsite treatment facility or complete parallel option”* by September 30, 2021;
- b. Activity 3.3.4 (A) and (B) 10-100 nCi/g Waste *“to complete shipping of existing waste to an offsite treatment facility or complete parallel option”* to September 30, 2022.

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

The Administrative Record (AR) for this notice of intent to approve includes the STP Update and Proposed Revision 28.0, other FFCO-required documents and operation data, and verification of off-site waste shipments for treatment or disposal. The proposed Revision 28.0 and the AR may be reviewed at: NMED Hazardous Waste Bureau, 2905 Rodeo Park Drive, Building 1, Santa Fe, New Mexico, 87505-6303 between the hours of 8:00 a.m. and 5:00 p.m. for the period of thirty (30) days beginning **July 15, 2019**. The proposed Revision 28.0, 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 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 28.0 should submit written comments along with his or her name and address, to the NMED, Hazardous Waste Bureau address listed above or by email to neelam.dhawan@state.nm.us. Only written comments received from the public by **5:00 p.m. MDT, August 14, 2019** 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 Kristine Yurdin, 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: Kristine Yurdin, 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.