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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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PUBLIC NOTICE NO. 16-015

**NEW MEXICO ENVIRONMENT DEPARTMENT
Santa Fe, New Mexico 87505
December 14, 2016**

**NOTICE OF INTENT TO APPROVE PROPOSED REVISION 26.0 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. 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 26.0 includes:

1. A description of deleted STP waste which was 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 FY14 and were proposed to become covered wastes in FY15. A description of this waste is

included in Section 6.1 and is included in Attachment E.

3. A new proposed milestone for Activity 4.0-2(c) to “*complete transfer of Metallic Waste to CMR for material retrieval*” by November 30, 2018.

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 proposed Revision 26.0, other FFCO-required documents and operation data, and verification of off-site waste shipments for treatment or disposal. The proposed Revision 26.0 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 December 14, 2016. The proposed Revision 26.0, this public notice, and the interested citizen letter can also be reviewed at the NMED web page at: <https://www.env.nm.gov/HWB/lanlperm.html> under the link “Federal Facilities 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 26.0 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, January 13, 2017** 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 Vince Velarde, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM 87502-6110. TDD or TDY users please access Mr. Velarde’s number via the New Mexico Relay Network, at 1-800-659-8331.