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November 8, 1994

Kathleen A. Carlson
Area Manager
Department of Energy
Field Office, Albuquerque
Kirtland Area Office
P.O. Box 5400
Albuquerque, New Mexico 87115

Dear Ms. Carlson:

This letter responds to the submittal of the Draft Site Treatment Plans (DSTP) submitted by Sandia National Laboratories, New Mexico (SNL/NM) and the Inhalation Toxicology Research Institute (ITRI) to the New Mexico Environment Department (NMED) as required by the Federal Facility Compliance Act (FFCA).

After reviewing the DSTP, NMED would like to acknowledge the U.S. Department of Energy (DOE) commitment to the "bottoms up" approach to the development of the DSTP and the continued efforts in the plans to consider on-site treatment as the primary treatment option for mixed wastes at SNL/NM and ITRI.

The NMED considers the DSTP to be unacceptable for various reasons. The milestone and target date concepts are acceptable as concepts; but in the plans as proposed, they do not provide definite time lines which would be acceptable from the regulatory stand point. NMED needs to have definite time-lines for the processes related to specific treatment technologies development and alternatives to those technologies should the proposed technologies prove inadequate. Additionally, there is no specific language addressing the required permitting functions and the impact to proposed schedules for proposed treatment technologies and methodologies.

Also, the adoption of the DOE wide-strategy for managing mixed tru waste (MTRU) re: characterization, storage and treatment (ITRI excluded) conflicts with the FFCA and; in addition, is unrealistic. Schedules for storage options and alternatives for the proper management of MTRU, in the event WIPP continues to experience lengthy delays, must be addressed. In general, discrepancies exist in the DSTP, as submitted, which preempts NMED's approval of the



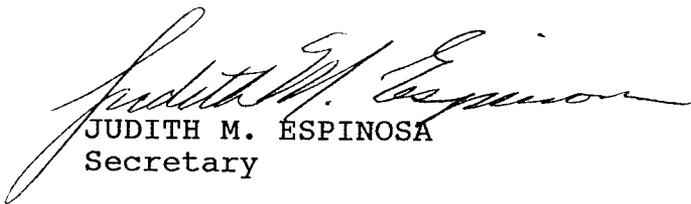
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plans' acceptability. The following specific areas are offered as examples:

1. The concept of target dates/milestones shown in the DSTP is not enforceable by NMED. Definite time-lines must be set in place for each treatment technology development process and each preferred treatment option. NMED has a regulatory right to determine the protocol for any changes to time-lines set forth in the DSTP and the acceptability of those changes.
2. Numerous provisions in the implementation section describe procedures and issues entirely within the state's authority. Dispute resolution, modifications and extensions are all issues which the state has legal authority to approve or disapprove.
3. NMED will issue a Compliance Order to implement the Final Site Treatment Plan and disapprove any such plan, if it is not acceptable. A Consent Agreement is not contemplated at this time.

The New Mexico Environment Department is committed to providing feedback on your DSTP on an ongoing basis. Please have your staff contact Benito Garcia or Jim Seubert of my staff at (505) 827-4308 for further information, interaction or clarification on this issue.

Sincerely,


JUDITH M. ESPINOSA
Secretary

cc: M. Williams, DOE/AL