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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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BILL RICHARDSON  
Governor

DIANE DENISH  
Lieutenant Governor

RON CURRY  
Secretary

CINDY PADILLA  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

November 16, 2007

Mr. Albert Dye  
Site Treatment Plan Project Manager  
Water Quality & RCRA Group  
Los Alamos National Laboratory  
PO Box 1663, Mail Stop K490  
Los Alamos, NM 87545

Mr. Dave D. Stewart  
Interim Waste Management Program Manager  
Department of Energy  
528 35<sup>th</sup> Street  
Mail Stop A316  
Los Alamos, NM 87544

**RE: NOTICE OF DENIAL OF FISCAL YEAR 2006 (FY06) SITE  
TREATMENT PLAN (STP), REVISION 17.0 MILESTONE DATE  
EXTENSION REQUEST  
LOS ALAMOS NATIONAL LABORATORY (LANL)  
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)  
EPA ID NO. NM08990010515**

Dear Messrs. Dye and Stewart:

The New Mexico Environment Department (NMED) has received the above-referenced letter dated October 2, 2007 by Los Alamos National Laboratory (LANL) and the U.S. Department of Energy (the Respondents) and hereby denies the extension of the milestone activity date to August 28, 2009 as proposed for treatability groups LA-W917 (*Compressed gases requiring scrubbing*) and LA-W918 (*Compressed gases requiring oxidation*).

NMED does not believe the Respondents have sufficiently explained the rationale for requesting the aforementioned extension. In order for the Department to consider such a request, the respondents must provide, at a minimum, the following information:

1. A description of gases in the two previously mentioned treatability groups;
2. A list of the EPA hazardous waste numbers associated with those gases;
3. A description of the treatment processes required for the two treatability groups;

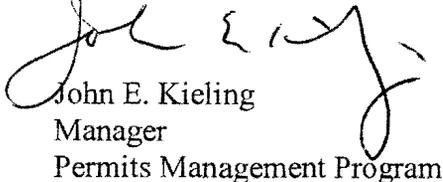


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4. Accurate volumes comparable to the Compliance Plan Volume, Revision 17.0 for the two treatability groups;
5. A full list of all commercial facilities the Respondents contacted requesting treatment and acceptance of the two treatability groups;
6. All correspondence, formal or otherwise, between the commercial facilities identified in items above including the reasons for their denial of acceptance and treatment of the two treatability groups; and
7. All correspondence, formal or otherwise, between Lawrence Livermore National Laboratory and the Respondents regarding possible treatment and acceptance of these two treatability groups.

The milestone activity date of August 28, 2007 remains unchanged. If you have any questions regarding this letter, please contact Rebecca Kay of my staff at (505) 476-6052 or by email at [rebecca.kay@state.nm.us](mailto:rebecca.kay@state.nm.us).

Sincerely,



John E. Kieling  
Manager  
Permits Management Program

cc: J. Bearzi, NMED-HWB  
R. Kay, NMED-HWB  
D. Cobrain, NMED-HWB  
S. Pullen, NMED-HWB  
S. Zappe, NMED-HWB  
L. King, EPA 6PD-N  
J. Ellvinger, ENV-RCRA, LANL-LASO, MS K490  
T. Grieggs, ENV-RCRA, LANL-LASO, MS K490  
G. Turner, DOE-LANS, MS A316

File: Reading and LANL FFCO 2007