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National Nuclear Security Administration  
Los Alamos Site Office, MS A316  
528 35<sup>th</sup> Street  
Los Alamos, New Mexico 87544  
(505) 667-7203/FAX (505) 665-4504

Date: May 8, 2008  
Refer To: ENV-RCRA-08-091

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Ms. Rebecca Kay  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

Dear Ms. Kay:

**SUBJECT: RESPONSE TO (1) NEW MEXICO ENVIRONMENT DEPARTMENT (NMED) MAY 1, 2008 NOTICE OF NONCOMPLIANCE OF MILESTONE ACTIVITY COMPLETION NOTIFICATION, LOS ALAMOS NATIONAL LABORATORY SITE TREATMENT PLAN (STP), AND (2) NMED'S MAY 2, 2008 LETTER REGARDING MILESTONE ACTIVITY COMPLIANCE DATES**

The purpose of this letter is to respond to the New Mexico Environment Department's (NMED's) May 1, 2008 notice of noncompliance on the Los Alamos National Laboratory's (LANL's) Site Treatment Plan (STP) milestone activity completion notification. This letter also responds to a portion of NMED's May 2, 2008 letter on STP milestone activity compliance dates. Specifically, this letter responds to the part of that May 2, 2008 letter that requests a reconciliation of certain records regarding the total volume of stored mixed waste in two treatability groups.

The May 1, 2008 letter stated, "*The Respondents* [National Nuclear Security Administration (NNSA) and Los Alamos National Security, LLC (LANS)] *must submit notices of completion for milestone activities 3.1.10(A) and 3.1.11(A) on or before Friday May 9, 2008.*" Accordingly, this letter notifies NMED of the completion of activities 3.1.10(A) and 3.1.11(A) set forth in the Federal Facility Compliance Order (FFCO).

Activity 3.1.10(A) in the CPV requires that LANL "*Complete shipment of existing wastes for treatment to an off-site facility or complete parallel option*" by 8/31/2007 for treatability group LA-W920 elemental mercury. Offsite shipment for the remaining LA-W920 elemental mercury existing waste



volume was completed on 3/9/2007. Documentation of completion of offsite shipment was previously provided to NMED by letter dated 4/20/2007.

Activity 3.1.11(A) in the CPV requires that LANL "*Complete shipment of existing wastes for treatment to an off-site facility or complete parallel option*" by 12/31/2007 for treatability groups including LA-W909 Bulk oils and LA-W910 PCB wastes with RCRA components. Offsite shipment for the remaining volume of LA-W910 PCB wastes with RCRA components was completed on 12/15/2005 (ENV-SWRC-06-005). Documentation of completion of offsite shipment for the LA-W910 PCB wastes with RCRA components was previously provided to NMED by letter dated 1/24/2006. Offsite shipment for the existing volume of LA-W909 Bulk oils was completed on 5/5/2006. Documentation of completion of offsite shipment for the LA-W909 Bulk oils was previously provided to NMED by letter dated 6/13/2006 (ENV-RCRA-06-007).

As discussed above, a separate letter dated May 2, 2008, from James Bearzi of NMED to Donald L. Winchell, Jr. of NNSA and Richard S. Watkins of LANS, requested a reconciliation of certain records regarding the total volume of stored mixed waste in two treatability groups. This letter provides that reconciliation.

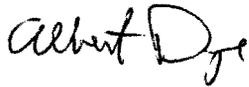
In the May 2, 2008 letter, NMED states "*... the total volume of stored mixed waste in these two treatability groups is 0.0838 m<sup>3</sup>, not 0.07 m<sup>3</sup> as the October 12, 2007 [sic] letter indicates. The Respondents must reconcile their records and notify NMED by May 9, 2008 in order to rectify the discrepancy.*"

In past correspondence from NNSA/LANS to NMED (LANL letter ENV-RCRA-07-235, dated October 2, 2007 from Albert Dye, LANS, to Rebecca Kay, NMED), NNSA/LANS included a total volume of 0.07 m<sup>3</sup> for STP treatability groups LA-W917 and LA-W918. Please note the October 2, 2007 letter cited this total volume (0.07 m<sup>3</sup>) because it was previously approved by NMED as existing, covered waste under the FY05 STP. NNSA/LANS continues to have this volume of the mixed waste because it has been difficult to find an acceptable treatment option. Since the submission of the FY05 STP, we have generated additional waste under these treatability groups. The volume 0.0838 m<sup>3</sup> cited in the proposed FY06 STP reflected this additional waste volume. That is, the 0.0838 m<sup>3</sup> includes both the 0.07 m<sup>3</sup> volume of existing covered waste from FY05 STP and the net volume of new waste proposed for coverage in the yet to be approved FY06 STP. Therefore, both volumes are correct.

It should also be noted that NMED's May 2, 2008 letter also raised other issues, including milestone activity compliance dates. Because NNSA/LANS wanted to promptly respond to your request for the above information by May 9, 2008, we will respond to remaining issues from your May 2, 2008 letter under separate cover.

Please contact Albert Dye by telephone at (505) 667-4715 or by email at [dyea@lanl.gov](mailto:dyea@lanl.gov) if you have any questions.

Sincerely,



Albert Dye  
STP Project Manager  
Water Quality & RCRA Group  
Los Alamos National Laboratory

AD:GT/lm

Enclosures: a/s

Cy: James Bearzi, NMED/HWB, Santa Fe, NM, w/enc.  
Gene Turner, LASO, A316, wo/enc.  
Michael B. Mallory, PADOPS, w/o enc., A102  
Richard S. Watkins, ADESHQ, w/o enc., K491  
Tori George, ENV-DO, w/o enc., J978  
Gerald O'Leary, WDP-DO, wo/enc., J591  
Ken Hargis, ADEP, wo/enc., M991  
Davis Christensen, WDP-TWPS, wo/enc., J595  
Paul Newberry, WDP-HMWO, wo/enc., J595  
Chris. Duy, WDP-HMWO, wo/enc., J595  
Ellen Louderbough, LC-LESH, wo/enc., A187  
ENV-RCRA, File, w/enc., K490  
IRM-RMMSO, w/enc., A150

Sincerely,

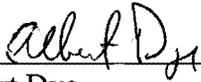


Gene Turner  
Environmental Operations  
Los Alamos Site Office

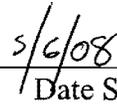
**ENCLOSURE  
CERTIFICATION**

**RESPONSE TO NEW MEXICO ENVIRONMENT DEPARTMENT MAY 1, 2008  
NOTICE OF NONCOMPLIANCE OF MILESTONE ACTIVITY COMPLETION  
NOTIFICATION, LOS ALAMOS NATIONAL LABORATORY SITE  
TREATMENT PLAN (STP)**

I certify that I am the project manager responsible for overseeing the implementation of the Site Treatment Plan for the Los Alamos National Laboratory. To the best of my knowledge and belief, the information in this document is true, accurate, and complete.



\_\_\_\_\_  
Albert Dye  
STP Project Manager  
ENV-RCRA  
Los Alamos National Laboratory  
Operator



\_\_\_\_\_  
Date Signed