



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

FFCO

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Phone (505) 476-6000 Fax (505) 476-6030

www.nmenv.state.nm.us

ENTERED



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 21, 2008

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

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

**RE: PROPOSED REVISION 17.0, ANNUAL UPDATE TO SITE TREATMENT
PLAN (STP), FEDERAL FACILITIES COMPLIANCE ORDER (FFCO)
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID# NM0890010515
HWB-LANL-FFCO**

Dear Messrs. Dye and Nunz:

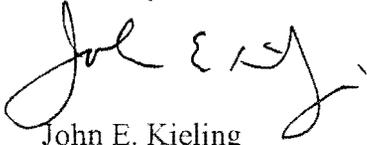
In response to the updated Revision 17.0 request to the Federal Facility Compliance Order (FFCO), Compliance Plan Volume (CPV) Site Treatment Plan (STP), (October 4, 1995, as revised and amended) by the Department of Energy (DOE) and Los Alamos National Security, LLC (LANS), (collectively, the Respondents) the New Mexico Environment Department (NMED) has reviewed the information. Pending public comment, NMED intends to approve the Revision with modifications. NMED is hereby implementing the public notice process and the 30-day public comment period. A copy of the announcement is attached.



Messrs. Dye & Stewart
May 21, 2008
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Should you have any questions please contact Rebecca Kay of my staff at (505) 476-6040 or by e-mail at rebecca.kay@state.nm.us.

Sincerely,



John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau

cc: J. Bearzi, NMED-HWB
R. Kay, NMED-HWB
D. Cobrain, NMED-HWB
S. Zappe, NMED-HWB
A. Dye, ENV-RCRA, LANS, K490
T. Grieggs, ENV-RCRA, LANL, K490
T. George, ENV-DO, J978
G. Turner, LASO/EO, A316
J. Ellvinger, ENV-RCRA, LANL, K490
File: Reading and LANL FFCO 2008



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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

May 21, 2008

Dear Interested Person:

Enclosed is a notice regarding the New Mexico Environment Department's (NMED's) intent, pending public input, to approve with modifications Revision 17.0 of the U. S. Department of Energy (DOE) and the Los Alamos National Security (LANS) (collectively, the Respondents) Federal Facility Compliance Order (FFCO), Fiscal Year 2006 Site Treatment Plan (STP) Update, Compliance Plan Volume (CPV). If approved, the proposed Revision would allow extensions of milestone compliance dates for Milestone Activities 3.1.8(A), 3.1.9(A) and 3.2(J) for waste Treatability Groups LA-W917, LA-W918, and LA-W924, LA-W925, and LA-W934 of the FFCO STP CPV. Waste inventory quantities for the various Treatability Groups are listed in Tables 2.1-2 and 2.2-2.

Only written comments received from the public by 5:00 p.m. MDT, June 20, 2008, will be considered by NMED in making a final decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Kieling".

John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau



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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

PUBLIC NOTICE NO. 08-05

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico 87505
May 21, 2008**

**NOTICE OF AVAILABILITY
PROPOSED REVISION 17.0 OF THE LOS ALAMOS NATIONAL LABORATORY
FEDERAL FACILITY COMPLIANCE ORDER SITE TREATMENT PLAN
COMPLIANCE PLAN VOLUME**

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 New Mexico 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 the Regents of the University of California (UC) to co-operator (collectively, the Respondents). Los Alamos National Security, LLC (LANS) replaced UC as 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 17.0 includes: 1) the addition and deletion of mixed waste volumes; 2) modifications of certain compliance dates associated with specific treatability groups; and 3) expedited shipments of waste. NMED may approve,

approve with modifications, or disapprove the proposed revision. Pending public input, NMED intends to approve with a modification the requested revision. The modification NMED is proposing concerns compliance dates for STP Milestone Activities 3.1.8(A), 3.1.9(A), and 3.2(J). NMED is proposing the following compliance dates for the following milestone activities: 1) 3.1.8(A), LA-W917 (compressed gases requiring scrubbing), August 28, 2008; 2) 3.1.9(A), LA-W918 (compressed gases requiring oxidation), August 28, 2008; and 3) 3.2(J) including LA-W924 (lead wastes), LA-W925 (mercury wastes) and LA-W934 (high activity wastes), December 31, 2008.

The Respondents requested Activities 3.1.8(A) 3.1.9(A) be extended from August 28, 2007 to August 28, 2009 and Activity 3.2(J) be extended from December 31, 2007 to December 31, 2010. NMED requested supporting data from the Respondents as specified in the FFCO, Section X.C.2 which states: “. . . written proposal which includes: a) a detailed description of the proposed revision; b) the rationale for the proposed revision; c) the anticipated length of any delay in performance that would result from the proposed revision, including all compliance dates that would be affected; and d) if the proposed revision would result in a delay in performance, a plan for implementing all reasonable measures to address the cause of the delay, to avoid or minimize the delay, and to avoid such delays in the future, and a schedule for implementing such plan.” NMED did not receive the required supporting data from the Respondents regarding the postponements.

The Administrative Record (AR) for this notice of intent to approve with modification includes the proposed Revision 17.0 with the above-mentioned modification, other FFCO-required documents and operational data, and verification of off-site waste shipments for treatment or disposal. The proposed Revision 17.0 and the AR may be reviewed at: **NMED, Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico, 87505-6303** between the hours of 8:00 a.m. and 5:00 p.m. for a period of thirty (30) days beginning **May 21, 2008**. The proposed revision 17.0, proposed modifications, this public notice, and the interested citizen letter can also be reviewed at the NMED web page at: <http://www.nmenv.state.nm.us/HWB/lanlperm.html> under the link “Federal Facility Compliance Order 2007 and 2008.” To obtain a copy of the AR, or any part thereof, please contact **Mr. John Kieling** by calling **(505) 476-6000**.

Any person who wishes to comment on the proposed Revision 17.0 should submit written or electronic mail (e-mail) comments, along with his or her name and address, to the NMED-HWB address or by e-mail to: john.kieling@state.nm.us. Only comments received by **5:00 p.m. MDT, June 20, 2008** will be considered. All timely comments submitted will be considered in forming a final decision. NMED may modify the Revision based on the comments received. NMED will notify each person who submitted written comment during the public comment period of the final decision.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons with a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at NMED, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502 or by telephone at (505) 827-9872. TDY users may access her number via the New Mexico Relay Network at 1-800-659-8331.