



ENCL. RED FFCO
 NEW MEXICO
 ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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 Governor

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RON CURRY
 Secretary

JON GOLDSTEIN
 Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 23, 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: NOTICE OF DISAPPROVAL OF THE RESPONSE TO NMED's AUGUST 8, 2008 NOTICE OF DISAPPROVAL OF SITE TREATMENT PLAN (STP) FISCAL YEAR 2007 (FY07) UPDATE AND REVISION 18.0 PROPOSAL, SEPTEMBER, 5 2008
 LOS ALAMOS NATIONAL LABORATORY (LANL)
 FEDERAL FACILITY COMPLIANCE ORDER (FFCO)
 EPA ID NO. NM08990010515
 HWB-LANL-08-021**

Dear Messrs. Dye and Stewart:

The New Mexico Environment Department (the Department) has reviewed the above-referenced document (referenced as ENV-RCRA-08-177) and hereby disapproves the September 5, 2008 submittal according to Section X.A (Revisions) in the Federal Facilities Compliance Order. (October 4, 1995). The Respondents failed to submit to the Department what was required by the August 8, 2008 Notice of Deficiency (NOD).

Specifically, page 6 required:

All revisions must be submitted in the form of two paper copies and an electronic version in redline-strikeout format, showing all changes to the Update. The Respondents must also submit an electronic copy of the revised



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Update in Microsoft Word.

If the Respondents are at any time unclear as to what the Department has requested for a submittal, the Department encourages the Respondents to contact the Department prior to the submittal date to clarify the issue. The FFCO also supports this action; Section XX.A (*Exchange of Information*) states, “[r]espondents are encouraged to confer with NMED at any time prior to the submission of any proposals, plans, studies, reports, updates, or notifications required by this Order.”

The Respondents must submit the two hardcopies of the revised STP FY07 Update and Revision 18.0 Proposal, the electronic version of the revised STP FY07 Update and Revision 18.0 Proposal in redline-strikeout format showing all changes made to the Update, and the electronic copy of the revised Update in Microsoft Word no later than Monday, October 27, 2008.

If you have any questions or comments regarding this letter, please contact Rebecca Kay of my staff at (505) 476-6040 or by email at rebecca.kay@state.nm.us.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: R. Kay, NMED-HWB
J. Kieling, NMED-HWB
S. Zappe, NMED-HWB
D. Cobrain, NMED-HWB
K. Roberts, 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 2008