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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 16, 2009

Margaret Powers
Site Treatment Plan Project Manager
Los Alamos National Laboratory
PO Box 1663, MS K490
Los Alamos, NM 87545

George C. Henckel III
Waste Management Program Manager
Department of Energy, Los Alamos Site Office
528 35th Street, MS A316
Los Alamos, NM 87544

**RE: NOTICE OF DISAPPROVAL OF SITE TREATMENT PLAN (STP)
FISCAL YEAR 2008 (FY08) UPDATE AND REVISION 19.0 PROPOSAL
LOS ALAMOS NATIONAL LABORATORY (LANL)
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)
SUBMITTED MAY 20, 2009
LOS ALAMOS NATIONAL LABORATORY, EPA ID NO NM08990010515
LANL-09-006**

Dear Ms. Powers and Mr. Henckel:

The New Mexico Environment Department (NMED) has received the Site Treatment Plan (STP) Fiscal Year 2008 (FY08) Update and Revision 19.0 Proposal (referenced by ENV-RRO-09-038) (Update) submitted by Los Alamos National Security, LLC and the U.S. Department of Energy (DOE) (Respondents). NMED has reviewed the Update and hereby issues this Notice of Disapproval (NOD), which identifies the following inadequacies. Page references are to the PDF version of the Update with all changes accepted.

NOD Comment #1

Waste treatability group LA-W934 (High Activity Waste) in Table 2.1-2 (page 5) of the Background Update indicates in the column entitled "FY08 Annual Update (m³)" a volume of 69.8875 m³; this volume is incorrect. Respondents must revise the Table to accurately list the volume in the FY08 column as 43.4366 m³. Respondents must also revise accordingly the volumes for High Activity Waste and the Total Net in the table on page 155.



NOD Comment #2

Respondents must revise Footnote 5 for Table 2.1-2 (page 6) to reflect the correct volume in the May 20, 2009, letter of correction (ENV-RCRA-09-034) as 14.8955 m³, not 14.8922 m³.

NOD Comment #3

In the first paragraph of Section 2.2 (page 6) of the Background Update, the estimated Mixed Transuranic (MTRU) volumes listed are incorrect. The Respondents must revise the text to accurately reflect the estimated volumes from Table 2.2-1. The Respondents must also explain in Section 2.2 that the FY07 volume of 3800 m³ reported in Table 2.2-1 was incorrectly rounded up in Revision 18.0, and that an administrative adjustment is being made to correct this inaccuracy.

NOD Comment #4

Respondents must revise Section 2.2 (page 6) of the Background Update to discuss the reasons that the 41.3078 m³ of CMR and TA-55 Covered MTRU Waste in Table 2.2-1 (page 9) is not included in Table 2.2-3.

NOD Comment #5

In Table 2.2-1 (page 8), the last administrative adjustment for Combined Combustible-Noncombustible Waste of -0.416 m³ is duplicative and the Respondents must delete the entry.

NOD Comment #6

In Table 2.2-1 (page 8), the volumes of waste repacked into Combined Combustible-Noncombustible (5.824 m³) and Noncombustible Waste (1.248 m³) add up to more than the original 5.616 m³ of Combustible Waste. Respondents must provide an explanation for this apparent discrepancy.

NOD Comment #7

In Table 2.2-1 (page 8), the volumes of waste repacked into Combined Combustible-Noncombustible (1.664 m³) and Noncombustible Waste (0.208 m³) add up to more than the original 1.664 m³ of Metallic Waste. Respondents must provide an explanation for this apparent discrepancy.

NOD Comment #8

In Table 3.6-1 (page 24), the second entry for waste treatability group LA-W934 (High Activity Waste) is reflected as -7.0788 m³. This volume should be reflected as positive 7.0788 m³. Respondents must revise this entry.

NOD Comment #9

The last paragraph of Section 2.2 of the Compliance Plan Update (page 104), states that LANL requested expedited shipment of High Activity Waste (LA-W934) waste that would be included in Revision 19 in a letter dated August 25, 2008 (ENV-RCRA-08-171), but that "LANS reprioritized shipments so that the High Activity Waste was not shipped as planned." Respondents must revise this paragraph to clarify what happened to that waste, i.e., whether the waste is included in the STP-covered volume of High Activity Waste in Revision 19. This letter must also be listed in Table 2.3 CORRESPONDENCE.

NOD Comment #10

The first sentence in Section 2.3 of the Compliance Plan Update (page 104) has incorrect correspondence dates. Respondents must revise this sentence to read, "From October 1, 2007 to May 20, 2009, LANL communicated with NMED on issues related to..."

NOD Comment #11

The first entry in Table 2.3 of the Compliance Plan Update (page 104) references letter ENV-RCRA-07-233 dated October 1, 2007. This letter was never transmitted to NMED and must be removed from this table.

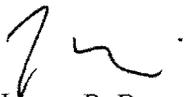
NOD Comment #12

In Table X.C.2.a.-8 (page 121), the Net Total is shown as 32.3842 m³. The total should be 32.3843 m³. Respondents must revise this entry. Footnote 2 for this table incorrectly states that the total administrative adjustment is 32.3842 m³, rather than 32.3834 m³. Respondents must revise these volumes to reflect 32.3843 m³ and 32.3835 m³, respectively.

The deficiencies in the STP FY08 Update and Revision 19.0 Proposal, as identified in this NOD, must be revised and adequately addressed before NMED can approve the Update. 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 Update in Microsoft Word. The revisions must be submitted to NMED no later than October 16, 2009.

If you have any questions or comments regarding this letter, please contact Steve Zappe of my staff at (505) 476-6051 or by email at steve.zappe@state.nm.us.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

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