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Governor

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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 8, 2010

Margaret Powers
Site Treatment Plan Project Manager
Los Alamos National Laboratory
PO Box 1663, MS J978
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: REVISION 20.0, ANNUAL UPDATE TO SITE TREATMENT PLAN, FEDERAL FACILITIES COMPLIANCE ORDER
LOS ALAMOS NATIONAL LABORATORY
EPA ID# NM08990010515
HWB-LANL-FFCO**

Dear Ms. Powers and Mr. Henckel:

The New Mexico Environment Department (NMED) public noticed with modifications the Department of Energy's (DOE) and Los Alamos National Laboratory's (LANL) (collectively, the Respondents) Fiscal Year 2009 (FY09) Site Treatment Plan (STP) Annual Update, and Revision 20.0 of the Federal Facilities Compliance Order (FFCO) issued to the Respondents on October 4, 1995.

As of October 18, 2010, NMED received comments from one stakeholder on the FY09 STP Annual Update and Revision 20.0. A summary of that comment and NMED's response are attached. NMED hereby approves the Respondents' FY09 STP Annual Update Revision 20.0 with NMED modifications.

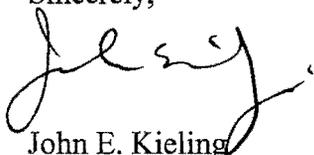
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Ms. Powers and Mr. Henckel
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If you should have any questions concerning this letter, please contact Tim Hall of my staff at (505) 476-6049 or by email at timothy.hall@state.nm.us.

Sincerely,



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

Enclosure: NMED response to public comments

cc: J. Bearzi, NMED-HWB
T. Hall, NMED-HWB
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T. George, ENV-DO, J978
G. Turner, DOE-LANS, MS A316
J. Ellvinger, ENV-RCRA, LANL-LASO, MS K490
D. Lennihan
File: Reading and LANL FFCO 2010

NMED Response to Public Comment
 Fiscal Year 2008 Site Treatment Plan Update, Revision 19.0, Los Alamos National Laboratory
 January 7, 2010

COMMENT NUMBER	COMMENTS	COMMENT	NMED RESPONSE
1a	Deirdre Lennihan	Would like to know what progress is made in neutralizing the waste to make it non-hazardous.	Sections 3.1 through 3.5 of the Background Update (Part I) of the Fiscal Year 2009 (FY09) Site Treatment Plan (STP), Revision 20, summarizes the treatment technologies that LANL utilizes for its mixed waste. The Compliance Plan (Part III) of the FY09 STP discusses the treatment technologies in more detail. This can be found in STP Revision 20 on the NMED website at: ftp://ftp.nmenv.state.nm.us/hwbdocs/HWB/lanl/FFCO/FY09_Annual_Update-Rev1_w-Mod-cleancopy.pdf
1b	Deirdre Lennihan	"Why do we never hear or see anything about recycling, reconstituting, disarming, etc., the nuclear waste instead of 'expediting shipments' and storing more and more of it -- or of stopping production of military tools?"	The Federal Facilities Compliance Order (FFCO) requires compliance with the STP Compliance Plan Volume (CPV) for the treatment and disposal of mixed waste at Los Alamos National Laboratory (LANL). It does not specifically address the methods LANL must use to treat and dispose mixed waste. The New Mexico Environment Department (NMED) does not have authority regarding production of military tools.
1c	Deirdre Lennihan	Why is NMED proposing an extension of the milestone compliance date for Milestone Activity 3.2(J) for Waste Treatability Group LA-W934 in Part III, Section 3.2, of the FFCO STP?	Part II, Section 5.0, provides a justification for extending the compliance date due to the lack of treatment facilities that could treat and dispose of these wastes and the need to further characterize some of the waste. This can be found in STP Revision 20 on the NMED website at: ftp://ftp.nmenv.state.nm.us/hwbdocs/HWB/lanl/FFCO/FY09_Annual_Update-Rev1_w-Mod-cleancopy.pdf