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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

September 18, 2012

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 35<sup>th</sup> Street, MS A316  
Los Alamos, NM 87544

**RE: DISAPPROVAL OF SITE TREATMENT PLAN (STP)  
FISCAL YEAR 2011 (FY11) UPDATE AND REVISION 22.0 PROPOSAL  
LOS ALAMOS NATIONAL LABORATORY (LANL)  
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)  
SUBMITTED MARCH 30, 2012  
EPA ID NO. NM08990010515**

Dear Ms. Powers and Mr. Henckel:

The New Mexico Environment Department (NMED) has received the Site Treatment Plan (STP) Fiscal Year 2011 (FY11) Update and Revision 22.0 Proposal (referenced by ENV-ES-12-0059) (Update) submitted by Los Alamos National Security, LLC and the U.S. Department of Energy (DOE) (collectively referred to as "Respondents"). NMED has reviewed the Update and hereby issues this Disapproval with the following comments.

**General Comments**

**Comment #1**

Administrative Adjustments account for large increases in the volume of both STP-covered MLLW (75.5185 m<sup>3</sup>) and MTRU (453.251 m<sup>3</sup>) waste; however, details are not provided. In order for NMED to complete its review of the STP Update, Respondents must provide detailed information in Appendices C and G regarding these administrative adjustments, as described in Comments 3 and 4 below.



## **Part I, Background Update**

### **Comment #2**

The discussion in Section 2.1 regarding mixed low-level waste (MLLW) states that “11 m<sup>3</sup> of reclassified TRU waste became covered during FY11.” It is not clear when the 11 m<sup>3</sup> of waste was generated, whether it was MTRU or non-mixed TRU, or why it became STP-covered MLLW in FY11. Revise this section to more clearly reflect the history of the 11 m<sup>3</sup> of waste, i.e., when it was generated, whether it was managed as MTRU prior to being reclassified, why it was reclassified as MLLW, and whether it was part of the 68.7838 m<sup>3</sup> of 10-100 nCi/g waste that was shipped offsite for treatment/disposal.

### **Comment #3**

In Appendix C, add Table C-2 to include detailed information about all administrative adjustments to the MLLW inventory, including but not limited to database corrections and transfers to and from MTRU and TRU waste inventories. Table C-2 must include specific information about the affected containers, including container ID, type/size of container, treatability group, and reason for administrative adjustment.

### **Comment #4**

Section 2.2 was revised to state: “In FY11, quality control activities included verifying the volumes of many older, large waste containers and correcting the volumes shown in the MTRU database.” The section also states that administrative adjustments include correcting “waste data, such as volume or EPA codes, through quality control activities.” Appendix G, Table G-1, indicates that database corrections accounted for approximately 415 m<sup>3</sup> added to the MTRU inventory as a result of validating container volumes, and approximately 25 m<sup>3</sup> added as a result of recoding waste as MTRU. In order for NMED to evaluate these statements, Respondents must provide additional information regarding these database corrections, including:

- In Appendix G, add Table G-3 to include information about containers that had volume corrections (i.e., container ID, type/size of container, amount of volume correction, and rationale and/or justification for volume correction)
- In Appendix G, add Table G-4 to include information about containers that were re-coded as MTRU (i.e., container ID, type/size of container, EPA hazardous waste numbers added, rationale and/or justification for change in regulatory status, and storage location of container)
- All Acceptable Knowledge documentation regarding hazardous waste determination, assignment of EPA hazardous waste numbers, and historic management of containers that were re-coded as MTRU as a result of quality control activities.

### **Comment #5**

Section 3.1 states: “Approximately 76 m<sup>3</sup> of STP-covered MLLW was shipped offsite for treatment and/or disposal.” However, Section 2.1, Table 2.1-1, and Appendix B, Table B-1, state that approximately 73 m<sup>3</sup> of STP-covered MLLW was shipped. Revise the STP Update to resolve these discrepancies.

**Part III, Compliance Plan – Proposed Revision 22.0**

**Comment #6**

The compliance date for Activity 3.2(J) was extended in the FY09 STP Update. Revise Section 3.2 to include a discussion of progress being made to ensure Respondents will meet the compliance date for Activity 3.2(J) for the 1.5153 m<sup>3</sup> of *High Activity Waste (LA-W934)* listed in Table 3.2-2.

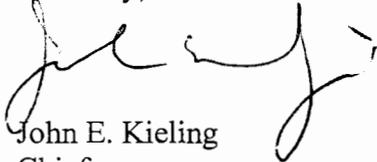
**Comment #7**

The compliance dates for Activities 3.3.4(A) and (B) were extended in the FY07 STP Update. Revise Section 3.3.4 to include a discussion of progress being made to ensure Respondents will meet the compliance dates for Activities 3.3.4(A) and (B) for the 173.1088 m<sup>3</sup> of *10-100 nCi/g Waste (LA-W935)* listed in Table 3.3.4-1.

The comments identified in this Disapproval must be 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 22, 2012.

If you have any questions or comments regarding this letter, please contact Tim Hall of my staff at (505) 222-9555 or by email at [timothy.hall@state.nm.us](mailto:timothy.hall@state.nm.us).

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: T. Hall, NMED-HWB  
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