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**State of New Mexico**  
**ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**

2905 Rodeo Park Drive East, Building 1  
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**JAMES C. KENNEY**  
Cabinet Secretary

**JENNIFER J. PRUETT**  
Deputy Secretary

**PUBLIC NOTICE NO. 20-007**

**NEW MEXICO ENVIRONMENT DEPARTMENT**  
**HAZARDOUS WASTE BUREAU**  
**SANTA FE, NEW MEXICO**  
**November 13, 2020**

**NOTICE OF AVAILABILITY OF THE U. S. DEPARTMENT OF ENERGY/ NATIONAL TECHNOLOGY & ENGINEERING SOLUTIONS OF SANDIA, LLC. PROPOSED REVISION No. 16 OF THE 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 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 Federal Facility Compliance Orders to federal facilities located within New Mexico's borders.

On October 4, 1995, NMED issued a Federal Facility Compliance Order (FFCO) to the United States Department of Energy/National Nuclear Security Administration (DOE/NNSA) and Sandia Corporation (Sandia) for the Sandia National Laboratories (SNL) Facility. DOE/NNSA is the owner, and Sandia Corporation is the operator of SNL. The FFCO requires a Site Treatment Plan (STP) Compliance Plan Volume (CPV) for the treatment and disposal of mixed waste generated at SNL. Mixed waste is waste that contains both hazardous and radioactive components. DOE/NNSA and Sandia 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 Federal Facility Compliance Act of 1992, Public Law 102 386, 106 Stat. 1505 (1992). Under Section X "Revisions" of the FFCO STP CPV, all proposed or required revisions shall be made available for public review and comment.

Revision No. 16 is comprised of two Parts: X.C.2.a and X.C.2.b. If approved, revisions under Part X.C.2.a would set a new Compliance Date for all treatment technologies and associated treatability groups (TG) of December 31, 2024. The current STP CPV Compliance Dates will

expire in December 2020; therefore, setting new Compliance Dates is necessary. The volumes for each TG will also be changed to reflect current inventory, if necessary.

If approved, revisions under Part X.C.2.b will establish a Compliance Date for the current and future inventory MTRU Waste that is destined for the Waste Isolation Pilot Plant (WIPP). As WIPP is currently accepting MTRU wastes on a limited basis, the Compliance Date for the treatment and disposal of all waste in this TG will be set to December 31, 2024. The revision also requests an additional volume of 1.177 cubic meter (m<sup>3</sup>) of newly discovered covered waste be added to the Mixed Transuranic (MTRU) treatability group (TG) in excess of inventory. In accordance with Section X.B.5 of the FFCO (Amendment 3), a revision to the CPV is required to include the addition of covered waste to the reported CPV waste inventory if the increase is in excess of one cubic meter or 10% of the treatability group volume (X.B.4), whichever is greater. Additionally, the proposed revision contains administrative revisions and updates to the CPV to improve clarity and reflect current permits and on-site treatment technologies at SNL/NM.

#### **PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD**

The Administrative Record for this proposed action consists of the proposed Revision No. 16, all earlier revisions, the FFCO, various deletion requests, and other FFCO-required documents. The complete Administrative Record may be reviewed at the following location during the public comment period with prior appointment:

NMED – Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
(505) 476-6000  
*Monday - Friday from 8:00 a.m. to 5:00 p.m.*  
*Contact: Dave Cobrain*

A copy of the Public Notice and the proposed Revision No. 16 are available electronically on the NMED website at: <https://www.env.nm.gov/hazardous-waste/sandia-national-laboratories/> under the link “Federal Facilities Compliance Order”:

In the event the State of New Mexico Executive Order 2020-004 issued in response to the Coronavirus Disease 2019 (“COVID-2019”) is still in effect or still affects access to the above state offices, please contact Mr. Dave Cobrain at (505) 476-6000 for more information.

Any person seeking additional information regarding this notice, the FFCO, or STP may also contact:

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Mr. Dave Cobrain, Program Manager  
Hazardous Waste Bureau - NMED  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
E-mail: dave.cobrain@state.nm.us  
Telephone: (505) 476-6000  
Fax: (505) 476-6030

To obtain a copy of the Administrative Record or a portion thereof, in addition to further information, please contact Mr. Dave Cobrain at (505) 476-6000, or at the Santa Fe address given above. NMED will provide copies, or portions thereof, of the Administrative Record at a charge to the requestor.

NMED issues this public notice on September 30, 2020 to announce the beginning of a 30-day comment period that will end at **5:00 p.m. MST, December 13, 2020**. Any person who wishes to comment on the proposed Revision No. 16 should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and/or requests received on or before **5:00 p.m. MST, December 13, 2020** will be considered.

Dave Cobrain, Program Manager  
Hazardous Waste Bureau - New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303  
Ref: Sandia National Laboratories – FFCO Revision No. 16  
E-mail: dave.cobrain@state.nm.us

Written comments must be based on the Administrative Record. Documents in the Administrative Record need not be re-submitted if referenced by the commenter. All written comments submitted on the proposed Revision No. 16 will become part of the Administrative Record, will be considered in formulating a final decision, and may cause the NMED to modify the revision. All persons that provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

#### **ARRANGEMENTS FOR PERSONS WITH DISABILITIES**

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Stephanie Sloman no less than ten days prior to the end of the public comment period at the following address: New Mexico Environment Department, Room N-4030, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-6110, (505) 827-9872. TDD or TDY users please access Ms. Sloman's number via the New Mexico Relay Network at 1-800-659-8331.

## **NONDISCRIMINATION STATEMENT**

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kristine Yurdin, Non-Discrimination Coordinator  
New Mexico Environment Department  
1190 St. Francis Dr., Suite N4050  
P.O. Box 5469  
Santa Fe, NM 87502  
(505) 827-2855  
NMED.NDC@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.