



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



DAVE MARTIN
Secretary

BUTCH TONGATE
Acting Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

EP2011-5439

September 21, 2011

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: NOTICE OF DISAPPROVAL OF SITE TREATMENT PLAN (STP)
FISCAL YEAR 2010 (FY10) UPDATE AND REVISION 21.0 PROPOSAL
LOS ALAMOS NATIONAL LABORATORY (LANL)
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)
SUBMITTED MARCH 31, 2011
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 2010 (FY10) Update and Revision 21.0 Proposal (referenced by ENV-ES-11-0134) (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 Notice of Disapproval (NOD) which identifies the following inadequacies.

NOD Comment #1

Table 2.1-1 of the FY10 STP Update indicates there was a significant decrease in the volume of Mixed Low Level Waste (MLLW) shipped offsite for treatment between FY09 and FY10. Respondents must include a detailed explanation for this decrease in the narrative of the FY10 STP Update.

NOD Comment #2

Section X.C.2 of the FFCO states:

"When Respondents propose a revision, they shall provide NMED a written proposal which includes:

- a. A detailed description of the proposed revision;

- b. The rationale for the proposed revision;
- c. The anticipated length of any delay in performance that would result from the proposed revision, including all compliance dates that would be affected, and
- d. If the proposed revision would result in a delay in performance, a plan for implementing all reasonable measures to address the cause of the delay, to avoid or minimize the delay, and to avoid such delays in the future, and a schedule for implementing such plan.”

In Section 7.1 of Part II, Compliance Plan Update, Respondents must provide a more thorough rationale for the proposed compliance date of December 31, 2015, for treatability group LA-W917.

NOD Comment #3

In the redline version of the FY10 STP Update, Table 3.2-3 of Part III, Compliance Plan – Proposed Revision 21, indicates that the compliance date for Activity J is being revised from 12/31/10 to 12/31/13. This revision was made in the NMED-approved FY09 STP Update on November 8, 2010. Respondents must revise the redline version to indicate that revision.

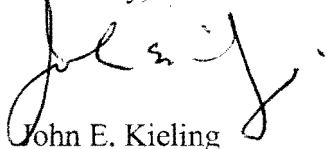
NOD Comment #4

In Appendix F, Table F-1, the sum of the 1st quarter Total Removed from Inventory for MTRU Treatability group Combustible-Noncombustible Waste is the volume shipped, not the volume removed from the STP inventory as indicated in the March 10, 2011 correction letter (ENV-ES-11-037). This affects the total removed from the inventory for this treatability group. Respondents must address this discrepancy by revising the data in Table F-1 to agree with the data reported in ENV-ES-11-037.

The deficiencies in the STP FY10 Update and Revision 21.0 Proposal, as identified in this NOD, 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 24, 2011.

If you have any questions or comments regarding 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
Acting Chief
Hazardous Waste Bureau

Ms. Powers and Mr. Henckel
September 21, 2011
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Cc: T. Hall, NMED-HWB
D. Cobrain, NMED-HWB
L. King, EPA 6PD-N
J. Ellvinger, ENV-RCRA, LANL-LASO, MS K490
T. Grieggs, INV-RCRA, LANL-LASO, MS K490
G. Turner, DOE-LANS, MS A316
File: Reading and LANL FFCO 2011

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