

LEGAL NOTICE

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT DIVISION
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico 87503

PUBLIC NOTICE NO. 26

October 16, 1988

NOTICE OF INTENT TO TERMINATE, BY PERMIT DENIAL, THE INTERIM STATUS
OF A HAZARDOUS WASTE TREATMENT UNIT

The State of New Mexico is authorized to operate a hazardous waste management program in lieu of the Federal program for those portions of the Resource Conservation and Recovery Act (RCRA) in effect prior to the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA). The HSWA impose additional requirements on hazardous waste management facilities which will be administered and enforced by the U.S. Environmental Protection Agency (EPA) until the State of New Mexico receives additional authorization for these requirements.

Under authority of the New Mexico Hazardous Waste Act (§ 74-4-1 *et. seq.* NMSA 1978, as amended, 1987) and the New Mexico Hazardous Waste Management Regulations, the New Mexico Environmental Improvement Division (NMEID) of the State Health and Environment Department can approve or deny closure plans submitted by Los Alamos National Laboratory, Los Alamos, NM. NMEID invites the public to review and comment on the closure plan submitted by LANL for a Technical Area 16 Surface Impoundment used to treat hazardous wastes by evaporation and precipitation. This unit is presently under interim status under RCRA.

LANL has engaged in explosives research and used this impoundment to treat effluent in lieu of discharge under the Clean Water Act (CWA). The impoundment was installed in 1985 to capture the discharge formerly made under the CWA and was removed from service in 1987 when a treatment unit under the CWA was installed.

The proposed closure plan documents that hazardous wastes and/or hazardous constituents may not remain in the closed unit upon completion of closure. The unit is presently under interim status, and because of that status, must have an operating permit for continued use. However, LANL has elected to close in lieu of seeking an operating permit for this unit. The NMEID has accepted this decision and is hereby formally proposing to terminate the unit's interim status by denying a permit. The proposed permit denial is not premised upon, nor does it indicate any wrongdoing on the part of the facility. Upon completion of the closure activities, the interim status of this unit will be terminated. This will have no effect on the status of the remainder of LANL for which an operating permit will be issued. A post-closure care permit for this closed unit may be required at a later date if hazardous wastes or hazardous constituents remain in place.

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Any person who wishes to comment upon the proposed plans or to request a public hearing, should submit written comments and requests, along with the commentor's name and address, to the New Mexico Environmental Improvement Division, Hazardous Waste Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico 87503, ATTENTION: Mr. C. Kelley Crossman. Requests for a public hearing shall state the nature of the issues proposed to be raised in the hearing. Only comments and/or requests received by December 9, 1988 will be considered.

The administrative record for this decision consists of a fact sheet, the closure plan and related correspondence. The administrative record may be reviewed at either the NMEID Hazardous Waste Section, Harold Runnels Building, 1190 St. Francis Drive, Santa Fe, New Mexico or the Espanola public library, 314A Onate NW, Espanola, New Mexico. To obtain a copy of the administrative record or any part thereof, at 35 cents per page, please contact Mr. Crossman at the above address, or call (505) 827-2923.

All written comments submitted on the proposed plan or permit will be considered in formulating a final decision. Under the Hazardous Waste Management Regulations the EID may either approve the plan or disapprove the plan and require LANL to submit a revised plan. If the revised plan is not acceptable the EID may direct closure activities by publishing a rewritten plan. The EID will notify LANL, and each person who submitted a written comment during the public comment period, of the final decision or of any public hearing which may be scheduled.

If, after consideration of all written comments, these proposed actions become EID's final decisions, EID will issue to LANL final approval for the proposed closure plan. The final approval will require that the closure activities be performed in conformity with applicable State and Federal law, as well as within the terms of the closure plan. Upon completion of closure the interim status will be terminated by permit denial.

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FACT SHEET

**Intent to Terminate, by Permit Denial, the Interim Status
of Hazardous Waste Units
Under the
New Mexico Hazardous Waste Act**

Activities: Termination of the interim status of a surface impoundment;
closure of the unit.

Facility Name: Los Alamos National Laboratory

EPA I.D. Number: NM 0890010515

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Location : Los Alamos, N.M.

Landowner: United States Department of Energy

Facility Operator: University of California

Interim-status Activities: The interim-status activity conducted at this facility was the fabrication and testing of explosives and the treatment of the resulting hazardous wastes in a surface impoundment.

Closure of the Unit: The unit is presently under interim status and, therefore, the operator must seek an operating permit for it or close it. The proposed closure plan documents that hazardous wastes and/or hazardous constituents may or may not remain upon completion of closure. The plan specifies that the remaining wastes and any contaminated soil will be removed and the liner will be decontaminated by washing until the washwater tests clean. The operator has elected to close in lieu of seeking an operating permit for this unit. The NMEID has accepted this decision and is hereby formally proposing to terminate this units' interim status by denying a permit. The proposed permit denial is not premised upon, nor does it indicate any wrongdoing on the part of the owner or operator. The interim status of this unit will be terminated upon completion of these closure activities, but this will have no effect on the status under the hazardous waste regulations of the remainder of LANL. The impoundment was used by LANL under the hazardous waste laws and this cell was removed from service in 1987. Since that time it has been unused. The wastes previously treated in this unit are now treated under the Clean Water Act and are subject to the provisions of Section 402 of the CWA.

Availability of the Closure Plan: A copy is available for public review at the New Mexico Environmental Improvement Division, Hazardous Waste Section, 1190 St. Francis Drive, Santa Fe, New Mexico and the Espanola public library, 314A Onate Avenue, NW, Espanola, New Mexico.

Comment Period: Any person, including the applicant, who wishes to comment on the tentative decision to terminate the facility's interim status and approve the proposed closure plan may do so by submitting written comments to the NMEID, Hazardous Waste Management Section, 1190 St. Francis Drive, Santa Fe, New Mexico 87503, ATTENTION: Mr. C. Kelley Crossman. Only comments received by December 9, 1988 will be considered.

Procedures for Requesting a Hearing: Any person, including the applicant, who wishes to request a public hearing concerning the proposed actions, may do so by submitting a written request to the address in the above section. Any request for a hearing shall be submitted in writing and shall state the nature of the issues proposed to be raised in the hearing. Each request must include the requestor's name and address. Only requests received by December 9, 1988, will be considered.

Final Decisions: All comments submitted on this proposed action will be considered in formulating a final decision. Under the Hazardous Waste Management Regulations the EID may either approve the plan or disapprove the plan and require LANL to submit a revised plan. If the revised plan is not acceptable the EID may direct closure activities by publishing a rewritten plan. The NMEID will notify LANL, and each person who submitted a written comment during the public comment period, of the final decisions, or of any public hearing which may be scheduled.