

LEGAL NOTICE

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

~~CONFIDENTIAL~~

PUBLIC NOTICE NO. 27

October 30, 1988

NOTICE OF INTENT TO TERMINATE, BY PERMIT DENIAL, THE INTERIM STATUS
OF A HAZARDOUS WASTE DISPOSAL 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 landfill (Area P) used to dispose of hazardous wastes by landfilling into a depression in the sidewall of Canyon de Valle. This unit is presently under interim status under RCRA.

LANL has engaged in explosives research and used this landfill to dispose of residues possibly contaminated with explosive wastes (D003) and sands contaminated with barium (D005). The landfill was begun in the 1950s and was removed from service in 1985.

The proposed closure plan documents that hazardous wastes and/or hazardous constituents will 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 will be required at a later date.



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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 27, 1988 will be considered.

The administrative record for this decision consists of a fact sheet; the closure plan submitted September 27, 1985, modified on November 25, 1985 and February 3, 1988, and supplemented on December 15, 1987 and February 11, 1988; 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 Oñate Street 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.