



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



PETER MAGGIORE
SECRETARY

September 28, 1998

Betsy Perner
The New Mexican
P.O. Box 2048
Santa Fe, NM 87501

RE: Legal Notice

Dear Madam:

Please publish the enclosed Legal Notice in your Wednesday, October 21, 1998 issue of The New Mexican. Please return a copy of the notice as published with a certificate of date published.

The bill should be sent to:

RCRA Permits Management Program
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044-A Galisteo
Santa Fe, NM 87505

Thank you for your assistance. If you have any questions, please contact Mr. John Kieling at (505) 827-1558.

Sincerely,

Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:jek

Enclosure

cc: J. Kieling, NMED HRMB
File: HSWA LANL G/P '98
File: RED LANL G/P '98
Track: LANL 9/28/98, na, The New Mexican, HRMB/Garcia, RE, File

C:\DOCUMENT\NFA\1998-N-1\LEGALN-1\NEWMEXCN.NFA



15732

RL

LEGAL NOTICE NO. 98-04

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS AND RADIOACTIVE MATERIALS BUREAU
Santa Fe, New Mexico 87502
October 21, 1998**

**NOTICE OF INTENT
TO APPROVE A MODIFICATION TO
RCRA PERMIT NO. NM0890010515
US DEPARTMENT OF ENERGY/LOS ALAMOS NATIONAL LABORATORY
NEW MEXICO**

The State of New Mexico was authorized in 1986 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 1985 (HSWA). On January 2, 1996, the State was authorized to operate a hazardous waste management program for parts of HSWA. HSWA imposes additional Corrective Action requirements on hazardous waste management facilities for releases to the environment.

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, NMSA 1978, as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1), the New Mexico Environment Department (NMED) can approve or deny hazardous waste permits and closure plans, permit modifications, and amendments.

Under this authority, NMED intends to approve, pending public input into this decision, a modification to the RCRA permit issued to the US Department of Energy/Los Alamos National Laboratory (DOE/LANL), New Mexico, Permit No. NM0890010515. LANL is a contractor-operated research facility under the administration of DOE.

The proposed modification will remove ninety-nine (99) Solid Waste Management Units (SWMUs) from Tables A, B, and C of the HSWA permit module. Tables A, B, and C list sites at LANL where Corrective Action to characterize and/or remediate past releases of hazardous wastes or hazardous waste constituents may be necessary. The basis for removal of these sites from the permit is approval of No Further Action (NFA) status. The ninety-nine (99) sites proposed for NFA in this action and justification for removal of these sites from LANL's permit are:

The following SWMUs are approved for NFA because they cannot be located or have been shown not to exist: 3-009(b and e), Surface Disposal Areas, Technical Area (TA) 3; 7-003(c and d), Typographical Errors, TA-7; 21-012(a), Dry Well, TA-21; 40-001(a), Septic System, TA-40; 46-008(c), Storage Area, TA-46; 52-002(c, d), Septic Systems, TA-52; 54-013(a), Decontamination Facility, TA-54.

The following SWMUs are approved for NFA because they are duplicate SWMUs: 3-009(h), Surface Disposal Area, TA-3; 8-006(b), Landfill, TA-8; 16-005(i), Septic Tank, TA-16; 16-006(i), Septic Tank, TA-16; 16-032(d), Decommissioned High Explosive Sump, TA-16; 16-034(g), Soil Contamination, TA-16.

The following SWMUs are approved for NFA because they will be evaluated as part of another SWMU investigation: 1-001(i, k, n), Septic Tanks, TA-1; 16-012(k, r, s), Container Storage-Rest House, TA-16; 16-026(i2), Outfall, TA-16.

The following SWMUs are approved for NFA because they have never been used for the management of RCRA solid or hazardous wastes and/or constituents: 0-005, Landfill, TA-0; 1-001(h, l), Septic Tanks, TA-1; 3-009(f), Surface Disposal, TA-3; 3-012(a), Controlled Operational Release, TA-3; 3-018, Septic System, TA-3; 8-003(b, c), Septic Systems, TA-8; 9-003(c), Manhole, TA-9; 9-003(f), Settling Tank, TA-9; 9-005(b, c, e, f, h), Septic Systems; 9-007, Basket Pit, TA-9; 11-007, Surface Disposal, TA-11; 16-005(f), Decommissioned Septic System, TA-16; 16-005(o), 16-006(b, f), Septic Systems, TA-16; 16-025(c), Abandoned Utility Building and Appurtenances, TA-16; 16-031(g), Cooling Tower Outfall, TA-16; 16-032(e), Decommissioned High Explosive Sump, TA-16; 33-004(e), Seepage Pit, TA-33; 33-004(f), Septic System, TA-33; 35-003(i), Wastewater Treatment Facility, TA-35; 36-003(c), Septic System, TA-36; 39-003, Incinerator, TA-39; 39-006(b), Septic System, TA-39; 52-001(a, b, c), UHTREX Equipment, TA-52; 52-002(b, f), Septic System, TA-52; 54-001(c), Storage Area, TA-54.

The following SWMUs are approved for NFA because they were proven to have made no release to the environment: 1-001(j), Septic Tank 149, TA-1; 3-039(a), Silver Recovery Unit, TA-3; 8-007, Silver Recovery Unit, TA-8; 16-012(a, b, c, e, f, g, h, o, q, v, w, y, z), Container Storage-Rest House, TA-16; 16-025(g2), Magazine, TA-16; 53-007(b), Above Ground Storage Tanks, TA-53.

The following SWMUs are approved for NFA because they are regulated under another authority: 3-001(a, c), Less-than-ninety-day Storage Areas, TA-3; 3-001(b), 3-002(b), Satellite Accumulation Areas, TA-3; 14-004(b), Satellite Accumulation Area, TA-14; 16-012(d, i, j, l, m, n, p, t, u, x), Satellite Accumulation Areas, TA-16.

The following SWMUs are approved for NFA because they were characterized and/or remediated under another authority that adequately addressed corrective action: 3-035(a, b), Underground Storage Tanks, TA-3; 15-014(m), Active Drainline and Outfall, TA-15; 16-010(g), Waste Water Treatment Facility, TA-16.

The following SWMUs are approved for NFA because they were characterized and/or remediated in accordance with current applicable state or federal regulations: 3-020(a), Disposal Pit, TA-3; 21-024(m) and 21-027(d), Drain Lines, TA-21.

The administrative record for this proposed action consists of a fact sheet, the statement of basis, the legal notice, the proposed revised Tables A, B, and C, and a summary of public involvement activities. The administrative record may be reviewed during normal business hours from **October 21 through December 4, 1998** at:

New Mexico Environment Department
Hazardous and Radioactive Materials Bureau
P.O. Box 26110
2044-A Galisteo Street

Santa Fe, New Mexico 87502
(505) 827-1561
Attn: Mr. John Kieling

The fact sheet, statement of basis, legal notice and proposed revised Tables A, B, and C may also be reviewed at:

Los Alamos National Laboratory Community Relations Reading Room
1350 Central Avenue, Suite 101
Los Alamos, New Mexico 87544

To obtain a copy of the administrative record or any part thereof, please contact Mr. John Kieling of NMED at the the Galisteo address above. Any person who wishes to comment on this permit modification or to request a public hearing should submit written comments/requests, along with the commentor's/requester's name and address, to Mr. John Kieling at the above address. Requests for public hearing should include a statement of the nature of the issues proposed. Only comments/requests received by **December 4, 1998** will be raised. NMED will provide a 30-day notice of the public hearing, if scheduled.

All written comments and issues raised at a Public Hearing, if held, will become part of the administrative record and will be considered in formulating the final decision. NMED may approve, or modify and approve, the requested permit modification based on the comments received. NMED will notify DOE/LANL and each person who submitted a written comment during the public comment period or testimony at a Public hearing of the final decision, including any approved change to the proposed modification, and a detailed statement of reasons for any such change. The final decision will be made according to applicable State and Federal laws.