

Permit

State of New Mexico
ENVIRONMENT DEPARTMENT



BILL RICHARDSON
GOVERNOR

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

January 31, 2006

SUBJECT: NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING ON THE PROPOSED PERMIT MODIFICATION TO RCRA PERMIT FOR U.S. DEPARTMENT OF ENERGY, LOS ALAMOS NATIONAL LABORATORY

Dear Interested Citizen:

Enclosed is a **Public Notice** regarding the intent to approve a proposed Class 3 Modification to Los Alamos National Laboratory's (LANL) RCRA Permit. LANL is a contractor-operated research facility under the administration of U.S. Department of Energy (DOE) and co-operated by with the University of California (UC). The Permittees are located at the following addresses: DOE, Los Alamos Site Office, 528, 35th Street, Los Alamos, New Mexico, 87544; and the Solid Waste Regulatory Compliance Group, Environmental Stewardship Division, Los Alamos National Laboratory, Pueblo Complex, 1900 Diamond Drive, Los Alamos, New Mexico, 87545.

The enclosed Public Notice provides locations where the administrative record, including the Draft Permit, Permit Modification Request, Fact Sheet and related documents for this action can be reviewed, and procedures for submitting comments and requesting a public hearing. Comments and requests for public hearing will be received through **5:00 p.m., Monday, April 3, 2006.**

Any person seeking additional information regarding this notice or the draft permit may contact:

Mr. John Kieling, Program Manager
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

E-mail: john.kieling@state.nm.us
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Sincerely,

John E. Kieling
Manager
Permits Management Program



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PUBLIC NOTICE NO. 06-02

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU

Santa Fe, New Mexico

January 31, 2006

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING ON
PROPOSED MODIFICATION TO THE
LOS ALAMOS NATIONAL LABORATORY HAZARDOUS WASTE PERMIT
UNDER THE NEW MEXICO HAZARDOUS WASTE ACT**

LOS ALAMOS NATIONAL LABORATORY
LOS ALAMOS COUNTY, NEW MEXICO
EPA ID NO. NM0890010515

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 to 74-4-14 NMSA 1978, as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC), the New Mexico Environment Department (Department) can approve or deny hazardous waste permits, closure plans, permit modifications, and amendments. Under this authority, the Department proposes to approve, pending public input into this decision, a modification to the Los Alamos National Laboratory (LANL) hazardous waste management Permit issued to the U.S. Department of Energy (DOE) and the University of California (UC) (collectively, the Permittees), Los Alamos, New Mexico, EPA ID No. NM0890010515.

The Department proposes to modify "Module VIII" of the LANL Permit to remove most of the corrective action requirements from the Permit. These corrective action requirements are covered under the Compliance Order on Consent (Order) the Department issued to the Permittees on March 1, 2005, which is a legally enforceable document. The Order includes comprehensive corrective action requirements for investigation and cleanup of hazardous waste and hazardous constituents at LANL. However, the Order does not cover: 1) new releases of hazardous waste or hazardous constituents from operating units; 2) closure and post-closure care requirements for operating units; 3) implementation of any necessary controls, including long-term monitoring, for solid waste management units at which corrective action is otherwise complete; and 4) any releases of hazardous waste or hazardous constituents that occur after termination of the Order. Therefore, the Department proposes to remove the corrective action requirements from the Permit, except for corrective action requirements applicable to the four circumstances listed above. This action is in accordance with Section III.W of the Order.

Under the proposed Permit Modification, certain requirements that are now in "Module VIII" of the Permit and that are not covered in the Order would remain in the Permit. Provisions that the Department proposes to leave unchanged in the Permit include waste minimization provisions; certain hazardous waste land disposal restrictions; provisions to identify newly discovered SWMUs or AOCs and to identify SWMUs or AOCs for which corrective action is complete; the tables listing the SWMUs and AOCs (with minor modifications); and certain data

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Phone: (505) 428-2500
Or via e-mail: john.kieling@state.nm.us
Ref: LANL Permit Modification – Corrective Action Requirements (January 31, 2006)

Written comments must be based on available information for review and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter.

Members of the public may request a public hearing on the proposed permit modification. Requests for a public hearing must provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requestor represents; (3) a statement of any objections to the draft permit, including specific references to any Permit conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. Request for public hearing must be submit on or before **5:00 p.m., Monday, April 3, 2006** to be considered. The Department will provide a thirty (30) day notice of a public hearing, if scheduled.

Final Decision: The Department must ensure that the approved draft permit is consistent with the Hazardous Waste Act and the Hazardous Waste Management Regulations. All written comments submitted on the draft permit will become part of the administrative record, be considered in formulating a final decision, and may cause the draft permit to be modified. The Department will respond in writing to all written public comments. The Department's response to comments will specify which provisions, if any, of the draft permit have been changed in the final Permit decision, the reasons for the change, and will briefly describe and respond to all public comments on the draft permit or the permit application raised during the public comment period. The Department's response to comments will also be posted on the Department website in addition to being sent to all persons who submitted written comments.

After consideration of all the written public comments received, the Department will either issue or modify and issue the Permit. If the Department modifies and issues the Permit, then the Permittee will be provided by certified mail a copy of the modified permit and a detailed written statement of reasons for the modifications. The Department will make the final Permit decision publicly available.

The Department Secretary's final permit decision will constitute a final agency decision and become effective thirty days after notice of the decision has been served on the Permittees, or such later time as the Secretary may specify. All persons on the facility mailing list, and persons that presented written comments, or who requested notification in writing, will be notified of the Secretary's final decision by mail. The final agency decision may be appealed as provided by the Hazardous Waste Act, Section 74-4-14, NMSA 1978.

Arrangements for Persons with Disabilities: Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the following address: New Mexico Environment Department, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-6110, (505) 827-2844. TDD or TDY users please access Judy Bentley's number via the New Mexico Relay Network. Albuquerque users may access Ms. Bentley's number at (505) 275-7333.

management, health and safety, and community relations requirements.

LANL is located in Los Alamos County, an incorporated county, in north-central New Mexico, approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe. LANL occupies an area of 40 square miles situated on the Pajarito Plateau. The plateau consists of a series of finger-like mesas separated by deep west to east trending canyons. The mesa tops range in elevation from approximately 7,800 feet above mean sea level at the flank of the Jemez Mountains, located to the west of Los Alamos, to about 6,200 feet above mean sea level at their eastern extent, where they terminate above the Rio Grande.

LANL is a research laboratory owned by DOE and co-operated with UC. The Facility began operations in 1943 when the United States Army Manhattan Engineer District was established for the research and development of the atomic bomb. The principal mission of LANL includes the research, design, development, and analysis of weapons components for the nation's nuclear arsenal. Current and historic operations include nuclear physics; hydrodynamics; conventional explosives; chemistry; metallurgy; radiochemistry; biology; medium-energy physics; space nuclear systems; controlled thermonuclear fusion; laser research; environmental research; geothermal, soil, and fossil energy research; nuclear safeguards; biomedical research; space physics; electrical research and development; laser design and development; and photographic processing.

The Permittees are located at the following address: DOE, National Nuclear Security Administration, Los Alamos Site Office, 528, 35th Street, Los Alamos, NM 87544; and LANL/University of California, P. O. Box 1663, Los Alamos, New Mexico, 87545.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

Availability of Additional Information: A copy of the draft Permit, the Public Notice, the Compliance Order on Consent, and the Fact Sheet may be reviewed at the following locations during the public comment period:

New Mexico Environment Department - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 428-2500
Monday – Friday: 8:00 a.m. to 5:00 p.m.

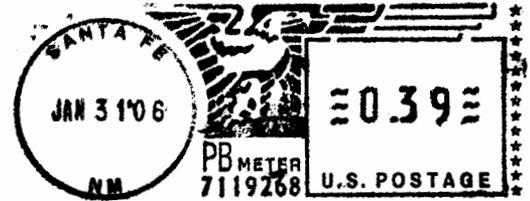
A copy of the draft Permit, Fact Sheet, and Public Notice are also available on the Environment Department website at www.nmenv.state.nm.us/HWB/lanlperm.html under Permit Modification – Corrective Action Requirements (1-27-2005). The Compliance Order on Consent is available at www.nmenv.state.nm.us/hwb/lanlperm.html under Final Compliance Order on Consent and Response to Comments. The Administrative Record may also be reviewed at the Environment Department – Hazardous Waste Bureau at the address given above. To obtain a copy of the Administrative Record or a portion thereof, please contact Pam Allen at (505) 428-2531, via e-mail at pam.allen@state.nm.us, or at the NMED address given above. NMED will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

Comment Period and Environment Department Contact: The Department issued a public notice on **Tuesday, January 31, 2006**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m., Monday, April 3, 2006**. Any person who wishes to comment on this action should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. Only comments received on or before **5:00 p.m., Monday, April 3, 2006** will be considered.

John E. Kieling, Program Manager



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