

~~Permit~~ Permit



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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

October 26, 2006

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE
A CLASS 3 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). The Permittees are located at the following addresses: Los Alamos National Security, LLC, 1900 Diamond Drive, Los Alamos, New Mexico, 87545; and DOE/National Nuclear Security Administration (NNSA), Los Alamos Site Office, 528 35th Street, Mail Stop A316, Los Alamos, New Mexico, 87544. The Permittees' primary contact for this action is: Mr. David. McInroy, P.O. Box 1663, Mail Stop M992, Los Alamos, New Mexico, 87545.

The enclosed Public Notice provides locations where the administrative record, including the Draft Permit, the proposed revised Tables, the Permit Modification Request, the Fact Sheet/Statement of Basis 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. on December 26, 2006.**

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

John E. Kieling
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
Program Manager
Permits Management Program
Hazardous Waste Bureau



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PUBLIC NOTICE NO. 06-14

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico 87505
October 26, 2006**

**NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE A PERMIT
MODIFICATION TO RCRA PERMIT FOR U.S. DEPARTMENT OF ENERGY, LOS
ALAMOS NATIONAL LABORATORY**

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 (20.4.1 NMAC), the New Mexico Environment Department (NMED) can approve or deny hazardous waste permits, 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 United States Department of Energy/Los Alamos National Laboratory (collectively the Permittees), New Mexico, EPA ID No. NM0890010515.

LANL is owned by the U.S. Department of Energy (DOE), and is co-operated by the DOE and the Los Alamos National Security, LLC (LANS; collectively, the "Permittees"). The LANL facility comprises of approximately 40 square miles and is located within the counties of Los Alamos and Santa Fe, New Mexico approximately 60 miles north-northeast of Albuquerque and approximately 25 miles northwest of Santa Fe. The LANL facility is the site of research and development for the first atomic bomb. Throughout its history, the LANL facility has conducted experimental research on nuclear weapons and explosive materials. Disposal activities started in the early 1940's and continue to present day.

The Permittees are located at the following addresses: Los Alamos National Security, LLC, 1900 Diamond Drive, Los Alamos, New Mexico, 87545; and DOE/National Nuclear Security Administration (NNSA), Los Alamos Site Office, 528 35th Street, Mail Stop A316, Los Alamos, New Mexico, 87544. The Permittees' primary contact for this action is: Mr. David. McInroy, P.O. Box 1663, Mail Stop M992, Los Alamos, New Mexico, 87545.

If approved, the proposed modification would grant No Further Action (NFA; Corrective Action Complete) status for twenty-three solid waste management units (SWMUs). If this modification is approved by NMED, the 23 SWMUs would be transferred from the tables currently requiring corrective action, Tables A and C, to the tables not currently requiring corrective action, Table A.1 and C.1 of Module VIII of the RCRA Permit.

The basis for removal from the permit is approval of a no further action (NFA) status for these sites. The twenty-three SWMUs proposed for NFA in this action and justification for removal of these sites from the Permittees's RCRA permit is:

The following SWMUs are approved for NFA because they were never used for the management (that is, generation, treatment, storage or disposal) of RCRA solid or hazardous wastes and/or constituents:

SWMU 3-009(d), Surface Disposal Area at Technical Area (TA) 3; SWMU 15-010(c), Active Storm Drainline and Outfall at TA 15; SWMUs 16-026(a2, d2, e2, f2, g2, h, k, x), Outfalls and Associated Drainlines at TA 16; SWMUs 16-026(t), Storm Outfall and Associated Drainline at TA 16; SWMUs 16-030(b, e, f), Outfalls and Associated Drainlines at TA 16; SWMU 20-003(a) Former Firing Site Control Building at TA 20, and SWMU 55-009, Sumps and Tanks at TA 55.

The following SWMUs are approved for NFA because they are not suspected of releasing RCRA solid or hazardous wastes and/or constituents to the environment:

SWMUs 16-025(e2, f2, h2), Potential Soil Contamination from Former HE Storage Buildings at 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:

SWMU C-08-010, Former Drum Storage Area at TA 8; SWMUs 21-013(d, e), Surface Disposal Areas at TA 21, and SWMU 21-024(f), Septic System at TA 21.

Two areas of concern C-21-015 and 21-030, that were characterized and remediated with SWMU 21-024(f), are also determined to be appropriate for NFA.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

The Administrative Record for this proposed action consists of the LANL Permit Modification Request, Fact Sheet/Statement of Basis, the Public Notice, the Proposed Revised Tables A and C, and the referenced supporting documentation. The Administrative Record may be reviewed at the following locations during the public comment period:

NMED – Hazardous Waste Bureau	LANL Community Relations Reading Room
2905 Rodeo Park Drive East, Building. 1	1619 Central Avenue
Santa Fe, New Mexico 87505-6303	Los Alamos, New Mexico 87545
(505) 428-2500	(505) 665-4400
<i>Monday – Friday from 8:00 a.m. to 5:00 p.m.</i>	<i>Monday - Friday from 8:00 a.m. to 5:00 p.m.</i>

A copy of Fact Sheet/Statement of Basis, the Public Notice, and the Proposed Revised Tables A and C are also available on the NMED website at www.nmenv.state.nm.us/HWB/lanlperm.html under No Further Action. To obtain a copy of the Administrative Record or a portion thereof, in addition to further information please contact Ms. Pam Allen at (505) 428-2531, or at the address

given above. NMED will provide copies, or portions thereof, of the administrative record at a cost to the requestor.

NMED issues this public notice on **October 26, 2006**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m., December 26, 2006**. Any person who wishes to comment on this action or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and/or requests received on or before **5:00 p.m., December 26, 2006**, will be considered.

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Or via e-mail: john.kieling@state.nm.us
Ref: Los Alamos National Laboratory – 23 NFA (October 26, 2006)

Written comments must be based on the administrative record. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing shall 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 proposed action, including specific references; and (4) a statement of the issues which such persons proposes to raise for consideration at the hearing. Written comment and requests for Public Hearing must be filed with Mr. John Kieling on or before **5:00 p.m., December 26, 2006**. The NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

The NMED must ensure that the approved final Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Permit will become part of the administrative record, will be considered in formulating a final decision, and may cause the draft Permit to be modified. NMED will respond in writing to all significant public comment. The response will specify which provisions, if any, of the draft Permit have been changed in the final Permit decision, and the reasons for the change. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments.

After consideration of all written public comments received, NMED will issue, or modify and issue, the Permit. If NMED modifies and issues the Permit, the Permittee shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final Permit decision publicly available and shall notify the Permittee by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act. All persons on the mailing list, or that provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

The final decision will become effective thirty days after service of the decision, unless a later date is specified or review is requested under the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, Section 901.E., *Hearings*.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.



New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303



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Mailed From 87505

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