

Permit

ENTERED



NEW MEXICO ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1 Santa Fe, New Mexico 87505-6303

Phone (505) 476-6000 Fax (505) 476-6030

www.nmenv.state.nm.us

BILL RICHARDSON Governor

DIANE DENISH Lieutenant Governor

RON CURRY Secretary

JON GOLDSTEIN Deputy Secretary

SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A REVISED DRAFT HAZARDOUS WASTE PERMIT FOR LOS ALAMOS NATIONAL LABORATORY

Dear Interested Person:

Enclosed is a Public Notice regarding the revised draft Hazardous Waste Permit for Los Alamos National Laboratory (LANL). LANL is a research laboratory owned by the U.S. Department of Energy (DOE) / National Nuclear Security Administration (NNSA) and operated jointly by the DOE/NNSA and Los Alamos National Security, LLC (LANS), collectively referred to as the Applicants. LANL is located in Los Alamos County approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe and occupies approximate 40 square miles. LANL is located at the following mailing addresses: DOE/NNSA, Los Alamos Site Office, 3747 West Jemez Road, Bldg 1410, Los Alamos, NM 87544; and LANL/LANS, PO Box 1663, MS K491, Los Alamos, NM 87545. The Applicant's primary contact for this action is: Ms. Debora L. Hall, Outreach/Public Involvement, LANL, PO Box 1663, MS M996, Los Alamos, NM 87545.

The enclosed Public Notice provides the location where the Administrative Record, including the Permit Application, revised draft Permit, Fact Sheet, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. It also explains in summary form the New Mexico Environment Department's (Department's) withdrawal of a previous draft Permit, and provides notification of a public meeting on the revised draft Permit. Comments and requests for public hearing must be received no later than 5:00 p.m. MDT, September 4, 2009.

Any person seeking additional information regarding this notice may contact:

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

Email: john.kieling@state.nm.us Telephone: (505) 476-6000 Fax: (505) 476-6030

Sincerely,

Handwritten signature of John E. Kieling

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





BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

PUBLIC NOTICE No. 09-02

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
July 6, 2009

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A REVISED DRAFT HAZARDOUS WASTE PERMIT FOR
LOS ALAMOS NATIONAL LABORATORY
EPA ID NUMBER: NM0890010515**

The New Mexico Environment Department (Department) intends to issue a hazardous waste permit (Permit) to Los Alamos National Laboratory (LANL, or the Facility) to store and treat hazardous waste and to close hazardous waste disposal units in accordance with the New Mexico's Hazardous Waste Act (HWA) and its associated regulations. The Department is charged with issuing a permit that will ensure that LANL's hazardous waste operations are managed in a manner protective of human health and the environment.

LANL is located in Los Alamos County approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe and occupies approximate 40 square miles. The Facility is situated on the Pajarito Plateau which consists of a series of finger-like mesas separated by deep east-west trending canyons. Ephemeral, interrupted, or intermittent streams lie at the bottoms of all the canyons. The mesa tops range in elevation from approximately 7,800 feet (ft) above mean sea level (amsl) at the flank of the Jemez Mountains, located to the west of Los Alamos, to about 6,200 ft amsl at their eastern extent where they terminate above the Rio Grande. The Facility is divided into smaller geographical areas known as technical areas (TAs).

LANL is a research laboratory owned by the U.S. Department of Energy (DOE) / National Nuclear Security Administration (NNSA) and operated jointly by the DOE/NNSA and Los Alamos National Security, LLC (LANS). 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. Today, 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 the fields of 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.

LANL is located at the following mailing addresses: DOE/NNSA, Los Alamos Site Office, 3747 West Jemez Road, Bldg 1410, Los Alamos, NM 87544; and LANL/LANS, PO Box 1663, MS K491, Los Alamos, NM 87545. The Applicant's primary contact for this action is: Ms. Debora L. Hall, Outreach/Public Involvement, LANL, PO Box 1663, MS M996, Los Alamos, NM 87545.

The Facility generates wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978, or the HWA), and their implementing regulations. The draft Permit, when finalized, would allow the Applicants to: 1) accept, manage, store and treat hazardous waste at 26 permitted hazardous waste management units before it is transferred to off-site treatment or disposal facilities; 2) complete the closure of permitted hazardous waste management units; 3) conduct corrective action activities not covered by the March 1, 2005 Compliance Order on Consent (Consent Order) in response to new releases from permitted units and for solid waste management units (SWMUs) and areas of concern (AOCs) where controls, including monitoring, are implemented or releases discovered after the termination of the Consent Order; and 4) conduct tasks in accordance with schedules of compliance, pursuant to the HWA and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC).

The draft Permit is a proposed renewal of a permit that was first issued to the LANL owner and operators in November of 1989. The Department currently enforces the 1989 permit. The Department released a draft renewal Permit on August 27, 2007 for public comment. With extensions granted by the Department, the public comment period ended on February 1, 2008, during which the Department received public comment and requests for public hearing. As required by 20.4.1 NMAC, the Department in conjunction with the applicant attempted to resolve the issues giving rise to the opposition on the draft Permit. The revised draft Permit now being released for comment reflects the Department's attempts to resolve the issues which were brought forth during the comment period, and additional issues brought forth during discussions with the applicants and those who opposed the draft permit and requested a hearing.

The Department hereby withdraws the August 27, 2007 draft Permit, and issues this revised draft Permit for public comment. Comments and requests for hearing on the August 27, 2007 draft Permit are therefore moot and a response will not be provided. If a party wishes to comment on this revised draft Permit or request a hearing, they must do so according to the procedures described below under the heading of Public Review of the revised draft Permit.

The Department also announces the availability of a Fact Sheet providing the basis for NMED's proposed action on the revised draft Permit, and the significant factual, legal, and policy questions considered in preparing the draft Permit. The Fact Sheet also explains the basis for permit conditions, including applicable statutory and regulatory support.

In addition, the Department is convening a public meeting concerning the revised draft Permit to provide information about the revised draft Permit, and to answer questions from attendees about the revised draft Permit. The meeting will be held on **July 28, 2009** at the Ohkay Casino Resort

Conference Center, located on Highway 68, 2 Miles North of Espanola at San Juan Pueblo, from **3:00 p.m. to 5:00 p.m. and from 7:00 p.m. to 9:00 p.m.**

PUBLIC REVIEW OF THE REVISED DRAFT PERMIT

The Administrative Record for this proposed action consists of the Permit application, the revised draft Permit, this Public Notice, the Fact Sheet, and other documentation the Department relied on to develop the revised draft permit. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period.

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: *Pam Allen*

A copy of the revised draft Permit, this Public Notice, the Fact Sheet and the index to the Administrative Record are also available on the Department's website at:

www.nmenv.state.nm.us/HWB/lanlperm.html under LANL Draft Permit. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at address given above. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

The Department issues this public notice on **July 6, 2009**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, September 4, 2009**. Any person who wishes to comment on the revised draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and physical address to the respective address below. Only comments and/or requests received before **5:00 p.m. MDT on September 4, 2009** will be considered.

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
E-mail: john.kieling@state.nm.us
Ref: LANL Draft Permit

Written comments must be based on reasonably available information 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. 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 physical address of all persons whom the requestor represents; (3) a statement of any objections to the revised draft Permit, including

specific references to any conditions; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The Department will provide a thirty day notice of a public hearing, if one is scheduled.

The Department must ensure that the revised draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a decision on issuance of a final permit, or that may cause the revised draft Permit to be modified. The Department will respond in writing to all public comments. This response will specify which provisions, if any, of the revised draft Permit have been changed in the final permit and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the Department's website.

After consideration of all the written public comments received the Secretary of the Department or his designee will make the final decision on this revised draft Permit. The decision will be publicly available, and shall be included in a notification to the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

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, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.