TA-16

State of New Mexico
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PUBLIC NOTICE NO. 03-11

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico
October 17, 2003

NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON CLOSURE OF TWO OPEN BURN UNITS AT LOS ALAMOS NATIONAL LABORATORY EPA ID NO. NM0890010515

The New Mexico Environment Department (NMED) proposes to approve a Closure Plan for two Open Burn (OB) units at Los Alamos National Laboratory (LANL). LANL is located 25 miles northwest of Santa Fe in Los Alamos County, New Mexico. The OB units are located at Technical Area (TA) 16 in the southwest part of LANL and are designated TA-16-401 and TA-16-406 Sand Filters. The closure is pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 *et seq.* and New Mexico Hazardous Waste Management Regulations, 20.4.1.600 NMAC (incorporating 40 C.F.R. Part 265, Subpart G). This public notice is pursuant to 20.4.1.600 NMAC (incorporating 40 C.F.R. § 265.112(d)(4)).

The OB units are authorized to treat high explosive (HE) hazardous waste, as interim status units pursuant to 20.4.1.600 NMAC. The OB units were in existence prior to the effective date of the federal Resource Conservation and Recovery Act (RCRA), November 11, 1980. The OB units were also included in the U.S. Department of Energy (DOE) and LANL RCRA permit renewal applications as units to be permitted. LANL and DOE have elected stop using the units for treatment of hazardous waste and to terminate their interim status authority. The units will not be included in LANL's and DOE's renewed RCRA permit.

The Sand Filters consist of gravel and sand contained in steel tanks that are eight feet nine inches in diameter and about four feet high, about half of which is below ground level. The two structures filter wastewater from HE operations before it is treated at the TA-16 High Explosive Wastewater Treatment Facility, National Pollutant Discharge Elimination System Permit Number NM0028355. After wastewater containing HE is filtered through the units, HE remaining on the surface is periodically burned off. The burning of HE is a treatment of hazardous waste, and therefore the units were included in LANL and DOE permit renewal applications as OB units regulated under RCRA.

6448

LANL and DOE submitted a Closure Plan for the Sand Filters to NMED on April 3, 2003, titled "Los Alamos National Laboratory, Technical Area 16, Closure Plan for the TA-16-401 and –406 Sand Filters," Revision 0.0, LA-UR-03-2091, March 2003. NMED issued a Notice of Deficiency (NOD) on April 28, 2003, requiring additional soil sampling analytes. LANL and DOE submitted revised Closure Plan pages in response to the NOD on May 28, 2003. NMED proposes to approve the revised Closure Plan. LANL and DOE propose a method of closure that will meet RCRA closure performance standards while preserving the Sand Filters for continued use for wastewater pre-treatment. Thermal treatment of HE by open burning will continue to be performed at another treatment structure, the TA-16-388 Flash Pad, at TA-16. Closure of the Sand Filters includes sampling of adjacent soil to determine if there were releases from the units if inspection of the units indicates potential leakage from the units.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

A copy of the administrative record may be reviewed at the following locations:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Mondays - Fridays from 8:00 a.m. to 5:00 p.m.

LANL Community Relations Office
1619 Central Avenue
Los Alamos, New Mexico 87544
Contact: Linda Anderman 665-4400
Mondays - Fridays 8:00 a.m. to 5:00 p.m.

A copy of the Closure Plan, NOD, and response to the NOD are also available on the NMED website at www.nmenv.state.nm.us/HWB/lanlperm.html. To obtain a copy of the administrative record or a portion thereof or for further information contact Ms. Lee Winn at (505) 428-2541 or at the address given below. NMED will provide members of the public with up to 80 pages of the administrative record free of charge. Thereafter, NMED will charge a copy fee of $0.25 per page. The administrative record for this action consists of the Closure Plan and related correspondence.

The 30-day public comment period begins on **October 17, 2003**, and ends on **November 17, 2003**. 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 or requests received on or before **5:00 p.m. November 17, 2003**, 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
Ref: Los Alamos National Laboratory TA-16 Sand Filters
e-mail: hazardous_waste_comment@nmenv.state.nm.us

Written comments must be based on all information available 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. 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 requester represents; (3) a statement of any objections to the Closure Plan; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a 30 day notice of a public hearing, if scheduled.

NMED must ensure that the approved Closure Plan is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a final decision and may result in NMED modifying or disapproving the Closure Plan. NMED will respond in writing to all public comments. This response will specify which provisions, if any, of the Closure Plan have been changed in the final decision and the reasons for the change, and will briefly describe and respond to all public comments. All persons presenting written comments or who request notification in writing will be notified of the decision by mail. The final decision will also be posted on the NMED website.

After consideration of all the written public comments received, NMED will approve, modify, or disapprove the Closure Plan. If NMED modifies or disapproves the Closure Plan, NMED will provide to LANL and DOE by mail a copy of the modified Closure Plan and a detailed written statement of reasons for the modifications or disapproval.

NMED will make the final decision publicly available and will notify LANL and DOE by certified mail. The final decision will constitute a final agency decision and may be appealed as provided by the HWA.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Cliff Hawley, NMED, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, NM 87502-6110, phone number (505) 827-2580. TDD or TDY users please access Mr. Hawley's number via the New Mexico Relay Network. Albuquerque users may access Mr. Hawley's number at (505) 275-7333 or 800-659-1779.