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PUBLIC NOTICE NO. 04-06

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico
May 7, 2004**

**NOTICE OF PUBLIC COMMENT PERIOD
AND OPPORTUNITY TO REQUEST A PUBLIC HEARING**

**APPROVAL OF CLOSURE PLANS
HAZARDOUS WASTE STORAGE UNITS
LOS ALAMOS NATIONAL LABORATORY EPA ID NO. NM0890010515**

The New Mexico Environment Department (NMED) proposes to approve the following three closure plans for six hazardous waste storage units at Los Alamos National Laboratory (LANL).

Los Alamos National Laboratory
Technical Area 50
Closure Plan for Interim Status Container Storage Units
TA-50-1, Room 59 and TA-50-37 [Rooms 115 and 118]
July 2003

Los Alamos National Laboratory
Technical Area 55
Closure Plan for the
B38 Container Storage Unit
August 2002

Closure Plan
Technical Area 54
Material Disposal Area G
Storage Shafts 145 and 146
November 1999

LANL is located 25 miles northwest of Santa Fe in Los Alamos County, New Mexico. The storage units being closed are authorized to store hazardous waste as interim status units under the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.*, 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). The storage units were in existence prior to June 25, 1990, the effective date of regulation of



mixed hazardous waste and radioactive source, special nuclear, or by-product material under RCRA. The storage units were included in the mixed waste RCRA Part A permit application submitted to NMED by the U.S. Department of Energy (DOE) and the University of California (UC), dated January 25, 1991.

The closures are in compliance with 20.4.1.600 NMAC (incorporating 40 CFR Part 265, Subpart G). This public notice is in compliance with 20.4.1.600 NMAC (incorporating 40 C.F.R. § 265.112(d)(4)). NMED proposes to approve the Closure Plan because the proposed method of closure will meet RCRA closure standards.

The storage units at TA-50 were included in the most recent TA-50 RCRA Part A permit application submitted by DOE and UC, dated December 2000. The TA-50 storage units were also included as units to be permitted in the most recent LANL TA-50 RCRA Part B permit application submitted by DOE and UC and dated December 2000.

DOE and UC have elected to terminate using the storage units for storage of hazardous waste for more than 90 days. Storage for more than 90 days requires authorization under a RCRA permit or interim status. These units will not be included in the renewed LANL RCRA permit.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

A copy of the administrative record, including the Closure Plans, 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 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.

To obtain a copy of the administrative record or a portion thereof, or for additional information, please contact John Kieling of the Hazardous Waste Bureau, at (505) 428-2535, or the address given below. NMED will provide members of the public with up to 80 pages of the administrative record free of charge. NMED will charge a copy fee of \$0.25 per page. The administrative record for this action consists of the Closure Plans and related correspondence.

The 30-day public comment period begins on May 7, 2004, and ends on June 7, 2004. Any person who wishes to comment on this action or request a public hearing should submit written or e-mail comments with the commenter's name and address to the address below. Only comments or requests received on or before 5:00 p.m. June 7, 2004 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 Interim Status Unit Closures
e-mail: hazardous_waste_comment@nmenv.state.nm.us

Written comments must be based on the 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 requestor represents; (3) a statement of any objections to the Closure Plans; 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 a hearing is scheduled.

NMED must ensure that the approved Closure Plans are consistent with 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 Plans. NMED will respond in writing to all public comments. This response will specify which provisions, if any, of the Closure Plans 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 who submit written comments or who request notification in writing will be notified of the decision by mail. NMED's responses to comments will also be posted on the NMED website.

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

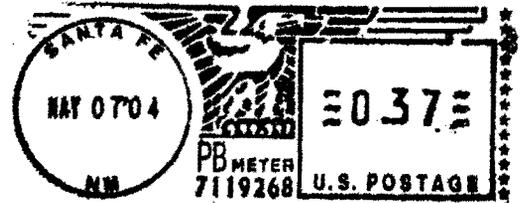
NMED will make the final closure decision publicly available and will notify DOE and UC by certified mail. The final closure decision will constitute a final agency decision and may be appealed as provided by the HWA.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley, 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 Ms. Bentley's number via the New Mexico Relay Network. Albuquerque users may access Ms. Bentley's number at 505-275-7333 or 800-659-1779.



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