State of New Mexico
ENVIRONMENT DEPARTMENT
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Certified Mail
Return Receipt Requested

August 8, 1997

Ron Johnson
Technical Group Leader
Public Service Company of New Mexico
Alvarado Square - Mail Stop 0408
Albuquerque, NM 87158

Subject: PNM Proposed Revisions to Reissued Post-Closure Care Permit
Person Generating Station
EPA ID No. NMT360010342

Dear Mr. Johnson:

This letter is in response to issues raised in your letter to Benito Garcia, Hazardous and Radioactive Materials (HRMB) Bureau Chief, dated September 9, 1996, regarding the Person Generating Station (the "Site") in Albuquerque. This response is intended to provide guidance regarding the proposed remedial activities at the Site that may be acceptable to HRMB for inclusion in a modified RCRA Post-Closure Care Permit for the Site.

The correct procedure for obtaining changes of the kind you are proposing to the existing Post-Closure Care Permit (the "Permit") is for you to request a Class 3 permit modification or to apply for a new permit when the existing permit expires. These procedures provide for a public comment period, including the right for an interested party to request a public hearing. HRMB cannot provide a final determination regarding permit conditions prior to receipt of a modification request or application and prior to or outside of the regulatory procedures established to respond to permit modifications or applications. However, we hope to provide in this letter an indication of what in your proposals may or may not be acceptable to HRMB in order to enable you to most efficiently prepare your modification request or application.

Soil Remediation

If PNM is able to demonstrate that soil contaminants have been reduced to appropriate levels, the Corrective Action Program may be modified to remove soil remediation requirements. The mechanism for modifying the Corrective Action Program is a Class 3 permit modification request by PNM or application for a new permit, which require public notice and comment period, and HRMB will not make a decision on the modification until we can review the request and any comments received during the period for public review.

It is HRMB's position that contaminant levels in soil cannot be determined solely by soil gas concentration levels in this case. Calculations based on soil gas concentration levels can support a determination of soil contaminant levels, but, because of uncertainty regarding the relationship between soil gas and soil contamination levels, such calculations will have to be confirmed by an adequate program of soil borings and/or a soil vapor survey.

Because soil concentration target levels must be sufficient to ensure soil does not contaminate groundwater in excess of standards and to protect human health and the environment based on all potential future land uses, the appropriate soil target levels are the Soil Screening Levels for Transfers from Soil to Groundwater (SSLs) contained in the U.S. Environmental Protection Agency Region 6 Media Specific Screening Levels, dated September 25, 1996.

Shallow Aquifer

HRMB believes that it is too early at this time to make a determination that MCLs in drinking water standards or Water Quality Control Commission (WQCC) standards, where more stringent, may not be attainable in the shallower aquifer at the Site. We want to see what levels are actually reached over a longer period of time. The shallow aquifer pump and treat system is serving a valuable function by containing the contaminant plume as well as by reducing contaminant levels in the plume.

In addition, HRMB believes that air sparging in the center of the contaminant column may significantly reduce contaminant levels. There is a possibility of small DNAPLs trapped above impermeable layers that will continue to contribute low concentrations of contaminants over a long period of time, and that could be moved out of the aquifer by air sparging. The primary drawback of sparging, its relatively small area of influence, will not be a disadvantage here where the core column of contamination covers a relatively small area itself, and where DNAPLs would probably be located in the immediate area of the original release. The relatively low cost of a sparging system and the significant potential benefit argues strongly for it.

If PNM believes that achievement of MCLs or WQCC standards in the shallow aquifer is technically infeasible, PNM must submit a petition to the WQCC for a variance from

groundwater standards, in accordance with 20 NMAC 6.2.1210. The proposed Subpart S, at 55 FR 30798, 30830 (July 27, 1990) and 61 FR 19432, 19451 (May 1, 1996), may be used as guidance in seeking such a variance due to technical infeasibility.

When more than one remediation standard exists for a contaminant, as is the case here for PCE, HRMB is required to enforce the most stringent of the MCL or WQCC standard in order to ensure protection of human health and the environment. For PCE, the most stringent standard is the MCL of five ppb. Consequently, five ppb will continue to be the groundwater protection standard for PCE in the Permit.

Deeper Aquifer

Because the aquifer at 500 feet is a potential source of drinking water, MCLs or WQCC standards, where more stringent, for all contaminants will have to be attained there. HRMB will not disallow your seeking natural attenuation as a means of attaining applicable standards. However, in order to allow contaminants above standards to remain in the aquifer without imposition of an active engineered remediation method for the period of time required for natural attenuation to achieve applicable standards, PNM will have to obtain approval by the WQCC of a variance from groundwater standards, in accordance with 20 NMAC 6.2.1210. The procedure at 20 NMAC 6.2.4103.F for approval of alternate abatement standards may be used as a model for the variance petition.

With regard to the adequacy of the Source and Release Assessment for the Deep Aquifer, by Parsons Engineering Science, Inc., dated December, 1995, to support WQCC approval of remediation by natural attenuation for the deeper aquifer, HRMB cannot determine what information the WQCC will require in making its decision.

Any remediation method accepted by HRMB will require on-going monitoring to ensure that MCLs or WQCC standards, where more stringent, are reached. If standards are not attained by the proposed method, then alternate methods will be required. In accordance with 40 C.F.R. §264.96(c) and §264.100(f) (as incorporated at 20 NMAC 4.1.500), corrective action requirements will continue until PNM demonstrates that the more stringent groundwater protection standards are not exceeded for a period of three consecutive years.

We appreciate your on-going efforts at this site, and look forward to continuing to work with you to achieve full remediation.

Please call Carl Will of my staff at 505-827-1561 if you have any questions.

Sincerely,

Robert S. ("Stu") Dinwiddie, Ph.D., Manager
RCRA Permits Management Program
Hazardous and Radioactive Materials Bureau

cc: Benito Garcia, HRMB
Jerry Bober, HRMB
Carl Will, HRMB
Baird Swanson, GWQB

file: red/pnmps/97
track: pnmps/8-8-97/Johnson/Dinwiddie/permit application conditions

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Fax Cover Sheet

Date: 8/8/97

To: RON JOHNSON
Company: PNM
Phone: 241-2998
Fax: 2340

From: CARL WILL
Company: Hazardous & Radioactive Materials
Phone: (505) 827-1558

Pages including this cover page: 5

Comments: THIS WILL BE MAILED TODAY. FORM PERMIT LANGUAGE AND CHECKLISTS WILL BE MAILED NEXT WEEK TO YOU AND GERALD CYR. CALL IF YOU HAVE QUESTIONS,