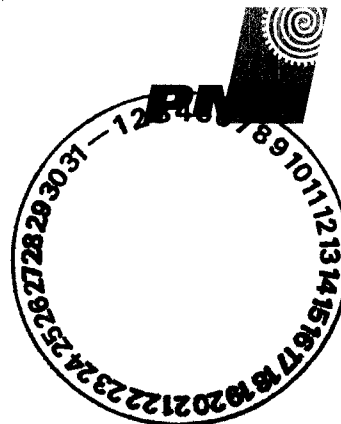


PNM 2002

March 4, 2002

VIA FACSIMILE AND
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Debbi Brinkerhoff, Program Manager
Compliance and Technical Program
Hazardous Waste Bureau
New Mexico Environment Department
Santa Fe, New Mexico 87502



Dear Ms. Brinkerhoff:

Subject: Request for Concurrence, TCLP Not Applicable to MGP Wastes

As a follow-up to communications with Mr. Baird Swanson of the New Mexico Environment Department (NMED) Ground Water Bureau and Mr. Carl Will of the NMED Hazardous Waste Bureau, Public Service Company of New Mexico (PNM) submits this request for New Mexico concurrence with the D.C. Circuit decision in a case challenging EPA's Phase IV Land Disposal Restriction Rule for mineral reprocessing wastes and manufactured gas plant (MGP) wastes. Association of Battery Recyclers, Inc. v. EPA, 208 F.3d 1047 (D.C. Cir. 2000); See also, Edison Electric Institute v. EPA, 2 F. 3d 438 (D.C. Cir. 1993).

PNM has conducted a Voluntary Stage I Abatement Plan Site Investigation pursuant to the New Mexico Water Quality Control Commission Regulations, 20 NMAC 6.2, Voluntary Abatement Section 4106.B. The investigation was conducted at the former Albuquerque Gas & Electric Co. Manufactured Gas Plant (MGP) site located in the southeastern portion of downtown Albuquerque, Bernalillo County, New Mexico and comprised of approximately 1 acre (the Site). The Ground Water Bureau approved the Site investigation report by letter dated December 20, 2001.

PNM is working towards the submittal of an aggressively scheduled Stage II Abatement Plan to facilitate future development of the Site by the current property owner, the First Baptist Church of Albuquerque (Church). I have informally been seeking a resolution to the subject issue since October 2001 and now must proceed with the issuance of requests for proposals for remedial work to maintain my schedule for the Church. The following responses are provided as requested today by Mr. Will to facilitate the NMED's review in this matter.

- *What is the intended method of disposal for MGP wastes?*

The specific method for remedial waste disposal has not been determined at this time and will result from an evaluation to the remedial proposals being solicited in response to the requests for proposals. However, PNM has no intention of relocating "risk" from one location to another and any land disposal considered would only follow contaminant treatment (i.e., thermal desorption, utility power plant cogeneration), below generally regarded hazardous levels.

- *What other MGP sites are of issue in New Mexico?*

PNM is not currently involved in any other site investigations or remedial actions associated with any MGP facilities in New Mexico.

- *Characterize the remedial wastes to be generated from the Former AG&E Co. MGP Site.*

A Voluntary Stage I Abatement Plan Site Investigation Report was submitted to Ms. Marcy Leavitt, Chief, NMED Ground Water Bureau by letter dated August 2001. In general, shallow soils at the Site have been impacted by MGP

product or waste materials including tar, tar-like materials, purifier wastes and coal. MGP products and wastes are characterized by high concentrations of PAHs, benzene, and in a few isolated locations, metals.

Soil remediation standards have not been established at this time for the Site. EPA Region VI Soil Screening Level Guidelines (SSLGs) were used to provide a basis for discussion in reviewing the analytical results from soil boring core samples at the Site. The SSLGs used are for light industrial land use, consistent with the surrounding land uses near the Site. The exposure scenario considered most likely would be during any Site remediation and/or general excavation where MGP products or wastes may be encountered by workers through dermal contact, inhalation and/or ingestion.

Tar-like materials were found in discrete areas associated with specific facilities as follows: the northern part of the Site in a concrete vault above the former production well at BH-34; in the west-central part of the Site near the vicinity of former aboveground oil tanks at BH-10; near former tar wells at BH-8, -14, and -16; near the former purifier building at BH-6, -7, and -28; and near the southernmost gas holder at BH-30. Oily contaminated materials were sampled in three borings: MGP MW-1 at 24.0 ft and 36.0 ft; BH-8 at 9.6 ft; and BH-15 at 20.0 ft. Oily material was noted in boring MGP MW-2 at 39.0 feet. Crushed coal or coal fragments were found in 22 of the 37 soil borings.

Benzene was found at a maximum concentration of 790 mg/kg in a thick viscous tar-like material within the southern gas holder (BH-30 at 11.0 ft). Benzene was also found at 390 and 270 mg/kg in two tar well locations (BH-8 at 9.6 ft, BH-16 at 10.2 ft respectively), and at 190 mg/kg in the vicinity of former aboveground purifier tanks (BH-28 at 13.5 ft). Apart from these outliers, only three other borings found benzene at concentrations exceeding the SSLG of 1.8 mg/kg.

Polyaromatic hydrocarbons (PAHs) were found in elevated concentrations in soils beneath many of the production facilities at the MGP Site. The table below presents maximum observed concentrations of the PAHs at the Site and the associated SSLGs for these compounds.

	<u>EPA Region VI SSLG</u>	<u>Maximum Concentration</u>	<u>Borehole and Depth</u>
Naphthalene	240 mg/kg	8,200 mg/kg	BH-8 at 9.6 ft
1-methylnaphthalene	n/a	1,900 mg/kg	BH-8 at 9.6 ft
2-methylnaphthalene	n/a	2,700 mg/kg	BH-8 at 9.6
Fluorene	29,000 mg/kg	1,300 mg/kg	BH-8 at 9.6 ft
Phenanthrene	n/a	3,300 mg/kg	BH-8 at 9.6 ft
Acenaphthene	37,000 mg/kg	200 mg/kg	BH-8 at 9.6 ft
Acenaphthylene	n/a	1,400 mg/kg	BH-8 at 9.6 ft
Anthracene	100,000 mg/kg	1,160 mg/kg	BH-7 at 11.0 ft
Fluoranthene	28,000 mg/kg	1,720 mg/kg	BH-7 at 11.0
Pyrene	36,000 mg/kg	2,000 mg/kg	BH-8 at 9.6 ft
Benzo(a)anthracene	2.6 mg/kg	1,200 mg/kg	BH-8 at 9.6 ft
Chrysene	260 mg/kg	730 mg/kg	BH-8 at 9.6 ft
Benzo(b)fluoranthene	2.6 mg/kg	593 mg/kg	BH-7 at 11.0 ft
Benzo(k)fluoranthene	26 mg/kg	650 mg/kg	BH-8 at 9.6 ft
Benzo(a)pyrene	0.26 mg/kg	600 mg/kg	BH-8 at 9.6 ft
Indeno(1,2,3-cd)pyrene	2.6 mg/kg	290 mg/kg	BH-8 at 9.6 ft
Dibenzo(a,h)anthracene	0.26 mg/kg	746 mg/kg	BH-7 at 11.0 ft
Benzo(g,h,i)perylene	n/a	800 mg/kg	BH-8 at 9.6 ft
Dibenzofuran	3,900 mg/kg	527 mg/kg	BH-7 at 11.0 ft

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Cyanide was detected in 23 samples. Two samples, BH-6 at 8.5 ft and BH-28 at 13.5 ft (the highest observed concentration), were observed at 130 mg/kg and 350 mg/kg respectively. All concentrations found are below the SSLGs of 15,000 mg/kg for (free) cyanide.

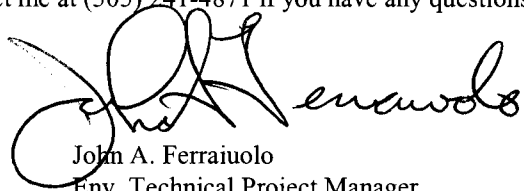
Metals were found at varying concentrations, with the maximum concentrations as indicated below:

	EPA Region VI SSLG	Maximum Concentration	Borehole and Depth
Aluminum (Al)	105,000 mg/kg	2,200 mg/kg	MW-2 at 10.0 ft
Antimony (Sb)	510 mg/kg	0.99 mg/kg	BH-37 at 4.4 ft
Arsenic (As)	320 mg/kg	39.2 mg/kg	BH-37 at 4.4 ft
Barium (B)	83,000 mg/kg	614 mg/kg	BH-6 at 4.0 ft
Cadmium (Cd)	630 mg/kg	147 mg/kg	BH-28 at 13.5 ft
Chromium (Cr)	560 mg/kg	19.3 mg/kg	BH-17 at 6.3 ft
Iron (Fe)	100,000 mg/kg	200,000 mg/kg	BH-37 at 4.4 ft
Lead (Pb)	2,000 mg/kg	7,260 mg/kg	BH-8 at 3.5 ft
Manganese (Mn)	40,000 mg/kg	713 mg/kg	BH-17 at 6.3 ft
Mercury (Hg)	380 mg/kg	7.6 mg/kg	BH-28 at 13.5 ft
Nickel (Ni)	26,000 mg/kg	54.3 mg/kg	BH-8 at 3.5 ft
Silver (Ag)	6,400 mg/kg	0.43 mg/kg	BH-6 at 8.5 ft
Vanadium (V)	8,900 mg/kg	49.8 mg/kg	BH-37 at 4.4 ft
Zinc (Zn)	100,000 mg/kg	765 mg/kg	BH-20 at 4.3 ft

The extent of contaminant distribution in soils exceeding the SSLGs have been prepared in cross section and plan view and are enclosed as Figures 7a and 7b, and 9a respectively.

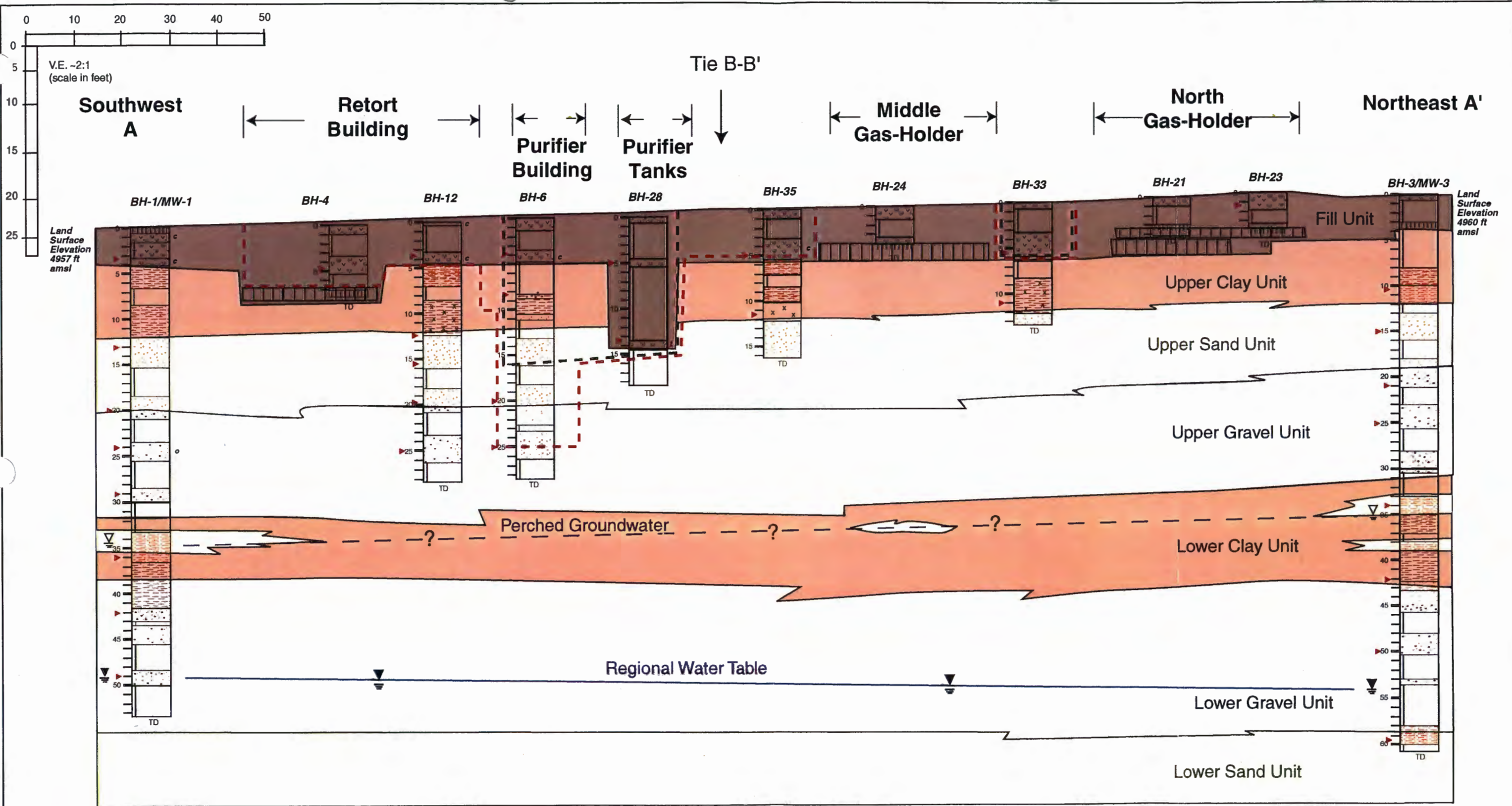
PNM's understanding of the D.C. Circuit decision is that, because the EPA can no longer deem MGP remediation wastes to be hazardous wastes based on the TCLP test, the federal Land Disposal Restrictions will not apply to MGP remediation wastes. Further, from a review of Subpart D, lists of Hazardous Wastes, it does not appear to PNM that MGP wastes are a Listed Hazardous Waste. In addition, it is PNM's understanding that New Mexico law provides that New Mexico's hazardous Waste regulations cannot be more stringent than the federal program. See, NMSA (1978) § 74-4-A.(1).

PNM appreciates your consideration in this matter. Please contact me at (505) 241-4871 if you have any questions or require additional information.



John A. Ferraiuolo
Env. Technical Project Manager

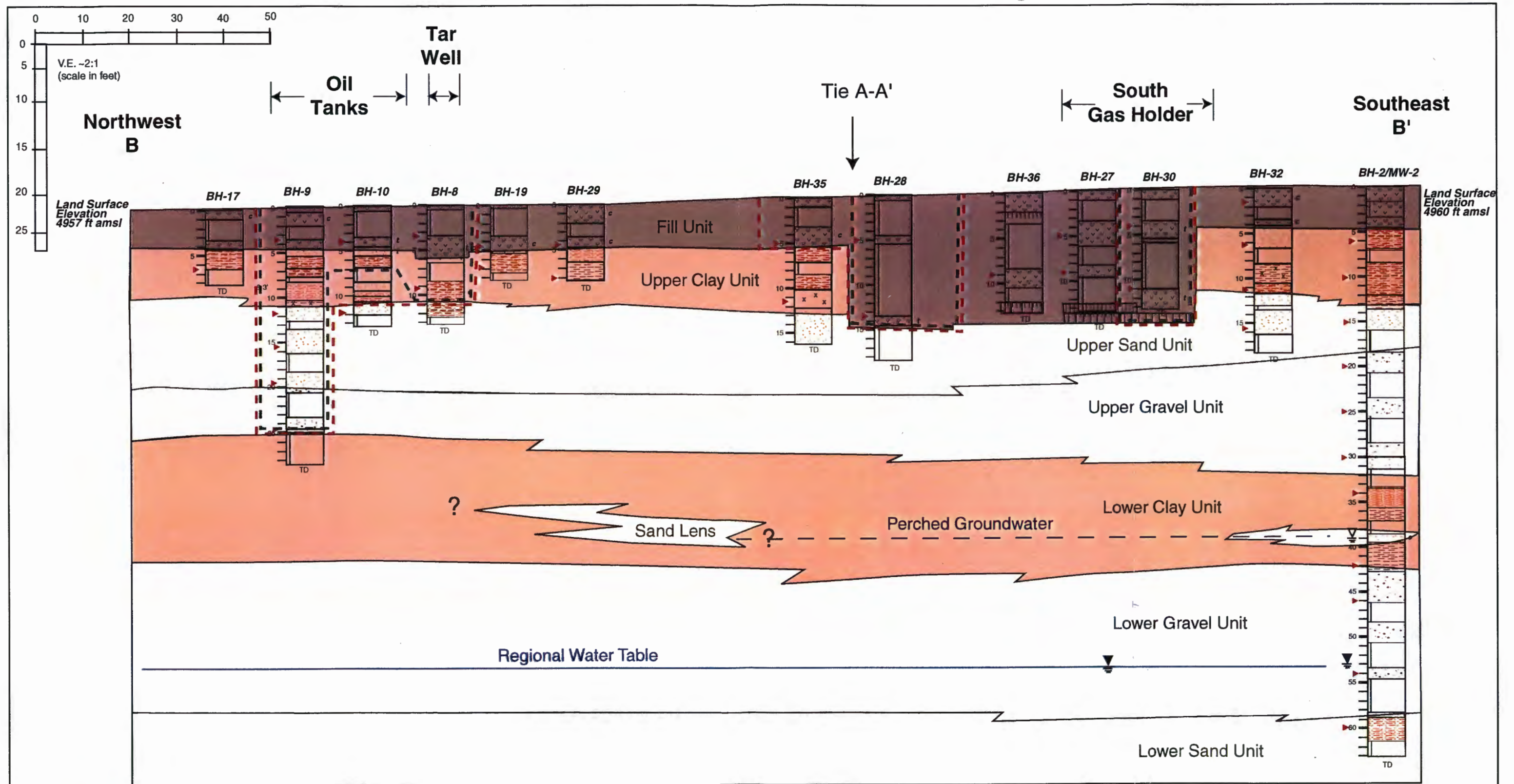
cc: Mr. Melvin Christopher, PNM
Ms. Maureen Gannon, PNM
Mr. Chris Hickman, PNM
Mr. Baird Swanson, NMED



	Former Alb Gas & Elec MGP Site PNM Voluntary Stage I Abatement Plan Site Investigation Report		
	Date	Checked By	Prepared By
	Aug 2001	JAF	MJDarr/jus

Figure 7a: Site CrossSection A-A' (Boreholes Projected)
Approximate Areas and Depths Exceeding EPA Region VI soil Screening Level Guidelines and 1000 mg/Kg Total hydrocarbons.

- - - - - > 1000 Total Hydrocarbons
 - - - - - > EPA SSLG



Former Alb Gas & Elec MGP Site PNM Voluntary Stage I Abatement Plan Site Investigation Report		
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Aug 2001	JAF	MJDarr/jus

BB
 Figure 7b: Site CrossSection A-A' (Boreholes Projected)
 Approximate Areas and Depths Exceeding EPA Region VI soil Screening Level Guidelines and 1000 mg/Kg Total hydrocarbons.

----- > 1000 Total Hydrocarbons
 > EPA SSLG

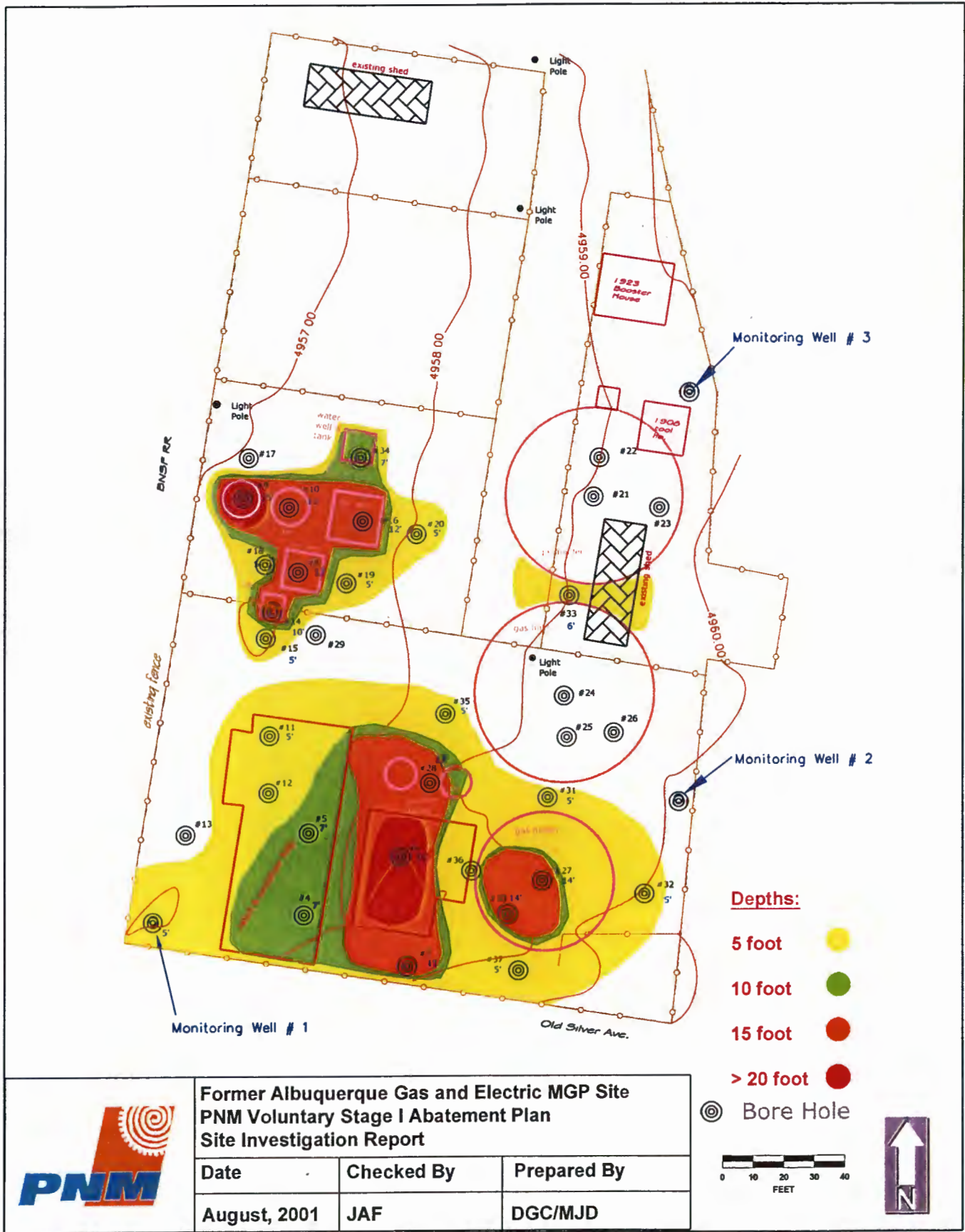


Figure 9a. Approximate Areas and Depths Exceeding EPA Region VI Soil Screening Level Guidelines