



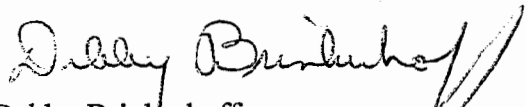
John Ferraiuolo  
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by TCLP to determine if the waste is regulated under RCRA and the HWA because the waste exhibits the characteristic of toxicity under 20.4.1.200 NMAC (incorporating 40 C.F.R. § 261.24).

The MGP TCLP exemption applies only to the determination of the toxicity characteristic. PNM remains responsible for determining if the MGP waste stream in question is regulated under RCRA and the HWA for any other reason, including as a listed waste or other characteristic waste under 20.4.1.200 NMAC (incorporating 40 C.F.R. Part 261). In order for the MGP waste stream in question to continue to qualify for the MGP TCLP exemption, NMED requires that PNM notify NMED of the final disposition of the waste prior to its final disposition. If the waste is disposed of on land at any time, including after treatment, then the MGP TCLP exemption will not apply, and NMED requires that PNM determine if the waste exhibits the characteristic of toxicity under 20.4.1.200 NMAC (incorporating 40 C.F.R. § 261.24) and is therefore regulated under RCRA and the HWA. PNM must notify NMED of the results of that determination prior to disposal of the waste.

If you have any questions or need additional information please contact me at 505-428-2528.

Sincerely,



Debby Brinkerhoff  
Program Manager  
Compliance & Technical Assistance Program

cc: James Bearzi, HWB  
John Kieling, HWB  
David Cobrain, HWB  
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