



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us

PNM 05



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 13, 2005

Mr. John Hale, PE
Technical Project Manager
Public Service Company of New Mexico
2401 Aztec NE
MS Z110
Albuquerque, NM 87107

RE: INTENT TO APPROVE: PETITIONS FOR NO FURTHER ACTION FOR SEVEN (7) SOLID WASTE MANAGEMENT UNITS/AREAS OF CONCERN PERSON GENERATING STATION NMT360010342 HWB-PNM-05-001

Dear Mr. Hale:

The New Mexico Environment Department (NMED) is issuing a Public Notice with intent to approve the Class 3 permit modification requested by the Public Service Company of New Mexico (PNM, Permittee) for the Person Generating Station in March 2003. This modification consists of a request to approve No Further Action (NFA) status for seven (7) solid waste management units (SWMUs)/areas of concern (AOCs). If approved, one SWMU listed on Table A.1 of Module IV of the Resource Conservation and Recovery Act (RCRA) Post-Closure Care Permit issued to the Permittee will be transferred to Table A.2 and will be identified as approved for NFA. Six (6) SWMUs/AOCs that are currently listed on Table A.2 will also be identified as SWMU/AOCs that have been approved for NFA. The 7 sites proposed for NFA approval are identified in Enclosure 1.

NMED will begin a 45-day public comment period on **May 13, 2005**. The Public Notice for this comment period indicates that a draft Post-Closure Care Permit consisting of Tables A.1 and A.2 and the Statement of Basis/Fact Sheet have been prepared for review and comment by the public, and includes the procedures to request a public hearing. The Permittee will be notified by

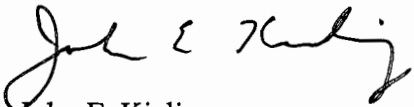
Mr. Hale
May 13, 2005
Page 2

certified mail if a public hearing is scheduled. The Permittee may submit comments on the draft Post-Closure Care Permit to NMED no later than **5:00 p.m., June 27, 2005**, the close of the public comment period.

NMED will give due consideration and the weight it deems appropriate to all comments received during the public comment period. When ruling on permit issuance, NMED may make reasonable modifications to the permit to meet the requirements of the Hazardous Waste Management Regulations (20.4.1 NMAC). At the time that a final permit decision is made, NMED will issue a response to all comments submitted during the public comment period. The final permit decision shall become effective thirty (30) days after notice of the decision has been served on the Permittee. The approved permit, revised Tables A.1 and A.2, will be transmitted to the Permittee by certified mail.

Enclosed for your review is a copy of the draft Post-Closure Care Permit that consists of the proposed Tables A.1 and A.2 in underline/strikeout. Also enclosed is a copy of the Public Notice and the Statement of Basis/Fact Sheet. These documents will also be available for public review at the NMED Hazardous Waste Bureau office in Santa Fe and at the NMED District 1 Office in Albuquerque, as well as electronically on the NMED website. Procedures for submitting comments are contained in the Public Notice and Statement of Basis/Fact Sheet. Please contact Carolyn Cooper of my staff at (505) 845-5932 should you have any questions.

Sincerely,



John E. Kieling
Manager
Permits Management Program

JEK:cec

Enclosures

cc: J. Bearzi, NMED HWB
W. Moats, NMED HWB
C. Cooper, NMED HWB
L. King, EPA, 6PD-N

File: HWB-PNM-05-001; and Reading File 2005

Mr. Hale
May 13, 2005
Page 3

Enclosure 1
Solid Waste Management Units/Areas of Concern Proposed for No Further Action
Class 3 RCRA Permit Modification Request of March 2003

| | SWMU/AOC Name |
|-----|----------------------|
| 1 | Natural Pit Area |
| 2 | Spin-Off Filter Area |
| 3 | Bone Yard Area |
| 4-7 | Four Leach Fields |



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Telephone (505) 428-2500

Fax (505) 428-2567

www.nmenv.state.nm.us



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

May 13, 2005

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE
A CLASS 3 PERMIT MODIFICATION OF RCRA POST-CLOSURE
CARE PERMIT FOR PNM PERSON GENERATING STATION**

Dear Interested Citizen:

Enclosed is a **Public Notice** regarding the intent to approve a proposed Class 3 permit modification of the Public Service Company of New Mexico's (**PNM, Permittee**) Resource Conservation and Recovery Act Post-Closure Care Permit for the Person Generating Station. The Permittee is located at the following address: 2401 Aztec NE, Albuquerque, NM 87107.

The enclosed Public Notice provides locations where the administrative record, including the Post-Closure Care Permit modification request, Fact Sheet/Statement of Basis, and related documents for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. Comments and requests for public hearing will be received through **5:00 p.m. on June 27, 2005**.

Any person seeking additional information regarding this notice or the draft permit may contact:

Ms. Carolyn Cooper
New Mexico Environment Department
c/o DOE Oversight Bureau
P. O. Box 5400/MS 1396
Albuquerque, NM 87185-5400
E-mail: carolyn_cooper@nmenv.state.nm.us
Telephone: (505) 845-5932
Fax: (505) 845-5853

Mr. John E. Kieling, Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, NM 87505
Telephone: (505) 428-2500
Fax: (505) 428-2567

Sincerely,

John E. Kieling
Manager
Permits Management Program



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

PUBLIC NOTICE NO. 05-04

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico
May 13, 2005**

**NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE A PERMIT
MODIFICATION OF THE PUBLIC SERVICE COMPANY OF NEW MEXICO'S RCRA
POST-CLOSURE CARE PERMIT FOR THE PERSON GENERATING STATION**

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, NMSA 1978, as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC), the New Mexico Environment Department (NMED) can approve or deny hazardous waste permits, closure plans, permit modifications, and amendments. Under this authority, NMED intends to approve, pending public input into this decision, a modification of the RCRA Post-Closure Care Permit issued to the Public Service Company of New Mexico (PNM, Permittee) for the Person Generating Station, located in Bernalillo County, New Mexico, EPA ID# NMT360010342.

The Person Generating Station is located on a 22-acre site that is south of the Albuquerque metropolitan area in Bernalillo County, New Mexico. The facility is situated northeast of the intersection of Broadway Boulevard and Rio Bravo Road, approximately two miles east of the Rio Grande River. PNM operated the Person Generating Station from 1952 through 1986. The power plant contained four gas-fired electric generating units that were built between 1951 and 1957. The generating units were operated regularly until 1981 and intermittently from 1982 to 1986. The power generating facilities were regulatorily abandoned in 1993. The generating station also contained several supporting structures including four aboveground 10,000 to 50,000-barrel fuel oil tanks, four cooling towers, a switchyard, and several large-capacity water production wells.

As a result of operations at the facility, PNM has generated hazardous and solid wastes. In 1987, the United States Environmental Protection Agency (EPA) conducted a RCRA Facility Assessment of the Person Generating Station and identified eight (8) solid waste management units (SWMUs) or areas of concern (AOCs). The SWMUs and AOCs include a waste oil tank (unlined dry well), solid waste disposal areas, and leach fields. Past waste management activities at PNM have caused the release of hazardous contaminants into the environment. The corrective

measures associated with the waste oil tank are ongoing and would not be changed as a result of the approval of this proposed permit modification. Soil and groundwater corrective actions, including groundwater monitoring, that are specified in the Post-Closure Care Permit and the associated Permit Application would not be replaced or superseded as a result of the approval of proposed permit modification.

The Permittee is located at the following address: 2401 Aztec NE, Albuquerque, NM 87107. The Permittee's primary contact for this action is Mr. John Hale.

If approved, the proposed modification would grant No-Further-Action (NFA) for seven (7) SWMUs/AOCs. Table A.1, in Module IV of PNM's RCRA Post-Closure Care Permit, lists SWMU/AOCs at the Person Generating Station facility where corrective action is necessary to characterize and/or remediate past releases of hazardous wastes or hazardous waste constituents. One of the SWMUs that is the subject of this notice, the Natural Pit Area, is listed on Table A.1. Table A.2, in Module IV of PNM's RCRA Post-Closure Care Permit, lists SWMU/AOCs at the Person Generating Station facility where corrective action is not necessary. The remaining six SWMUs that are the subject of this notice, the Spin-Off Filter Area, the Bone Yard, and the Four Leach Fields, are listed on Table A.2. If this modification is approved by the NMED, the Natural Pit Area will be transferred from Table A.1 to Table A.2 and will be identified as approved for NFA. The remaining six SWMUs that are the subject of this notice will also be designated as SWMU/AOCs that have been approved for NFA.

Two (2) of the SWMUs, the Natural Pit Area and the Spin-Off Filter Area, are proposed for NFA by the Permittee on the basis that they were characterized and/or remediated in accordance with current applicable state or federal regulations. The remaining five (5) SWMUs, the Bone Yard Area and the Four Leach Fields, are proposed for NFA on the basis that no release to the environment has occurred nor is likely to occur in the future.

**Solid Waste Management Units/Areas of Concern Proposed for No Further Action Class 3
RCRA Post-Closure Care Permit Modification Request of March 2003:**

| | <u>SWMU/AOC Name</u> |
|-----|-----------------------------|
| 1 | Natural Pit Area |
| 2 | Spin-Off Filter Area |
| 3 | Bone Yard Area |
| 4-7 | Four Leach Fields |

Public Notice No. 05-04
May 13, 2005
Page 3

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

The Administrative Record for this proposed action consists of the PNM Post-Closure Care Permit modification request, the Fact Sheet/Statement of Basis, this Public Notice, the draft Post-Closure Care Permit that consists of the proposed Tables A.1 and A.2, and the referenced supporting documentation. The Administrative Record may be reviewed at the following location during the public comment period:

NMED – Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
(505) 428-2500
Monday - Friday from 8:00 a.m. to 5:00 p.m.

A copy of the Fact Sheet/Statement of Basis, the Public Notice, and the draft Post-Closure Care Permit that consists of the proposed Tables A.1 and A.2 may be reviewed at the following location during the public comment period:

NMED-District 1 Albuquerque Office
5500 San Antonio NE
Albuquerque, New Mexico 87109
(505) 222-9500
Monday - Friday from 8:00 a.m. to 5:00 p.m.

A copy of the Fact Sheet / Statement of Basis, the Public Notice, and the draft Permit that consists of the proposed Tables A.1 and A.2 are also available on the NMED website at: www.nmenv.state.nm.us/HWB/pnmperm.html. To obtain a copy of the Administrative Record or a portion thereof, in addition to further information please contact Ms. Pam Allen at (505) 428-2531, or at the address given above. NMED will provide copies, or portions thereof, of the administrative record at a cost to the requestor.

NMED issues this public notice on **May 13, 2005**, to announce the beginning of a 45-day comment period that will end at **5:00 p.m., June 27, 2005**. 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 and/or requests received on or before **5:00 p.m., June 27, 2005** will be considered.

Public Notice No. 05-04
May 13, 2005
Page 4

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Or via E-mail: hazardous_waste_comment@nmenv.state.nm.us
Ref: PNM Person Generating Station - 7 No Further Action Petition

Written comments must be based on the Administrative Record. Documents in the Administrative Record need not be re-submitted if 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 proposed action, including specific references; and (4) a statement of the issues which such persons propose to raise for consideration at the hearing. Written comment and requests for Public Hearing must be filed with Mr. John Kieling on or before **5:00 p.m., June 27, 2005**. The NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

The NMED must ensure that the approved final Post-Closure Care Permit will be consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Post-Closure Care Permit will become part of the administrative record, will be considered in formulating a final decision, and may cause the draft Post-Closure Care Permit to be modified. NMED will respond in writing to all significant public comment. The response will specify which provisions, if any, of the draft Post-Closure Care Permit have been changed in the final Post-Closure Care Permit decision, and the reasons for the change. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments.

After consideration of all written public comments received, NMED will issue, or modify and issue, the Post-Closure Care Permit. If NMED modifies and issues the Post-Closure Care Permit, the Permittee shall be provided by mail a copy of the modified Post-Closure Care Permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final Post-Closure Care Permit decision publicly available and shall notify the Permittee by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act. All persons on the mailing list, or who provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

Public Notice No. 05-04

May 13, 2005

Page 5

The final decision will become effective thirty days after service of the decision, unless a later date is specified or review is requested under the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, Section 901.E, *Hearings*.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.

TABLE A.2
List of Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs)
not currently requiring Corrective Action

| SWMU/AOC | Date of NFA Approval | Comments |
|-------------------------|----------------------|---|
| <u>Natural Pit Area</u> | [Insert Date] | |
| Spin-Off Filter Area | [Insert Date] | |
| Bone Yard Area | [Insert Date] | |
| Four Leach Fields | [Insert Date] | |
| Waste Oil Tank | | <u>RCRA-Regulated Unit, subject to Post-Closure Care Requirements</u> |

TABLE A.1
List of Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs)
Requiring Corrective Action

| SWMU/AOC | Comments |
|--------------------------------|-----------------|
| <u>Natural Pit Area</u> | |

FACT SHEET / STATEMENT OF BASIS

PNM Persons Station Proposals for No Further Action Status For 7 Solid Waste Management Units/Areas of Concern

RCRA Permit No. NMT360010342-1

May 13, 2005

TABLE OF CONTENTS

| | | |
|----|--|----|
| A. | Facility Description | 1 |
| B. | Background..... | 2 |
| C. | Investigation and Remediation..... | 6 |
| D. | Administrative Record..... | 6 |
| E. | No Further Action Criteria | 6 |
| F. | Public Participation | 7 |
| G. | Next Steps..... | 8 |
| H. | Contact Person for Additional Information..... | 8 |
| I. | Description of SWMUs/AOCs Proposed for NFA | 10 |
| 1. | Natural Pit Area..... | 10 |
| | Site Location and History..... | 10 |
| | Evaluation of Relevant Information..... | 10 |
| | Basis for Determination | 13 |
| 2. | Spin-Off Filter Area | 13 |
| | Site Location and History..... | 13 |
| | Evaluation of Relevant Information..... | 13 |
| | Basis for Determination | 15 |
| 3. | Bone Yard Area..... | 15 |
| | Site Location and History..... | 15 |
| | Evaluation of Relevant Information..... | 15 |
| | Basis for Determination | 15 |
| 4. | Four Leach Fields..... | 15 |
| | Site Location and History..... | 15 |
| | Evaluation of Relevant Information..... | 16 |
| | Basis for Determination | 16 |

LIST OF FIGURES

| Figure | | Page |
|---------------|---|-------------|
| 1 | PNM Person Generating Station, Albuquerque, New Mexico..... | 3 |
| 2 | RCRA Facility Boundary | 4 |
| 3 | Natural Pit Area..... | 11 |
| 4 | Spin-Off Filter Area | 14 |
| 5 | Bone Yard Area..... | 17 |
| 6 | Four Leach Fields..... | 18 |

TABLE

| Table | | Page |
|--------------|---|-------------|
| 1 | SWMUs/AOCs that are Proposed for NFA..... | 5 |

ACRONYMS AND ABBREVIATIONS

| | |
|--------|---|
| AOC | Area of Concern |
| bgs | below ground surface |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| COC | constituent of concern |
| EPA | United States Environmental Protection Agency |
| HSWA | Hazardous and Solid Waste Amendments |
| HWB | Hazardous Waste Bureau |
| kg | kilogram |
| mg | milligram |
| NFA | no further action |
| NMED | New Mexico Environment Department |
| NPA | Natural Pit Area |
| PCB | polychlorinated biphenyl |
| PCE | tetrachloroethylene |
| PNM | Public Service Company of New Mexico |
| RCRA | Resource Conservation and Recovery Act |
| SSL | Soil Screening Level |
| SVOC | semivolatile organic compound |
| SWMU | Solid Waste Management Unit |
| TCE | trichloroethylene |
| TCA | 1,1,1-trichloroethane |
| TPH | Total Petroleum Hydrocarbons |
| VOC | volatile organic compound |

STATEMENT OF BASIS/FACT SHEET

Proposals for No Further Action Status for 7 Solid Waste Management Units/Areas of Concern

(RCRA Permit No. NMT360010342-1)

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 et seq., NMSA 1978, as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC), the New Mexico Environment Department (NMED) can approve or deny hazardous waste permits, closure plans, permit modifications, and amendments. Under this authority, the NMED intends, pending public input, to approve a March 2003 Class 3 Permit modification request from the Public Service Company of New Mexico (PNM, Permittees) to grant no further action (NFA) status for 7 Solid Waste Management Units/Areas of Concern (SWMUs/AOCs) at the Person Generating Station. The Class 3 Permit modification request is subject to the regulations at 20.4.1.900 NMAC, incorporating 40 CFR 270.42 (c) and 20.4.1.901 NMAC. The SWMUs/AOCs are listed in the Corrective Action Module (hereinafter referred to as Module IV), which is part of the PNM Resource Conservation and Recovery Act (RCRA) Post-Closure Care Permit (NMT360010342-1) for the Person Generating Station.

A. Facility Description

The Person Generating Station is located on a 22-acre site that is south of the Albuquerque metropolitan area in Bernalillo County, New Mexico. The facility is situated northeast of the intersection of Broadway Boulevard and Rio Bravo Road, approximately two miles east of the Rio Grande River (Figure 1). The Public Service Company of New Mexico (PNM) operated the Person Generating Station from 1952 through 1986. The power plant contained four gas-fired electric generating units that were built between 1951 and 1957. The generating units were operated regularly until 1981 and intermittently from 1982 to 1986. The power generating facilities were regulatorily abandoned in 1993. The generating station also contained several supporting structures including four aboveground 10,000 to 50,000-barrel fuel oil tanks, four cooling towers, a switchyard, and several large-capacity water production wells.

As a result of operations at the facility, PNM has generated hazardous and solid wastes. In 1987, the United States Environmental Protection Agency (EPA) conducted a RCRA Facility Assessment of the Person Generating Station and identified eight (8) solid waste management units (SWMUs) or areas of concern (AOCs) (Figure 2). The SWMUs and AOCs include a waste oil tank (unlined dry well), solid waste disposal areas, and leach fields. Past waste management activities at the Person Generating Station have caused the release of hazardous contaminants into the environment.

The Permittee is located at the following address: 2401 Aztec NE, Albuquerque, NM 87107. The Permittee's primary contact for this action is Mr. John Hale.

B. Background

The U.S. Environmental Protection Agency (EPA) and the New Mexico Environment Department jointly issued a Post-Closure Care Permit for two units, the waste oil tank (unlined dry well) and the Natural Pit Area, at the Person Generating Station site, effective August 1988. Although an operating permit was never issued for the Person Generating Station site, a post-closure permit was required for the facility because PNM opted not to clean close the two units. Remediation of the Natural Pit Area was completed in 1998. Closure of the waste oil tank soil unit was completed in January 1988. Soil and groundwater contamination were left in place after the closure of the waste oil tank. The corrective measures associated with the waste oil tank are ongoing and would not be changed as a result of the approval of this proposed permit modification.

On January 2, 1996, the NMED received authorization from the EPA for corrective action under the Hazardous and Solid Waste Amendments (HSWA) and became the administrative authority for this action. PNM's 1988 Post-Closure Care Permit expired in August 1998. In August 2000, NMED issued a new Post-Closure Care Permit (NMT360010342-1) for the Person Generating Station. The Permit requires PNM to comply with post-closure care, corrective action, and other statutory and regulatory requirements specified in the Permit Modules and in the 1998 Permit Renewal Application. As part of the corrective action requirements, PNM operates a Soil Vapor Extraction well and treatment system, groundwater monitoring wells, groundwater extraction wells, and a tray aeration groundwater treatment system. Soil and groundwater corrective actions, including groundwater monitoring, that are specified in the Permit and the associated Permit Application would not be replaced or superseded as a result of the approval of this proposed permit modification.

This Statement of Basis describes seven (7) SWMUs/AOCs that are being proposed for NFA as part of this Class 3 permit modification request. Table 1 lists the SWMUs/AOCs that are proposed for NFA.

If approved, the proposed modification would grant No-Further-Action (NFA) status for seven (7) SWMUs/AOCs. Table A.1, in Module IV of PNM's RCRA Post-Closure Care Permit, lists SWMU/AOCs at the Person Generating Station facility where corrective action is necessary to characterize and/or remediate past releases of hazardous wastes or hazardous waste constituents. One of the SWMUs that is the subject of this Statement of Basis, the Natural Pit Area, is listed on Table A.1. Table A.2, in Module IV of PNM's RCRA Post-Closure Care Permit, lists SWMU/AOCs at the Person Generating Station facility where corrective action is not necessary. The remaining six subject SWMUs, the Spin-Off Filter Area, the Bone Yard, and the Four Leach Fields, are listed on Table A.2. If this modification is approved by the NMED, the Natural Pit Area will be transferred from Table A.1 to Table A.2 and will be identified as approved for NFA. The remaining six subject SWMUs will also be designated as SWMUs/AOCs that have been approved for NFA.

Two (2) of the SWMUs, the Natural Pit Area and the Spin-Off Filter Area, are proposed for NFA by the Permittee on the basis that they were characterized and/or remediated in accordance with current applicable state or federal regulations. The remaining five (5) SWMUs, the Bone Yard Area and the Four Leach Fields, are proposed for NFA on the basis that no release to the environment has occurred nor is likely to occur in the future.

Figure 1. PNM Person Generating Station, Albuquerque, New Mexico

Figure 2. RCRA Facility Boundary

Table 1
SWMUs/AOCs that are Proposed for NFA

| SWMU/AOC | NMED Criterion for NFA Proposal | Discussed in Section |
|----------------------|---------------------------------|----------------------|
| Natural Pit Area | 5 | I.1 |
| Spin-Off Filter Area | 5 | I.2 |
| Bone Yard Area | 3 | I.3 |
| Four Leach Fields | 3 | I.4 |

NFA = No Further Action.
 NMED = New Mexico Environment Department.
 SWMU = Solid Waste Management Unit.
 AOC = Area of Concern.

C. Investigation and Remediation

The NMED has developed NFA criteria that are used during the investigation and remediation (if necessary) of SWMU/AOCs and that are used to determine the appropriateness of proposing NFA for any particular SWMU/AOC. Section I, below, briefly describes the location, history, evaluation of relevant information, and the basis for proposing NFA for each of the 7 SWMU/AOCs.

D. Administrative Record

The Administrative Record for this proposed action consists of the PNM Post-Closure Care Permit modification request, the Fact Sheet/Statement of Basis, this Public Notice, the draft Post-Closure Care Permit that consists of the proposed Tables A.1 and A.2, and the referenced supporting documentation. The Administrative Record may be reviewed at the following location during the public comment period:

NMED – Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
(505) 428-2500
Monday - Friday from 8:00 a.m. to 5:00 p.m.

A copy of the Fact Sheet/Statement of Basis, the Public Notice, and the draft Post-Closure Care Permit that consists of the proposed Tables A.1 and A.2 may be reviewed at the following location during the public comment period:

NMED-District 1 Albuquerque Office
5500 San Antonio NE
Albuquerque, New Mexico 87109
(505) 222-9500
Monday - Friday from 8:00 a.m. to 5:00 p.m.

A copy of the Fact Sheet / Statement of Basis, the Public Notice, and the draft Permit that consists of the proposed Tables A.1 and A.2 are also available on the NMED website at: www.nmenv.state.nm.us/HWB/pnmperm.html. To obtain a copy of the Administrative Record or a portion thereof, in addition to further information please contact Ms. Pam Allen at (505) 428-2531, or at the address given above. NMED will provide copies, or portions thereof, of the administrative record at a cost to the requestor.

E. No Further Action Criteria

NFA is proposed at these SWMU/AOCs based upon one or more of the following: field surveys, historical records, aerial photographs, employee interviews, and/or confirmatory sampling activities that demonstrate either no release or demonstrate no releases of hazardous wastes to the environment that pose unacceptable risk. The criteria to propose a SWMU/AOC for NFA are:

1. The SWMU/AOC cannot be located, does not exist, is a duplicate SWMU/AOC, or is located within—and, therefore, investigated as part of—another SWMU/AOC.
2. The SWMU/AOC has never been used for the management (that is, generation, treatment, storage, or disposal) of RCRA solid or hazardous wastes and/or constituents or CERCLA hazardous substances.
3. No release to the environment has occurred nor is likely to occur in the future. The term “release” includes any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment.
4. There was a release but the site was characterized and/or remediated under another authority that adequately addressed corrective action, and documentation such as a closure letter is available.
5. The SWMU/AOC has been characterized or remediated in accordance with current applicable state and/or federal regulations, and the available data indicate that contaminants pose an acceptable level of risk under current and projected future land use.

Two (2) of the SWMUs, the Natural Pit Area and the Spin-Off Filter Area, are proposed for NFA by the Permittee on the basis that they were characterized and/or remediated in accordance with current applicable state or federal regulations (criterion 5). The remaining five (5) SWMUs, the Bone Yard Area and the Four Leach Fields, are proposed for NFA on the basis that no release to the environment has occurred nor is likely to occur in the future (criterion 3).

F. Public Participation

PNM held a public meeting on April 7, 2003 at the Jack Candelaria Community Center in Albuquerque. Representatives from PNM and NMED attended the meeting. No other members of the public were in attendance. No written comments were submitted by the public during the public comment period for this permit modification request.

NMED issued a public notice on **May 13, 2005**, to announce the beginning of a 45-day comment period that will end at **5:00 p.m., June 27, 2005**. 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 and/or requests received on or before **5:00 p.m., June 27, 2005** 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: PNM Person Generating Station - 7 No Further Action Petitions
e-mail: hazardous_waste_comment@nmenv.state.nm.us

Written comments must be based on the Administrative Record. 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 proposed action, including specific references; and (4) a statement of the issues which such persons propose to raise for consideration at the hearing. Written comment and requests for a public hearing must be filed with Mr. John Kieling on or before **5:00 p.m., June 27, 2005** at NMED Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico, 87505-6303. The NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.

G. Next Steps

The NMED must ensure that the approved final Permit will be consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Permit will become part of the Administrative Record, will be considered in formulating a final decision, and may cause the draft Permit to be modified. NMED will respond in writing to all significant public comment. The response will specify which provisions, if any, of the draft Permit have been changed in the final Permit decision, and the reasons for the change. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments.

The NMED will notify the Permittee, each person on the facility mailing list, and each person who made a public comment of the final decision. The final decision will become effective 30 days after service of the decision unless a later date is specified or a review is requested under the New Mexico Hazardous Waste Management Regulations, 20 New Mexico Administrative Code 4.1, Subpart IX.

H. Contact Person for Additional Information

For additional information, the public may contact the following individual:

Carolyn Cooper
New Mexico Environment Department
c/o DOE Oversight Bureau
P. O. Box 5400/MS 1396
Albuquerque, NM 87185-5400
Email: carolyn_cooper@nmenv.state.nm.us
Telephone: (505) 845-5932
Fax: (505) 845-5853

Mr. John E. Kieling, Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, NM 87505
Telephone: (505) 428-2500
Fax: (505) 428-2567

I. Description of SWMUs/AOCs Proposed for NFA

1. Natural Pit Area

Site Location and History

The Natural Pit Area (NPA) is a natural surface depression with approximate dimensions of 60 feet by 80 feet, which is located in the northern portion of the facility (Figure 3). In the early 1950s through the 1960s, used crankcase oil from employee vehicles was reportedly discharged into the NPA. It is also believed that fuel oil #6 was spilled from an oil tanker truck into the NPA in 1979. The NPA has not been used for disposal since it was identified in 1987.

Oil stained soils were observed during the RCRA Facility Assessment visual inspection conducted by the United States Environmental Protection Agency (EPA) in 1987. Based on this finding, the EPA recommended that further investigation and sampling be conducted at the NPA.

The potential contaminants of concern (COCs) at the Natural Pit Area include RCRA metals, hexavalent chromium, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), total petroleum hydrocarbons (TPH), and polychlorinated biphenyls (PCBs).

Evaluation of Relevant Information

Two major phases of investigation and remediation have been conducted at the site. These activities are discussed below.

Investigation 1—RCRA Field Investigations

In August 1989, soil samples were collected from four (4) boring locations at the NPA to depths of 5 feet. Samples were analyzed for organic compounds (oil and grease, toluene, naphthalene, PCBs, 1,1,1-trichloroethane (TCA), tetrachloroethylene (PCE), and trichloroethylene (TCE)) and heavy metals (arsenic, cadmium, chromium, and lead). The sample results confirmed the presence of the fuel oil contamination that had been observed at two locations within the NPA. Arsenic, chromium, and lead were also detected above background levels in soils from 0 to 2 feet below ground surface (bgs).

A Phase II investigation was conducted in June 1990 to further quantify the elevated metals results identified during the initial sampling. Soil samples were collected from three (3) borings to depths of 10 feet bgs. Samples were analyzed for arsenic, chromium, and lead. The results confirmed the presence of above-background metals concentrations. Because the elevated metals were locally confined to the NPA and were not migrating, the EPA determined that no additional work was required to remediate the site. However, the EPA required PNM to place administrative controls on the site. PNM provided property deed notifications and placed warning signs at the site in 1991.

Figure 3. Natural Pit Area

Investigation 2—Corrective Measures

In late 1991, PNM decided that other opportunities for the Person Generating Station should be pursued, including sale, salvage, reuse, or lease. This decision required that any outstanding environmental issues associated with the NPA be resolved in order to remove the administrative controls that had been placed on the site. PNM implemented two corrective measures in 1995 and 1998, which consisted of excavating approximately 950 cubic yards of contaminated soil from the NPA and transporting it to a permitted off-site disposal facility.

In October 1995, PNM collected pre-excavation soil samples in a grid pattern at 5-foot intervals over an area of 55 feet by 85 feet. The soil samples were analyzed for total chromium, because the EPA had determined that chromium should be used as an indicator of heavy metal contamination at the site. Based on the results of the initial investigation, the action level (cleanup level) for total chromium was established at the background threshold limit of 10.68 mg/kg. Soils exceeding the action level were broadly distributed over the NPA. In addition, there were several “hot spots” which contained chromium at levels greater than 50 times the background level. Consequently, PNM removed 2 feet of soil across the NPA. In March 1996, PNM collected post-excavation samples, the majority of which still exceeded the 10.68 mg/kg action level for chromium. PNM removed an additional 2 feet of soil from the NPA. After the second excavation, chromium levels in the soil ranged from 2 to 91 mg/kg. Soil samples collected from borings drilled to a depth of 10 feet bgs contained less than 10 mg/kg chromium. Soils containing visible fuel oil contamination were removed concurrently with the excavation of the chromium-contaminated soil. Post-excavation sample results for Total Petroleum Hydrocarbons (TPH) ranged from less than 20 to 2000 mg/kg. In February 1998, PNM collected and analyzed five additional samples for total and hexavalent chromium. Two of the samples contained total chromium concentrations above the action level. Hexavalent chromium was not detected in any of the samples.

In August 1998, the soil cleanup level for the NPA was revised with the establishment of a risk-based standard for total chromium of 210 mg/kg, which is derived from the EPA’s Soil Screening Levels (SSLs). NMED agreed to use this action level for the NPA, as it is consistent with the EPA’s soil screening guidance for protecting human health and the environment based on a residential risk exposure scenario. Further action or investigation is typically not warranted at sites where contaminant concentrations are lower than the SSLs.

An additional two feet of soil were excavated from the NPA in May through June 1998. Post-excavation soil samples were collected at 5-foot intervals across a 50-foot by 85-foot grid that encompassed the entire NPA. The soil samples were analyzed for total chromium and contained concentrations ranging from 3 to 280 mg/kg. In September 1998, an additional 30 cubic yards of soil was removed from the two “hot spots” that exceeded the 210 mg/kg standard. Ten samples were collected from the “hot spot” excavation area, with results ranging from 3 to 160 mg/kg total chromium and an average concentration of 15.3 mg/kg. One sample had a detectable hexavalent chromium concentration of 2.2 mg/kg.

Additional fuel oil-contaminated soils located southwest of the NPA were excavated until all visible contamination was removed. Six post-excavation samples were collected and analyzed for TPH. The results ranged from less than 20 to 390 mg/kg, with an average concentration of 149 mg/kg. An additional one-foot layer of soil was removed from this area, because the

average TPH value still exceeded the 100 mg/kg action level. In September 1998, five post-excavation samples were collected. TPH was detected at concentrations ranging from less than 20 to 130 mg/kg with an average value of 53 mg/kg.

The post-excavation results indicated that the chromium and TPH concentrations in the soils remaining in the NPA are less than the total chromium and TPH standards. With the excavation and off-site disposal of contaminated soils, it is unlikely that a future release from the NPA will occur. In November 1998, PNM submitted the final closure report for the NPA. NMED approved the closure report on May 8, 2000.

Basis for Determination

The Natural Pit Area has been characterized or remediated in accordance with current applicable state and/or federal regulations, and the available data indicate that contaminants pose an acceptable level of risk under current and projected future land use.

2. Spin-Off Filter Area

Site Location and History

The Spin-Off Filter Area is the location where used oil filters from employee vehicles were discarded. The area is located adjacent to the east side of the Natural Pit Area (NPA) (Figure 4). Although various filters were observed during the EPA's visual inspection in 1987, no visual surface staining or releases were noted by the EPA at that time. The EPA indicated that no further action was needed at the Spin-Off Filter Area, based on the findings of the RCRA Facility Assessment.

The final disposal location of all the oil filters is unknown. Some filters were disposed with the petroleum-contaminated soil that was excavated from the site and the adjacent NPA. Other filters were disposed in on-site solid waste collection bins, consistent with regulations at the time.

The potential contaminants of concern (COCs) at the Spin-Off Filter Area include RCRA metals, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), and total petroleum hydrocarbons (TPH).

Evaluation of Relevant Information

Because the Spin-Off Filter Area is located adjacent to the NPA, soil within the area that was visibly contaminated with petroleum hydrocarbons was removed and transported to an off-site disposal facility during the corrective measures that were implemented at the NPA during 1995 and 1998. Final post-excavation confirmatory sampling for Total Petroleum Hydrocarbons (TPH) at the NPA in September 1998 encompassed the Spin-Off Filter Area. All TPH results from this area were below the 100 mg/kg action level.

Figure 4. Spin-Off Filter Area

The post-excavation results indicated that the TPH concentration in the soils remaining in the Spin-Off Filter Area is less than the TPH standard. With the excavation and off-site disposal of potentially contaminated soils, it is unlikely that a future release from the Spin-Off Filter Area will occur.

In September 2003, NMED required PNM to sample the soil in the Spin-Off Filter Area for VOCs, SVOCs, and RCRA metals. Low concentrations of arsenic, barium, chromium, and lead were detected. No VOCs or SVOCs were detected in the soil.

Basis for Determination

The Spin-Off Filter Area has been characterized or remediated in accordance with current applicable state and/or federal regulations, and the available data indicate that contaminants pose an acceptable level of risk under current and projected future land use.

3. Bone Yard Area

Site Location and History

The Bone Yard Area is located east of the Natural Pit Area and the Spin-Off Filter Area (Figure 5). The Bone Yard Area was used to store scrap metal, piping, equipment, and other components. No evidence of a release was noted during the EPA's 1987 RCRA Facility Assessment and visual inspection of the site. Consequently, the EPA determined that no further action for the Bone Yard Area was required.

Evaluation of Relevant Information

Extensive earthwork has been conducted in the Bone Yard Area. The area was also disturbed during the installation of treated groundwater transfer pipelines. No evidence of a hazardous waste or hazardous waste constituent release to the environment was discovered during these construction activities. In addition, there is no knowledge or evidence of any solvent use or solvent storage in the Bone Yard Area. Consequently, no soil sampling has been required or conducted in this area.

Basis for Determination

No release to the environment has occurred nor is likely to occur in the future from the Bone Yard Area.

4. Four Leach Fields

Site Location and History

Leach Fields 1, 2, and 3 are located on the south side of the facility, west of the power operations building. Leach Field 4 is located in the northern part of the facility, south of the Natural Pit Area (Figure 6). The leach fields were used between 1952 and 1987 for percolation of treated domestic sanitary sewage. All of the leach fields have been taken out of service. Leach Fields 1, 2, and 3 have been covered by a parking lot.

No evidence of a release was noted during the EPA's RCRA Facility Assessment and visual inspection of the site in 1987. Consequently, the EPA indicated that no further action was required at the Four Leach Fields.

The potential contaminants of concern (COCs) at the Four Leach Fields include RCRA metals, volatile organic compounds (VOCs), and semivolatile organic compounds (SVOCs).

Evaluation of Relevant Information

Extensive earthwork has been conducted near the leach fields to partially demolish the power plant and construct the Delta-Person Generating Station. No evidence of a hazardous waste or hazardous waste constituent release to the environment was discovered during the construction activities. Because the leach fields received treated domestic sanitary wastewater and there is no evidence that a release has occurred, it is unlikely that a future release will occur.

In September 2003, NMED required PNM to sample and analyze the soil beneath the Four Leach Fields for VOCs, SVOCs, and RCRA metals. In November 2003, PNM drilled 12 borings to depths ranging from 4 to 9 feet bgs in Leach Fields 1, 2, and 4. PNM did not collect any samples from Leach Field 3, because it was discovered that this leach field was not associated with the Person Generating Station, but rather with the adjacent PNM power operations office building. One soil sample was collected from each boring at the approximate base of the leach field. Low concentrations of arsenic, barium, chromium, and lead were detected in the soil samples. No VOCs or SVOCs were detected in the soil.

Basis for Determination

No release to the environment has occurred nor is likely to occur in the future from the Four Leach Fields.

Figure 5. Bone Yard Area

Figure 6. Four Leach Fields