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PNM
2401 Aztec Road NE
MS-Z110
Albuquerque, NM 87107
Fax 505 241-4306
www.pnm.com

June 28, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Kieling
RCRA Permits Program Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building I
Santa Fe, NM 87505



*A personal commitment
to New Mexico*

RE: Person Generating Station (NMT 360010342-1) – Request for Determination of Permit Modification Classification and Withdrawal of Class I Permit Modification Request

Dear Mr. Kieling:

Public Service Company of New Mexico (PNM) intends to request modification of its existing Resource Conservation and Recovery Act Post-Closure Care Permit (NMT360010342) for the Person Generating Station. The permit modification request will propose three separate changes to the existing permit. In order to expedite the permit modification process, PNM intends to combine the three proposed changes into one permit modification request. Consequently, PNM is requesting that the Hazardous Waste Bureau (HWB) determine the class of modification for these combined proposed changes.

A Class I permit modification request was submitted to you in a letter dated May 25, 2006. PNM intends to combine this permit modification request with the other two proposed changes to the permit. Therefore, PNM is withdrawing the Class I permit modification request.

The three proposed changes and relevant permit sections are described below.

IV.A.1.c Corrective Action for Soil

PNM will request that the post-closure care period for the soil impacted by the release of hazardous constituents from the dry well be shortened, thereby allowing for the removal of the final cover (RCRA cap) as referenced in Section IV.A.1.c of the permit. Removal of the RCRA cap would make this and adjacent areas available for future development.

This request is a follow up to a letter dated September 15, 2003, that was sent to Mr. Rob Warder, formerly of your office. That letter and accompanying report documented the attainment of soil remediation standards as specified in the permit.

Mr. David Mayerson of your office has indicated in recent discussions with PNM that although language in the current permit indicates that the Corrective Action Program for the impacted soil can be terminated if soil remediation standards have been attained, the HWB will be unable to comply with that permit condition. However, Mr. Mayerson has indicated that the HWB is agreeable to shortening the post-closure care period for the soil, which would allow for removal of the RCRA cap.

Given that the current language in the permit does indicate that termination of the Corrective Action Program for the soil is permissible, PNM suggests that revised language for this section be developed by the HWB.

IV.A.2 Corrective Action for Groundwater

PNM will request that specific monitoring wells and extraction wells be removed from the groundwater monitoring program as referenced in Section IV.A.2 of the permit.

The monitoring wells and extraction wells that are proposed to be removed no longer serve a useful purpose as a result of the significant decrease in size of the groundwater contaminant plume. That is, these wells have shown no evidence of groundwater contamination, or have shown very low contaminant concentrations for a relatively long period. Removal of these wells from the current permit would significantly reduce PNM's project costs and administrative burden.

The current permit does not specifically identify monitoring wells with the exception of the Point of Compliance well, PSMW-1R (no changes are proposed for this well). Monitoring well locations, monitoring functions, etc. are incorporated into the permit by reference to the permit renewal application document dated March 1998.

Consequently, PNM suggests that revised language for this section be developed by the HWB.

IV.A.2.a.iv.(f) Sampling and Analysis Procedures

PNM will request that the laboratory analytical method referenced in Section IV.A.2.a.iv.(f) of the permit be changed from U.S. EPA Method 8021B to U.S. EPA Method 8260B.

The purpose of this proposed change is to use a more current laboratory analytical method for the analyses of certain volatile organic compounds in water samples collected from the monitoring wells and extraction wells as required in the permit. Laboratory detection limits for the monitored parameters will remain the same or lower with the change to EPA Method 8260B.

The current permit does not specifically identify the analytical method used for the analysis of aqueous samples collected from the monitoring wells and extraction wells. The method currently in use, EPA Method 8021, is incorporated by reference to the permit renewal application document dated March 1998.

Consequently, PNM suggests that revised language for this section be developed by the HWB.

If you have any questions, please contact John Hale of my staff at (505) 241-2014.

Sincerely,



Matt Lavery
Director, Participant Services

Cc: David Mayerson
New Mexico Environment Department
Hazardous Waste Bureau
5500 San Antonio NE
Albuquerque, NM 87109