



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202 - 2733**

ENTERED

JAN 18 2013

Mr. John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303



RE: United States Environmental Protection Agency (EPA) Region 6 Review of the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Post-Closure Care Permit for Public Service Company of New Mexico; EPA ID NMT360010342

Dear Mr. Kieling:

We have completed our review of the final post-closure care permit for the facility referenced above and have no additional comments. The purpose of this letter is to document our review process while providing oversight for hazardous waste permitting.

Our review was initiated by obtaining the following documents: the Part A and B Permit Renewal Application, the Final Permit, NODs, public comments and response to comments, along with other pertinent information related to the application/permit. Overall, the application submitted by the facility addressed the 40 CFR requirements. The permit is well written and includes supporting documentation covering the permitted unit and corrective action requirements.

If you have any questions regarding this letter, please contact Gary Miller of my staff at (214) 665-8306.

Sincerely,

for Kishor Fruitwala, Ph.D., P.E.
Chief, Facilities Assessment Section
Multimedia Planning and
Permitting Division

Attachment

cc: Randall Rush, 6PD-O

Oversight Checklist for Post-Closure Permits

Public Service Company of New Mexico (PNM) Persons Generating Station, Bernalillo County, EPA ID No. NMT360010342, HWB-PNB-07-002, effective 10/06/2012 NMED Contact Brian Salem

Performance Standards	Y/N	Comments
1. Permit conditions are consistent with the authorized state program and the intent of the regulations regarding level of control, containment, cleanup or protection.	Y	The permit establishes the general and specific standards for activities required pursuant to the New Mexico Hazardous Waste Management Regulations. The permit includes general facility conditions, which includes record keeping and reporting. The permit outlines the corrective action and Post-Closure Care for the Unlined Well, regulated unit.
2. Permit conditions are clear, understandable and enforceable.	Y	The permit follows acceptable standards for permitting.
3. Proper documentation and an administrative record are maintained.	Y	The administrative record of this permit will be kept by permit personnel.
4. Post-closure care, monitoring and maintenance controls are provided.	Y	The post-closure care, monitoring and maintenance outlined in the permit are understandable. Groundwater monitoring and extraction well network and sampling schedule are in Table 3-3.
5. Controls address: enforceability	Y	The permittee shall conduct corrective action for SWMUs and AOCs. Attachment C, Tables C1-3 list SWMUs and/or AOCs which corrective action is required, corrective action is complete with controls and corrective action is complete without controls and that do not require monitoring.
6. Controls address: compliance schedules.	Y	The compliance schedule is provided Permit Attachment F.
7. Controls address: soil and groundwater monitoring requirements.	Y	The permittee shall monitor groundwater at wells listed in Table 3-2. Guidelines for soil sampling is outlined in Section 4.10.2.4
8. Controls address: review of cost estimates and financial assurance instruments to assure they accurately reflect closure and post-closure costs and are sufficient to cover cost estimates.	Y	The permit describes that the permittee shall demonstrate continuous compliance with financial assurance requirements by providing documentation of financial assurance. The post-closure care cost estimate, \$45,110, associated with implementation of corrective actions is separately revised and submitted to NMED on an annual basis. The 2008 was adjusted accordingly to reflect completion of the corrective actions. The In addition, the permittee carries liability insurance to cover sudden and non-sudden accidental occurrences with coverage limits of \$4,000,000 (each occurrence) and \$8,000,000 (annual

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		aggregate).
9. Public participation requirements are met.	Y	Public comment period was November 30, 2011 to January 29, 2012. Comments were received and NMED responded to them. This information is included.
10. Describe the closed units including general information on post-closure requirements. Verify that all units described in the application are included in the permit.	Y	The Unlined Well last received waste in October 1983. The unit meets the definition of a landfill.
11. Verify RCRA Info data is up to date	Y	Final Determination-RCRA Permit date September 6, 2012. Final Permit date October 6, 2012. Permit Expiration date October 6, 2022.