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<u>Ad Type</u>	APC Legal-Multi-Col	<u>Sort Text</u>	PUBLICNOTICENO1503NEWMEXICOE NVIRONMENTDEPARTMENTHAZARDO
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PUBLIC NOTICE No. 15-03

NEW MEXICO ENVIRONMENT DEPARTMENT
 HAZARDOUS WASTE BUREAU
 SANTA FE, NEW MEXICO
 May 20, 2015

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON A PROPOSAL FOR DETERMINATION OF CORRECTIVE ACTION COMPLETE WITH CONTROLS STATUS FOR THE MIXED WASTE LANDFILL, SANDIA NATIONAL LABORATORIES EPA ID No. NM5890110518

The New Mexico Environment Department (Department) issues this public notice of a public hearing, and the opportunity for the public to provide comment, on a pending action before the Secretary of the Environment Department regarding Sandia National Laboratories (SNL or the Facility). Specifically, the Department intends to approve corrective action complete (CAC) with controls status for the Mixed Waste Landfill (MWL).

SNL is a multi-purpose engineering and science laboratory owned by the U.S. Department of Energy (DOE) and operated by Sandia Corporation (a subsidiary of Lockheed Martin, Inc.). The Facility is located within the boundaries of Kirtland Air Force Base (KAFB) on land owned by the DOE, the U. S. Department of Defense, and the U. S. Forest Service (USFS). Collectively, these lands are situated south of Albuquerque in north-central New Mexico. SNL is divided into five smaller geographical areas known as technical areas (TAs) and several large remote test areas (Foothills Test Area, Central Coyote Test Area, Southwest Test Area, and Canyons Test Area). The Facility occupies 2,820 acres (4.4 square miles).

SNL generates hazardous and mixed wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (NMSA 1978, §§ 74-4-1 to -14 or HWIA), and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC or HWMR). Mixed waste is radioactive waste that is also a hazardous waste as defined by the HWA. The Facility operates under a RCRA Permit issued by the Department on January 27, 2015, which authorizes the management, treatment and storage of hazardous and mixed waste at the Facility. The DOE and Sandia Corporation are collectively refer-

red to as fr nitees*.

Under the authority of the HWA and the HWMR, the Department may approve, approve as modified, or deny hazardous waste permits, permit modifications, closure plans and amendments. Pursuant to this authority, the Department intends, pending public input, to approve corrective action complete (CAC) with controls status for the MWL, also known as Solid Waste Management Unit (SWMU) 76, located in SNL's Technical Area III.

The MWL was opened as the "TA-3 low-level radioactive waste dump" in March 1959. Low-level radioactive waste and mixed waste from SNL research facilities and off-site generators were deposited in the landfill from March 1959 to December 1968. Corrective action at the landfill was conducted pursuant to an April 29, 2004 Compliance Order on Consent. Following an opportunity for the public to provide comment and a public hearing, a final remedy was selected by the Department in a Final Order of May 26, 2005. A CAC with controls determination indicates that the Permittees have completed implementation of the remedy, while requiring that monitoring, control, and maintenance activities at the MWL continue indefinitely.

The administrative offices of SNL are located at the following mailing addresses: Sandia Corporation, 1515 Eubank Boulevard SE, Albuquerque, New Mexico, 87123; and the DOE Sandia Site Office at KAFB-East, Pennsylvania & H Street, Albuquerque, New Mexico 87116. The Permittees' primary contact and address for this action is: Mr. David Rast, NNSA/Sandia Site Office, DOE, Post Office Box 5480, Albuquerque, New Mexico 87185.

1. NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

The Permittees requested CAC with controls status for the MWL via a Class 3 modification request on October 17, 2014. The Department initiated a 60-day public comment period on January 12, 2015, and granted an extension until April 13, 2015, for a total of 91 days. Comments were received from the public that for a variety of reasons opposed granting CAC with controls status for the MWL. The Department, in conjunction with the Permittees and other interested persons, attempted to resolve the issues giving rise to the opposition on the CAC proposal for the MWL, as required by the HWMR. However, not all opposition could be resolved.

Through this notice the Department announces a public hearing to accept additional public comments and provide persons a reasonable opportunity to present testimony, as well as to examine witnesses on the CAC proposal prior to issuance of a final decision. See II. Public Hearing, below, which addresses the public hearing and submission of public comment on this action.

II. PUBLIC HEARING

The public hearing on the CAC proposal will begin Wednesday, July 8, 2015 at 9:00 AM MDT and continue as necessary. The public hearing will provide interested persons a reasonable opportunity to present data, views, arguments, to examine witnesses, and will afford an opportunity for all persons to present comments. The public hearing will be held at the Anderson Abruzzo Albuquerque International Balloon Museum located at 9201 Balloon Museum Drive NE, Albuquerque, NM 87113, in Pugash Hall. The hearing will be conducted in accordance with the HWMR, 20.4.1.901.F NMAC, the Department Permit Procedures, 20.1.4 NMAC, and any scheduling and procedural orders as may be entered by the Hearing Officer.

Any person, including the Permittees, wishing to submit written public comment or present oral public comment at the public hearing for Department's consideration, shall do so according to the procedures set forth below. The public comment period continues through the close of the public hearing.

A. WRITTEN PUBLIC COMMENT

The Department will accept written public comments on the CAC proposal. Written comments shall be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the Administrative Record need not be re-submitted if expressly referenced by the commenter. Written comments must be filed with the Hearing Clerk on or before the close of the public hearing at the New Mexico Environment Department, Room S-2100, 1190 S. St. Francis Drive, P.O. Box 5469, Santa Fe, NM, 87502-5469. Written public comments may also be submitted at the public hearing.

B. TECHNICAL TESTIMONY AND ORAL PUBLIC COMMENTS

At the public hearing, the Department will accept technical testimony and non-technical oral comments. The Hearing Officer may set reasonable limits on the time allowed for technical testimony and oral comments. Technical testimony and oral comments on the CAC proposal shall be accepted at the public hearing, in accordance with Department regulations, as set forth below:

1. **Technical Written Statements and Oral Testimony:** Any person who intends to provide a technical written statement or technical oral testimony concerning this action shall file a Statement of Intent to Present Technical Testimony on or before June 15, 2015 with the Hearing Clerk at the address provided above.

(a) **Content of Statement of Intent:** The Statement of Intent to Present Technical Testimony shall:

(i) identify the person filing the statement;

(ii) state whether the person filing the statement supports or opposes the CAC proposal;

(iii) identify each witness, including name, address, affiliation(s), and educational and work background;

(iv) estimate the length of the direct testimony of each witness;

(v) identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;

(vi) list or make available all technical materials relied upon by each witness in making a statement of technical fact or opinion contained in his or her direct testimony; and

(vii) attach the complete direct testimony of each witness in full narrative fashion. Although not required in the Statement of Intent, full rebuttal testimony of each witness shall be filed on or before June 30, 2015.

2. **Effect of Failure to File:** Failure to file a timely Statement of Intent to Present Technical Testimony meeting the requirements above, pursuant to 20.1.4.300.B NMAC, shall preclude a person from presenting technical testimony, and if the person has not filed a timely Entry of Appearance, pursuant to 20.1.4.300.A NMAC, from being a party in the proceeding, but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

3. **General Written and Oral Statements; Non-Technical Testimony:** Any person may provide a general written statement concerning the CAC proposal at or before the hearing. Any person may provide a general oral statement or non-technical testimony concerning the CAC proposal at the hearing. Such oral statements will be heard from 12:00 - 1:00 PM on July 8 and July 9, 2015, and at 5:00 PM on July 8, 2015, provided that all persons wishing to make oral statement sign in no later than 5:30 PM.

PROCEDURES FOR GRANTING CAC STATUS

The Department must ensure that the final decision is consistent with the HWMR (20.4.1 NMAC). All comments submitted on the CAC proposal will be considered in formulating a decision on granting CAC status, and may cause the CAC proposal to be modified or rejected.

The Department will respond in writing to all public comments received in accordance with Item II.A above. The response will specify whether the MWL has been approved or approved with modifications for CAC with controls status, and the basis for rejection, if not approved. All persons presenting written comments or who requested notification in writing, and the Permittees, will be notified of the Department's decision by mail. The

response will be posted on the Department's website.

The Secretary of the Department or his designee will make the final decision on the CAC proposal publicly available, and will notify the Permittees by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

ADDITIONAL INFORMATION

Any person seeking additional information regarding this action, or who would like to arrange for review of the Administrative Record, may contact Mr. David Conrath at the Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505, (505) 478-6000. A copy of the index to the Administrative Record, and this Public Notice are also available on the Department website at: <http://www.nmenv.state.nm.us/HWB/snipeim.html> under Mixed Waste Landfill. The Department will provide copies, or portions thereof, of the

Administrative Record at a cost to the requestor in accordance with Department policy.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability and requiring assistance or auxiliary aid to participate in this process should contact J.C. Borrego, NMED, Room S-4303, P.O. Box 6469, 1193 St. Francis Drive, Santa Fe, New Mexico, 87502-6110. TDD or TDY users please access Mr. Borrego's number via the New Mexico Relay Network at 1-800-659-8331.

Journal: May 20, 2015

ALBUQUERQUE JOURNAL

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COMPANY: NMED

FAX#: 505-416-6030

RE: Legal Proof

FROM: Christina

TOTAL NUMBER
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DATE: 5/18/15

MESSAGE: 2nd page is cost. ~~3rd~~ 5th pages are
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AVISO PÚBLICO NÚM. 16-03

DEPARTAMENTO DEL MEDIO AMBIENTE DE NUEVO MÉXICO
OFICINA DE RESIDUOS PELIGROSOS
SANTA FE, NUEVO MÉXICO
20 de mayo de 2015

AVISO DE AUDIENCIA PÚBLICA Y OPORTUNIDAD PARA PRESENTAR COMENTARIOS SOBRE UNA PROPUESTA DE DETERMINACIÓN DE ESTADO DE ACCIÓN CORRECTIVA COMPLETA CON CONTROLES PARA EL RELLENO SANITARIO DE RESIDUOS MIXTOS DE LOS LABORATORIOS NACIONALES SANDIA NÚM. DE IDENTIFICACIÓN DE EPA NM5890110518

El Departamento del Medio Ambiente de Nuevo México (Departamento) proporciona este aviso público de audiencia pública y oportunidad para que el público presente comentarios acerca de una acción pendiente ante el Secretario del Departamento del Medio Ambiente, relativa a los Laboratorios Nacionales Sandia (SNL, por su sigla en inglés o las Instalaciones). Específicamente, el Departamento tiene la intención de aprobar el estado de acción correctiva completa (CAC) con controles para el Relleno Sanitario de Residuos Mixtos (MWL).

SNL es un laboratorio de ingeniería y ciencias para múltiples propósitos que pertenece al Departamento de Energía de los Estados Unidos (DOE) y que está administrado por Sandia Corporation (una dependencia de Lockheed Martin, Inc.). Estas Instalaciones están ubicadas dentro de los límites de la Base de la Fuerza Aérea Kirtland (KAFB), en un terreno que pertenece al DOE, al Departamento de Defensa de Estados Unidos y al Servicio Forestal de Estados Unidos (USFS). Colectivamente, estos terrenos están situados al sur de Albuquerque en la zona central norte de Nuevo México. SNL está dividido en cinco áreas geográficas más pequeñas conocidas como áreas técnicas (TA) y varias áreas mayores para pruebas remotas (Área de Pruebas Foothills, Área de Pruebas Central Coyote, Área de Pruebas Southwest y Área de Pruebas Canyons). Las Instalaciones ocupan 2,820 acres (4.4 millas cuadradas).

SNL genera residuos peligrosos y mixtos que están regulados por la Ley Federal de Recuperación y Conservación de Recursos (RCRA), la Ley de Nuevo México para Residuos Peligrosos (NMSA 1978, §§ 74-4-1 a 14 o HWA) y el Reglamento de Nuevo México para Residuos Peligrosos (20.4.1 NMAR o HWMR). Residuos mixtos son residuos radioactivos que también son residuos peligrosos según lo definido por la HWA. Las Instalaciones funcionan bajo un permiso según la ley RCRA, emitido por el Departamento el 27 de enero de 2015, el cual autoriza el manejo, el tratamiento y el almacenamiento de residuos peligrosos y residuos mixtos en las Instalaciones. Colectivamente, DOE y Sandia Corporation se denominan los "Permisarios".

Conforme a la autoridad otorgada según HWA y HWMR, el Departamento podrá aprobar, aprobar según se modifique o negar permisos para residuos peligrosos, modificaciones de permisos, planes de cierre y ampliaciones. De acuerdo con esta autoridad, el Departamento intenta, en espera de los comentarios del público, aprobar el estado de acción correctiva completa (CAC) con controles para el MWL, también conocido como Unidad de Gestión de Residuos Sólidos (SWMU) 76, ubicado en el Área Técnica III de SNL.

El MWL inició sus operaciones como "verdadero TA-3 para residuos de bajo nivel radioactivo" en marzo de 1959. Desde marzo de 1959 hasta diciembre 1988, en el relleno sanitario se depositaron residuos de bajo nivel radioactivo y residuos mixtos provenientes de instalaciones de investigación de SNL y de generadores externos. La acción correctiva en el relleno sanitario se llevó a cabo conforme a una Orden de Cumplimiento en Consentimiento del 29 de abril de 2004. Luego de una oportunidad brindada al público para ofrecer comentarios y de una audiencia pública, el Departamento seleccionó una solución final en una Orden Final del 26 de mayo de 2005. La determinación del estado de CAC con controles indica que los Permisarios han terminado de implementar la solución, además de requerir que las actividades de monitoreo, control y mantenimiento en el MWL continúen indefinidamente.

Las oficinas administrativas de SNL están ubicadas en las siguientes direcciones postales: Sandia Corporation, 1516 Eubank Boulevard SE, Albuquerque, New Mexico, 87123; y la Oficina Local de Sandia del DOE en KAFB-Este, Pennsylvania y H Street, Albuquerque, New Mexico 87118. Información y dirección de contacto con el Permisario para esta acción: Mr. David Raat, NNSA/Sandia Site Office, DOE, Post Office Box 5400, Albuquerque, New Mexico 87185.

I. AVISO DE AUDIENCIA PÚBLICA Y OPORTUNIDAD DE COMENTAR

Los Permisarios solicitaron el estado de CAC con controles para el MWL por medio de un pedido de modificación Clase 3 el 17 de octubre de 2014. El 12 de enero de 2015, el Departamento inició un período de 60 días para la presentación de comentarios del público, y otorgó una extensión hasta el 13 de abril de 2015, por un total de 81 días. Se recibieron comentarios del público que, por una variedad de motivos, se oponían al otorgamiento del estado de CAC con controles para el MWL. El Departamento, en forma conjunta con los Permisarios y otras personas interesadas, intentó resolver los asuntos que dieran lugar a la oposición a la

desean hacer declaraciones orales se registren antes de las 5:30 de la tarde.

PROCEDIMIENTOS PARA QUE SE OTORQUE EL ESTADO DE CAC

El Departamento debe garantizar que la decisión final sea congruente con el reglamento HWMR (20.4.1 NMAC). Se considerarán todos los comentarios presentados sobre la propuesta de CAC para tomar la decisión con respecto a otorgar el estado de CAC, y esto podrá tener como resultado que la propuesta de CAC sea modificada o rechazada.

El Departamento responderá a todos los comentarios públicos recibidos conforme al Punto II.A antes mencionado. La respuesta especificará si el MWL ha sido aprobado o aprobado con modificaciones para el estado de CAC con controles, y el fundamento del rechazo en caso de no ser aprobado. Todos aquellos que presenten comentarios escritos o que hayan solicitado notificación por escrito, y los Permisarios, serán notificados por correo sobre la decisión del Departamento. La respuesta también será publicada en el sitio web del Departamento.

El Secretario del Departamento, o la persona designada, pondrá a disposición del público la decisión final sobre la propuesta de CAC, y notificará a los Permisarios por correo certificado. La decisión del Secretario constituirá la decisión final del departamento y podrá apelarse conforme a la ley HWA.

INFORMACIÓN ADICIONAL

Los interesados en obtener más información sobre esta acción, o que desean concertar una cita para examinar el Registro Administrativo, podrán hacerlo por medio del señor David Coltrán en la Oficina de Residuos Peligrosos: Hazardous Waste Bureau, 2905 Rodao Park Drive East, Building 1, Santa Fe, New Mexico 87505, (505) 476-8000. También los interesados podrán encontrar una copia del índice para el Registro Administrativo y este Aviso Público en el sitio web del Departamento: <http://www.nmenv.state.nm.us/HWB/niperm.html> bajo el título Mixed Waste Landfill. El Departamento proporcionará copias del Registro Administrativo, o partes del mismo, a quien las solicite mediante el pago de una tarifa conforme a la política del Departamento.

ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

Aquellas personas con discapacidades y que necesiten asistencia o ayuda audilar para participar en este proceso deberán comunicarse con J.C. Borrego, NMED, Room S-4303, P.O. Box 5489, 1100 St. Francis Drive, Santa Fe, NM 87502-6110, los usuarios de TDD y TDY podrán acceder al número del señor Borrego por medio de New Mexico Relay Network al 1-800-659-8331.

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