



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

December 29, 2005

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE
A CLASS 3 PERMIT MODIFICATION TO RCRA PERMIT FOR PHILIPS
SEMICONDUCTORS, INC.**

Dear Interested Citizen:

Enclosed is a **Public Notice** regarding the intent to approve a proposed Class 3 permit modification to the Philips Semiconductors' (**Permittee**) Resource Conservation and Recovery Act Permit. The Permittee is located at the following address: Philips Semiconductors, Inc.; 9201 Pan American Freeway, NE; Albuquerque, NM; 87111.

The enclosed Public Notice provides locations where the administrative record, including the 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 **February 13, 2006**.

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

Mr. William McDonald
New Mexico Environment Department
c/o Sandia National Laboratories
P. O. Box 5800/MS 1089
Albuquerque, NM 87185
E-mail: wsmcdon@sandia.gov
Telephone: (505) 284-5409
Fax: (505) 284-2616

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

Sincerely,

John E. Kieling
Manager
Permits Management Program



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PUBLIC NOTICE NO. 05-21

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico
December 29, 2005

**NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE A PERMIT
MODIFICATION TO THE PHILIPS SEMICONDUCTORS' RCRA PERMIT**

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 to the RCRA permit issued to Philips Semiconductors (Permittee), New Mexico, EPA ID# NMD000709782.

Philips Semiconductors (PSC) is located in Albuquerque, Bernalillo County, New Mexico. The facility covers 62 acres on a high, arid mesa approximately 3 miles east of the Rio Grande. Much of the facility sits atop the former Coronado Municipal Landfill, a sanitary landfill operated by the City of Albuquerque from 1963 until 1965; landfill disposal records were not kept. PSC purchased the site in 1980, obtained a hazardous waste permit in 1986. PSC manufactured computer chips until operations ceased in 2004.

SWMU #8 is the disturbed area of the former Coronado Municipal Landfill (CML) underlying the PSC facility. SWMU #8 covers approximately 60 acres in Township 11 North, Range 3 East, Section 12 of the Alameda Quadrangle and is bordered on the east by Interstate 25, to the north by Balloon Fiesta Parkway, to the south by Modesto Avenue, and to the west by San Mateo Boulevard. Current land use is industrial and commercial.

A Resource Conservation and Recovery Act (RCRA) Part B operating permit was issued to PSC in April 1986 and renewed on March 18, 1996. As a result of the facility's operations and from approximately 1986 to 2004, PSC has generated, treated, stored, disposed of, and otherwise handled solid wastes, hazardous wastes, and hazardous waste constituents.

The Permittee is located at the following address: Philips Semiconductors, Inc., 9201 Pan American Freeway, NE, Albuquerque, NM, 87111. The Permittee's primary contact for the action is: Mr. Robert Sanders. If approved, the proposed modification would grant No-Further-Action (NFA) status for one (1) SWMU. The HSWA Module of PSC's RCRA Permit describes SWMUs where corrective action may be necessary to characterize and/or remediate past releases of hazardous wastes or hazardous waste constituents: SWMU #8 is the only SWMU listed in the HSWA Module of PSC's RCRA Permit. If PSC's request for a permit modification is approved by NMED, SWMU #8, former Coronado Municipal Landfill, will be approved for no further action and PSC's HSWA Module will be terminated.

SWMU #8, the former Coronado Municipal Landfill, is proposed for NFA by the Permittee on the basis that the SWMU 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.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

The Administrative Record for this proposed action consists of the PSC Permit Modification Request, Fact Sheet/Statement of Basis, this Public Notice, 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.

The PSC Permit Modification Request, the Fact Sheet / Statement of Basis, and the Public Notice may be reviewed at the following locations 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 and the Public Notice are also available on the NMED website at: www.nmenv.state.nm.us/HWB/pscperm.html under No Further Action. 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 **December 29, 2005**, to announce the beginning of a 45-day comment period that will end at **5:00 p.m., Monday, February 13, 2006**. 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., February 13, 2006**, 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
Or via e-mail: john.kieling@state.nm.us
Ref: Philips Semiconductors – NFA (December 28, 2005)

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 proposes 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., February 13, 2006**. The NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

All written comments submitted on the draft Permit will become part of the administrative record and will be considered in formulating a final decision. NMED will respond in writing to all significant public comment. 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 terminate, or modify and issue, the Permit. If NMED modifies and issues the Permit, the Permittee shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final 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 that provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

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.