



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

***Hazardous Waste Bureau***

**2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)**



DAVE MARTIN  
Secretary

BUTCH TONGATE  
Deputy Secretary

November 30, 2011

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR PUBLIC SERVICE COMPANY OF NEW MEXICO, PERSON GENERATING STATION**

Dear Interested Person:

Enclosed is a **Public Notice** regarding the draft Hazardous Waste Permit for Public Service Company of New Mexico (PNM). PNM owns and operates the Person Generating Station; a closed electricity generating station. Person Generating Station is located in Bernalillo County, New Mexico in the south valley of Albuquerque, NM, northeast of the intersection of Rio Bravo Boulevard and Broadway Boulevard; approximately one mile east of the Rio Grande River. Person Generating Station is located at the following mailing address: PNM Resources, Alvarado Square, Albuquerque, NM 87158-2104. The primary contact at the PNM for this action is: Mr. John Hale.

The enclosed Public Notice provides the location where the Administrative Record, including the draft Permit, the Public Notice, the Fact Sheet, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. Comments and requests for public hearing must be received no later than **5:00 p.m. MST, January 30, 2012.**

Any person seeking additional information regarding this notice may contact:

Mr. John E. Kieling, Acting Chief  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505

Email: [john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)  
Telephone: (505) 476-6000  
Fax: (505) 476-6030

Sincerely,

A handwritten signature in black ink that reads "John E. Kieling".

John E. Kieling  
Acting Bureau Chief  
Hazardous Waste Bureau



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DAVE MARTIN  
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Deputy Secretary

### **PUBLIC NOTICE No. 11-07**

### **NEW MEXICO ENVIRONMENT DEPARTMENT HAZARDOUS WASTE BUREAU SANTA FE, NEW MEXICO November 30, 2011**

### **NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A DRAFT POST-CLOSURE CARE HAZARDOUS WASTE PERMIT FOR PUBLIC SERVICE COMPANY OF NEW MEXICO PERSON GENERATING STATION, EPA ID NUMBER: NMT 360010342**

The New Mexico Environment Department (Department) intends to issue a Hazardous Waste Permit for Post-Closure Care (Permit) for the Public Service Company of New Mexico (PNM), Person Generating Station (Facility). The Permit requires the Facility to conduct post-closure care and to perform corrective action in accordance with the New Mexico's Hazardous Waste Act (HWA) and its associated regulations. The Department is charged with ensuring that PNM's post-closure care activities are managed in a manner protective of human health and the environment.

The Facility is located in Bernalillo County, New Mexico in the south valley of Albuquerque, approximately one mile east of the Rio Grande River, northeast of the intersection of Rio Bravo Blvd. and Broadway Blvd. The Facility occupies approximately 22 acres. The Facility is a closed electricity generating station owned by PNM (the Permittee) and was in operation between 1952 and 1986.

The Facility is located at the following mailing address: PNM Resources, Alvarado Square, Albuquerque, NM 87158-2104. The Applicant's primary contact for this action is: Mr. John Hale at the same mailing address.

The Facility generates wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978, or the HWA), and their implementing regulations.

The Department also announces the availability of a Fact Sheet providing the basis for the proposed action on the draft Permit and the significant factual and regulatory issues considered in preparing the draft Permit. The Fact Sheet explains the basis for the draft permit and permit conditions, including applicable statutory and regulatory support.

### **PUBLIC REVIEW OF THE DRAFT PERMIT**

The Administrative Record for this proposed action consists of the permit application, the draft Permit, this Public Notice, the Fact Sheet, and other supporting documentation the Department relied on to develop the draft Permit. The Administrative Record may be reviewed, with prior appointment, 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  
Phone: (505) 476-6000  
*Monday – Friday: 8:00 a.m. to 5:00 p.m.*  
Contact: *Pam Allen*

A copy of the draft Permit, this Public Notice, and the Fact Sheet are also available on the Department's website at: <http://www.nmenv.state.nm.us/hwb/PNMperm.html> under Draft Permit. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at address given above. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

The Department issues this public notice on **November 30, 2011**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MST, January 30, 2012**. Any person who wishes to comment on the revised draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and physical address to the respective address below. Only comments and/or requests received before **5:00 p.m. MST on January 30, 2011** will be considered.

John E. Kieling, Acting Bureau Chief  
Hazardous Waste Bureau - New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone: (505) 476-6000  
E-mail: [john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)  
Ref: PNM draft Permit

Written comments must 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. Requests for a public hearing must 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 physical address of all persons whom the requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any conditions; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The Department will provide a thirty day notice of a public hearing, if one is scheduled.

The Department must ensure that the draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a decision on issuance of a final permit, or that may cause the revised draft Permit to be modified. The Department will respond in writing to all public comments. This response will specify which provisions, if any, of the draft Permit have been changed in the final permit and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the Department's website.

After consideration of all the written public comments received the Secretary of the Department or his designee will make the final decision on this draft Permit. The decision will be publicly available, and shall be included in a notification to the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

#### **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, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.