



NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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Secretary

JOHN A. SANCHEZ
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BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division

September 17, 2012

SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR SANDIA NATIONAL LABORATORIES AND GRANTING OF CORRECTIVE ACTION COMPLETE STATUS FOR SOLID WASTE MANAGEMENT UNITS/AREAS OF CONCERN

Dear Interested Person:

Enclosed is a **Public Notice** regarding a draft Hazardous Waste Permit for Sandia National Laboratories (SNL) and granting corrective action complete status for solid waste management units/areas of concern at SNL. SNL is owned by U. S. Department of Energy (DOE) and is operated by Sandia Corporation, a subsidiary of Lockheed Martin (collectively, the Applicants). The Applicants requested a permit to perform hazardous and mixed waste treatment and storage activities at SNL. SNL is located within the boundaries of Kirtland Air Force Base, south of and adjacent to Albuquerque in Bernalillo County, New Mexico. Sandia Corporation is located at the following address: 1515 Eubank Boulevard SE, Albuquerque, NM 87123. The Sandia Site Office of the U. S. Department of Energy (DOE) is located at KAFB-East at the intersection of Pennsylvania and H Streets, P.O. Box 5400, Albuquerque, NM 87185. The Applicant's primary contact for this action is: Mr. David Rast, DOE/NNSA, P.O. Box 5400, MS 0184, Albuquerque, NM 87185.

The enclosed Public Notice provides locations where the Administrative Record, including the Permit Application, draft Permit, 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 on November 16, 2012**.

Any person seeking additional information regarding this notice may contact:

Mr. William P. Moats
New Mexico Environment Department
Hazardous Waste Bureau
5500 San Antonio, NE
Albuquerque, New Mexico 87109

Email: William.Moats@state.nm.us
Telephone: (505) 222-9551
Fax: (505) 222-9510

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau



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PUBLIC NOTICE Number 12-02

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO 87505
September 17, 2012**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC
HEARING ON A DRAFT HAZARDOUS WASTE PERMIT AND GRANTING OF
CORRECTIVE ACTION COMPLETE STATUS FOR SOLID WASTE MANAGEMENT
UNITS/AREAS OF CONCERN FOR SANDIA NATIONAL LABORATORIES
EPA ID NUMBER NM5890110518**

The New Mexico Environment Department (NMED, or the Department) is issuing for public comment a revised draft Hazardous Waste Facility Permit (draft Permit) which would authorize the United States Department of Energy and Sandia Corporation (the Applicants) to manage, treat and store hazardous and mixed waste at Sandia National Laboratories (SNL, or the Facility). The Department is also seeking public comment on a proposal to grant corrective action complete status for areas designated as solid waste management units (SWMUs) or areas of concern (AOCs) at SNL. Today's draft Permit replaces in full the draft issued for public comment on August 20, 2007, which was not finalized.

Sandia National Laboratories is located within the boundaries of Kirtland Air Force Base south of and adjacent to the city of Albuquerque in Bernalillo County, New Mexico. 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. The DOE and Sandia Corporation are collectively referred to as the "Permittees" in the draft Permit.

The mailing address for Sandia Corporation is 1515 Eubank SE, Albuquerque, New Mexico 87123. The Sandia Site Office of the U. S. Department of Energy (DOE)/ National Nuclear Security Administration (NNSA) is located at KAFB-East, Pennsylvania and H Street, P.O. Box 5400, Albuquerque, NM 87185. The Facility's primary contact for this action is: Mr. David Rast, DOE/NNSA, P.O. Box 5400, Albuquerque, NM 87185.

SNL designs components for the nation's nuclear weapons, designs and tests conventional military weapons, performs a wide variety of energy research and development projects, and works on assignments that respond to national security threats. As a result of its testing and research activities, SNL generates solid wastes and hazardous, radioactive, and mixed wastes (those wastes containing both

hazardous and radioactive components). From 1945 to 1988, hazardous, mixed, and solid wastes were disposed of at SNL at numerous locations which have been classified by the Department as SWMUs or AOCs. The SWMUs and AOCs include landfills, drainfields and seepage pits, outfalls, waste piles, and test areas. Some of these SWMUs/AOCs have released contaminants into the environment.

SNL generates wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA) and the New Mexico Hazardous Waste Act (HWA) and its implementing regulations, the New Mexico Hazardous Waste Management Regulations at 20.4.1 NMAC. The Department is charged with issuing a permit that will ensure that SNL's hazardous waste operations are conducted in a manner protective of human health and the environment.

REVISED DRAFT PERMIT

The draft Permit addresses the storage (generally for periods longer than 90 days) and treatment of hazardous and mixed waste at eight container storage units, including two units where waste may be treated by stabilization/solidification, macroencapsulation, chemical or thermal deactivation, amalgamation, or by physical means; one unit where open burning of explosive wastes would be conducted; and one unit where post-closure care must be conducted. The Applicants do not seek, and the Department is not issuing, a permit for disposal of hazardous or mixed waste. The permitted units where waste treatment and storage would occur include the Hazardous Waste Handling Unit (storage), the Thermal Treatment Unit (treatment), the Radioactive and Mixed Waste Management Unit (storage and treatment), Manzano Storage Bunkers (storage in five bunkers), and the Auxiliary Hot Cell Unit (treatment and storage). The draft Permit also requires post-closure care of the Corrective Action Management Unit (CAMU), which contains remediation waste generated from the excavation of the Chemical Waste Landfill. The draft Permit, when finalized, would also require the Applicants to conduct any corrective action activities not covered under the April 29, 2004, Compliance Order on Consent (Consent Order) such as in response to any releases from permitted units and any new releases from SWMUs or AOCs discovered after the future termination of the Consent Order.

The draft Permit is a proposed renewal of a permit that was first issued to the Applicants in August 1992. The Department currently enforces the 1992 permit, which covers only the Hazardous Waste Handling Unit and Facility-wide corrective action requirements (the latter requirements have generally been superseded by the Consent Order). The other units mentioned in the above paragraph, except the CAMU, are currently regulated as interim status units under 20.4.1.600 NMAC incorporating 40 C.F.R. Part 265.

The Department originally released for public comment a draft renewal Permit on August 20, 2007. With extensions granted by the Department, the public comment period for that version of the draft Permit ended on February 8, 2008, and the Department received public comments and requests for a public hearing. As required by 20.4.1.901.A (4) NMAC, the Department, in conjunction with the Applicants, attempted to resolve the issues giving rise to the opposition to the first version of the draft Permit. The draft Permit now being released for comment reflects the Department's attempts to resolve the issues giving rise to opposition and requests for a hearing.

The Department hereby withdraws the version of the draft Permit issued August 20, 2007. Comments and requests for hearing concerning the August 20, 2007 version of the draft Permit are moot, will not be considered by the Department in finalizing the draft Permit, and will not be addressed by the Department's response to comments on today's draft permit. If a person who commented or requested a hearing on the August 20, 2007 version of the draft Permit wishes to comment or request a hearing on today's draft Permit, he or she must do so according to the procedures described below under the heading of *Public Review of Draft Permit and Corrective Action Documents*. In other words, comments and requests for hearings regarding the 2007 draft must be resubmitted in order to be considered.

“CORRECTIVE ACTION COMPLETE” DETERMINATIONS

In addition to the August 2007 draft permit, on December 10, 2007, the Department issued a public notice proposing to grant Corrective Action Complete status for 26 SWMUs/AOCs through a Class 3 modification of the 1992 permit. The public comment period for this action also ended February 8, 2008, and the Department received public comments and a request for a public hearing. The Department did not make a final decision on the permit modification request and did not hold a hearing. As required by 20.4.1.901.A (4) NMAC, the Department, in conjunction with the Applicants, attempted to resolve the issues giving rise to opposition to granting Corrective Action Complete status for the majority of these SWMUs/AOCs.

Most, but not all, of the 26 SWMUs/AOCs addressed by the December 10, 2007, public notice are again included in the current proposal to grant Corrective Action Complete status. NMED has decided that three of the 26 SWMUs/AOCs will require additional characterization work, and thus, these particular SWMUs/AOCs are not included. Additionally, some SWMUs/AOCs in the current proposal require administrative and physical controls which are addressed in the draft Permit; examples of such controls include posting signage, conducting inspections, restricting future land use, and annual reporting. Controls proposed in the past for a few SWMUs/AOCs are to be changed under the current proposal based on new information that has become available to the Department. Attachment K to the proposed permit contains tables listing which SWMUs/AOC are proposed to be deemed Corrective Action Complete With Controls and which SWMUs/AOC are proposed to be deemed Corrective Action Complete Without Controls.

Persons who provided public comment by the February 8, 2008 deadline do not need to resubmit their comments, and may submit additional comments concerning any of the 27 SWMUs/AOCs currently being proposed for Corrective Action Complete status. However, those who requested a public hearing by the February 8, 2008, deadline must request a hearing again in accordance with the procedures described below under the heading *Public Review of Draft Permit and Corrective Action Documents* if they still desire that a public hearing be held concerning one or more of the SWMUs/AOCs currently proposed for Corrective Action Complete status.

Anyone who has not previously submitted comments during the comment period ending February 8, 2008, may submit comments or request a hearing regarding the 27 SWMUs/AOCs currently being proposed for Corrective Action Complete status by following the procedures under the heading *Public Review of Draft Permit and Corrective Action Documents* to.

Since December 2007, the Applicants have requested that an additional six SWMUs/AOCs be considered for Corrective Action Complete status. The Department has not previously issued a notice for public comment concerning these six SWMUs/AOCs. Of the six SWMUs/AOCs, four are included in the current proposal to grant Corrective Action Complete status. (The other two will be addressed by a separate action in the future.) The four SWMUs/AOCs are identified in a Fact Sheet which can be obtained by following the procedures under the heading *Public Review of Draft Permit and Corrective Action Documents* below. Anyone wishing to comment on these four SWMUs/AOCs or request a hearing in relation to these sites must follow the procedures under the heading *Public Review of Draft Permit and Corrective Action Documents* in order to comment or make the hearing request.

AVAILABILITY OF DRAFT PERMIT AND FACT SHEET

The Department announces, for public comment, the availability of the proposed draft Permit and Fact Sheet providing the basis for NMED's proposed actions to finalize the draft Permit and to grant Corrective Action Complete status for 27 SWMUs and AOCs. The Fact Sheet provides the significant factual, legal, and policy issues considered in preparing the draft Permit, and summarizes the corrective action activities completed and their results for the 27 SWMUs/AOCs.

PUBLIC REVIEW OF DRAFT PERMIT AND CORRECTIVE ACTION DOCUMENTS

The Administrative Record for this proposed action consists of the Permit application, the draft Permit, this Public Notice, Fact Sheets, and supporting documentation. 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

In addition, the draft Permit and Fact Sheets may be reviewed, with prior appointment, at the following location during the public comment period.

NMED - Hazardous Waste Bureau
District 1
5500 San Antonio Drive, NE
Albuquerque, New Mexico 87109
Phone: (505) 222-9551
Mondays - Fridays from 8:00 a.m. to 5:00 p.m.
Contact: William Moats

Copies of the draft Permit, this Public Notice, and Fact Sheets are also available on the NMED website at: <http://www.nmenv.state.nm.us/HWB/snlperm.html> at the link for *SNL 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 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 **September 17, 2012**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MST, November 16, 2012**. Any person who wishes to comment on the draft Permit or the granting of Corrective Action Complete status for one or more of the 27 SWMUs/AOCs or request a public hearing must submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and requests received before **5:00 p.m. MST on November 16, 2012** will be considered.

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

Written comments should 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 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 draft Permit, including specific references to any conditions being addressed; and (4) a statement of the issues which the commenter 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. MDT, November 16, 2012**. NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

NMED must ensure that the approved draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a final decision and may cause the 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 decision 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 written public comments received and all data, views, and arguments presented at the public hearing, if one is held, NMED will issue, or modify and issue, the Permit. The Applicants shall be provided by mail a copy of any relevant modified documents and a detailed written statement of reasons for the modifications.

The Secretary of the New Mexico Environment Department will make the final decision publicly available and shall notify the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA (Chapter 74, Article 4 NMSA 1978).

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Connie Joseph 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) 827-9769. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.