



NEW MEXICO
ENVIRONMENT DEPARTMENT



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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

January 12, 2015

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD FOR PROPOSED
DETERMINATION OF CORRECTIVE ACTION COMPLETE WITH
CONTROLS FOR SANDIA NATIONAL LABORATORIES MIXED
WASTE LANDFILL**

Dear Interested Person:

Enclosed is a Public Notice regarding NMED'S intent to approve the U. S. Department of Energy (DOE)/Sandia Corporation's (Permittees) request for Corrective Action Complete (CAC) with Controls status for the Sandia National Laboratories (SNL) Mixed Waste Landfill (MWL). SNL is owned by the DOE and is operated by Sandia Corporation, a subsidiary of Lockheed Martin (collectively, the Permittees). 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. John Weckerle, DOE/NNSA, P.O. Box 5400, MS 0184, Albuquerque, NM 87185.

The enclosed Public Notice provides locations where the Administrative Record 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 March 13, 2015**. Any person seeking information may contact:

William Moats
New Mexico Environment Department
Hazardous Waste Bureau
5500 San Antonio Avenue, NE
Albuquerque, NM 87109

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

Sincerely,

Dave Cobrain
Program Manager
Hazardous Waste Bureau

PUBLIC NOTICE NO. 15-01

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
January 12, 2015**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A CLASS 3 PERMIT MODIFICATION REQUEST TO GRANT
CORRECTIVE ACTION COMPLETE STATUS FOR THE SANDIA NATIONAL
LABORATORIES MIXED WASTE LANDFILL
EPA ID NUMBER NM5890110518**

Under the authority of the New Mexico Hazardous Waste Act, NMSA 1978, § 74-4-1 et seq., and the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, the New Mexico Environment Department (Department) may approve, approve with modification, or deny hazardous waste permits, closure plans, permit modifications, and amendments. Pursuant to this authority, the Department intends, pending public input, to approve corrective action complete (CAC) with controls status for the Mixed Waste Landfill (MWL), also known as Solid Waste Management Unit (SWMU) 76, located at Sandia National Laboratories (SNL or the Facility). The MWL is subject to corrective action under a Consent Order issued on April 29, 2004, and the Department Cabinet Secretary's Final Order of May 26, 2005. Its current status as SWMU 76, subject to corrective action, is tracked under the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Facility Operating Permit (Permit, NM5890110518) issued to the U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA) and Sandia Corporation (a subsidiary of Lockheed Martin). Approving corrective action complete status for a SWMU (such as the MWL) must be accomplished by means of a Class 3 modification of the Permittee's RCRA permit. Class 3 permit modifications are considered to substantially alter a facility or its operation.

The DOE is the owner of the MWL and the Facility. Sandia Corporation is the operator of the MWL and the Facility. Collectively, the DOE and Sandia Corporation are the Permittees. Sandia Corporation is located at 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 Permittee's primary contact for this action is: Mr. John Weckerle, DOE/NNSA, P.O. Box 5400, MS 0184, Albuquerque, NM 87185.

The MWL is being proposed for CAC status in response to a Class 3 permit modification request from the Permittees submitted to the Department on October 17, 2014. The permit modification must follow the administrative procedures at 20.4.1.900 NMAC, incorporating 40 CFR 270.42(c), 40 CFR Part 124, and 20.4.1.901 NMAC, including the procedures for public comment and opportunity to request a public hearing. The MWL is currently listed on the SNL RCRA Permit as a SWMUs requiring corrective action. If approved for CAC with controls, the

listing for the MWL will be changed in the Permit from requiring corrective action to CAC with controls and the Permit will be updated to indicate that the controls to be implemented are found in the MWL Long-Term Monitoring and Maintenance Plan (LTMMP) approved by NMED January 8, 2014. If CAC status is not approved for the MWL, the MWL will remain on the Permit as requiring corrective action.

SNL is located within the boundaries of Kirtland Air Force Base, south of and adjacent to Albuquerque in Bernalillo County, New Mexico. SNL is a multi-purpose engineering and science laboratory which 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, hazardous, radioactive, and mixed hazardous and radioactive wastes. The MWL was opened as the "TA-3 low-level radioactive waste dump" in March 1959. Low-level radioactive waste and mixed radioactive and chemical waste from SNL research facilities and off-site generators were disposed of in the landfill from March 1959 to December 1988.

Instructions for submitting comments and requests for a public hearing are provided under the heading *Public Participation* below.

ADMINISTRATIVE RECORD

The Administrative Record for this proposed action consists of the Permit modification request, a draft Permit modification (consisting of proposed revisions to Tables K-1 and K-3 and Attachment M), the Fact Sheet/Statement of Basis, this Public Notice, the Corrective Measures Implementation Report, and other documents related to the MWL. The complete Administrative Record may be reviewed at the following location during the public comment period with prior appointment:

NMED – Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
(505) 476-6000
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: Ms. Pam Allen

A copy of the Fact Sheet/Statement of Basis, the Public Notice, and other documents in the Administrative Record are also available electronically on the NMED website at: <http://www.nmenv.state.nm.us/HWB/snlperm.html#M> under "Class 3 Permit Modification for Corrective Action Complete for the Mixed Waste Landfill" or may be reviewed at the following location during the public comment period with prior appointment:

NMED-District 1 Albuquerque Office
5500 San Antonio NE
Albuquerque, New Mexico 87109

SNL MWL CAC Proposal Public Notice

January 12, 2015

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(505) 222-9551

Monday - Friday from 8:00 a.m. to 5:00 p.m.

Contact: Mr. William Moats

Any person seeking additional information may also contact:

Mr. Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, New Mexico 87505-6303
E-mail: dave.cobrain@state.nm.us
Telephone: (505) 476-6000
Fax: (505) 476-6030

To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pamela Allen at (505) 476-6000, or at the Santa Fe address given above. NMED will provide copies, or portions thereof, of the Administrative Record at a charge to the requestor in accordance with Department policy.

PUBLIC PARTICIPATION

NMED announces the beginning of a 60-day comment period that will end at 5:00 p.m. MST, **March 13, 2015**. Any person who wishes to comment on this action or request a public hearing should submit written or electronic mail (e-mail) comments with the commenter's name and address to the address below. Only comments and hearing requests received on or before 5:00 p.m. MST, **March 13, 2015** will be considered.

Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, NM 87505-6303
Ref: SNL – CAC Status 2012
E-mail: dave.cobrain @state.nm.us
Ref: SNL MWL CAC Petition

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 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 organizations whom the requestor represents; (3) a statement of any objections to the Permit modification, including specific references to any Permit conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. If requested, a public hearing will be held unless all objections to the permit modification are withdrawn. NMED will provide a 30 day notice of a public hearing, if a hearing is held.

NMED must ensure that the approved Permit modification is consistent with the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC). All written comments submitted on the proposed Permit Modification will be considered in formulating a final decision and may cause the Permit to be modified. NMED will respond in writing to all public comments received. NMED's response will specify which provision, if any, of the Permit modification have been changed in the final Permit decision, the reasons for the change, and briefly describe and respond to all public comments on the Permit modification raised during the public comment period. All persons presenting written comments or who requested notification in writing will be notified of NMED's decision by mail. This response will also be posted on the NMED website.

After consideration of all the written public comments received, and all data, views, and arguments presented at the public hearing, if one is held, NMED may modify the Permit. If NMED modifies 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 Secretary of the New Mexico Environment Department 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 (Chapter 74, Article 4 NMSA 1978).

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Juan-Carlos Borrego before **March 13, 2015** at the NMED Human Resources Bureau, Room S-4303, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502. Mr. Borrego's telephone number is 505-827-0424. TDY users please access Mr. Borrego's number through the New Mexico Relay Network at 1-800-659-8331.