



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

January 14, 2013

**RE: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO  
REQUEST A PUBLIC HEARING FOR A CLASS 3 HAZARDOUS WASTE  
PERMIT MODIFICATION REQUEST FOR LOS ALAMOS NATIONAL  
LABORATORY**

Dear Interested Person:

Enclosed is a Public Notice regarding the New Mexico Environment Department's (NMED's) intent, pending public input, to approve a Class 3 Permit Modification Request (PMR) submitted by the U. S. Department of Energy (DOE) and the Los Alamos National Security, L.L.C (LANS) (collectively, the Permittees).

The enclosed Public Notice provides locations where the Administrative Record, including the PMR, draft Permit, Fact Sheet, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. Written comments may be submitted to the address at the top of this letter or by email at [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us). Only written comments received from the public by **5:00 p.m. MDT, March 15, 2013**, will be considered by NMED in making a final decision.

Any person seeking additional information regarding this notice may contact:

Dave Cobrain  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

E-mail: [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)  
Phone: (505) 476-6000  
Fax: (505) 476-6060

Sincerely,

John E. Kielling  
Chief  
Hazardous Waste Bureau



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DAVE MARTIN  
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Deputy Secretary

**PUBLIC NOTICE NO. 13-01**

**NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU  
Santa Fe, New Mexico 87505  
January 14, 2013**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A  
PUBLIC HEARING FOR A CLASS 3 HAZARDOUS WASTE PERMIT  
MODIFICATION REQUEST FOR LOS ALAMOS NATIONAL LABORATORY  
EPA ID NUMBER: NM0890010515**

The New Mexico Environment Department (NMED) proposes to approve a modification to the Hazardous Waste Facility Permit (Permit) from Los Alamos National Laboratory (LANL, or the Facility) to add the Technical Area 63 (TA-63) Transuranic Waste Facility (TWF) pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 §§74-4-1 through 74-4-14 and the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC.

LANL is located in Los Alamos County, an incorporated county in north-central New Mexico, and approximately 60 miles north northeast of Albuquerque and 25 miles northwest of Santa Fe. LANL occupies approximately 40 square miles on the Pajarito Plateau. The U.S. Department of Energy (DOE) National Nuclear Security Administration (DOE) owns the facility, and the DOE and Los Alamos National Security, LLC (LANS) operate the facility. These entities are collectively referred to as "Permittees" in this Public Notice, the Fact Sheet, and the draft Permit.

If approved, the modification would allow the Permittees to construct the TWF which would be used to store and characterize hazardous and mixed waste pursuant to the New Mexico Hazardous Waste Act (HWA) and the federal Resource Conservation and Recovery Act (RCRA). Prior to issuing a final permit, NMED is required to release a Draft Permit for public comment pursuant to 20.4.1.901.A (3) NMAC.

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

The Administrative Record for this proposed action consists of this Public Notice, the Fact Sheet, the permit modification request, all public comments received during the previous comment period, the draft Permit, and all other relevant correspondence. The administrative record may be reviewed from Monday through Friday 8:00 AM to 5:00 PM at the following location:

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 this Public Notice, the Fact Sheet, and the draft Permit are available on the Department's website at: [www.nmenv.state.nm.us/HWB/lanlperm.html](http://www.nmenv.state.nm.us/HWB/lanlperm.html) under TA-63 Transuranic Waste Management Facility Permit Modification. 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. The Department will provide copies, or portions thereof, of the Administrative Record, including the draft Permit, at a cost to the requestor.

This Public Notice announces the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, March 15, 2013**. Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. Only comments and/or requests received before **5:00 p.m. MDT on March 15, 2013** 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  
Phone: (505) 476-6000  
E-mail: [john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)  
Ref: LANL 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 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 requester 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. The Department will provide a thirty (30) day notice of a public hearing, if scheduled.

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; and briefly describe and respond to all public

comments raised during the public comment period. 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 New Mexico Environment Department may issue a final permit. The Secretary will make the final decision publicly available and shall notify the Permittees by certified mail. All persons submitting written public comment, who filed an Entry of Appearance, or requested notification in writing, shall be notified of the decision by first class regular 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 Mr. Juan Carlos Borrego 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 his number via the New Mexico Relay Network at 1-800-659-8331.