



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) 476-6000*  
*Fax (505) 476-6030*  
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RON CURRY  
SECRETARY

CINDY PADILLA  
DEPUTY SECRETARY

August 27, 2007

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO  
REQUEST A PUBLIC HEARING ON A DRAFT A DRAFT HAZARDOUS  
WASTE PERMIT FOR LOS ALAMOS NATIONAL LABORATORY**

Dear Interested Person:

Enclosed is a **Public Notice** regarding the draft Hazardous Waste Permit for Los Alamos National Laboratory (LANL). LANL is owned by the U.S. Department of Energy (DOE) and is currently co-operated by the DOE and the Los Alamos National Security, LLC (LANS) (collectively, the Applicants). LANL is located within the county of Los Alamos, New Mexico about 60 miles north-northeast of Albuquerque and about 25 miles northwest of Santa Fe. The Applicants are located at the following addresses: DOE/National Nuclear Security Administration (NNSA), Los Alamos Site Office, 528 35<sup>th</sup> Street, Los Alamos, NM 87544; and LANL/LANS, P. O. Box 1663, Los Alamos, New Mexico, 87545. The Applicant's primary contact for this action is: Ms. Debora L. Hall, Outreach/Public Involvement, Los Alamos National Laboratory, P.O. Box 1663, Mail Stop J496, Los Alamos, NM 87545.

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 October 26, 2007**.

Any person seeking additional information regarding this notice may contact:

Mr. John E. Kieling, Program Manager  
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  
Telephone: (505) 476-6000  
Fax: (505) 476-6030

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling".

John E. Kieling  
Program Manager  
Permits Management Program  
Hazardous Waste Bureau



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**PUBLIC NOTICE No. 07-11**

**NEW MEXICO ENVIRONMENT DEPARTMENT**  
**HAZARDOUS WASTE BUREAU**  
**SANTA FE, NEW MEXICO 87505**  
**August 27, 2007**

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

The New Mexico Environment Department (NMED) proposes to issue a final Hazardous Waste Permit to the United States Department of Energy (DOE) and Los Alamos National Security, LLC (LANS), collectively referred to as the Applicants, for hazardous waste storage and treatment at Los Alamos National Laboratory (LANL, or the Facility).

The Facility generates wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (HWA), and their implementing regulations. The draft Permit, when finalized would allow the Applicants to: 1) accept, manage, store and treat hazardous waste at 26 permitted units before it is transferred to a permitted off-site treatment or disposal facility; 2) complete the closure of permitted and interim status units; 3) conduct corrective action activities not covered by the March 1, 2005 Compliance Order on Consent (Consent Order) during closure and post-closure care, in response to new releases from permitted units and for solid waste management units (SWMUs) and areas of concern (AOCs) where controls, including monitoring are implemented or releases discovered after the termination of the Consent Order; and 4) conduct tasks in accordance with schedules of compliance, pursuant to the Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC).

LANL is a research laboratory owned by DOE and co-operated with the Los Alamos National Security, LLC (LANS). The Facility began operations in 1943 when the United States Army Manhattan Engineer District was established for the research and development of the atomic bomb. The principal mission of LANL includes the research, design, development, and analysis of weapons components for the nation's nuclear arsenal. Current and historic operations include nuclear physics; hydrodynamics; conventional explosives; chemistry; metallurgy; radiochemistry; biology; medium-energy physics; space nuclear systems; controlled thermonuclear fusion; laser research; environmental research; geothermal, soil, and fossil energy research; nuclear safeguards; biomedical research; space physics; electrical research and development; laser design and development; and photographic processing.

LANL is located at the following mailing addresses: DOE/National Nuclear Security Administration (NNSA), Los Alamos Site Office, 528 35<sup>th</sup> Street, Los Alamos, NM 87544; and LANL/LANS, P. O. Box 1663, Los Alamos, New Mexico, 87545. The Applicant's primary contact for this action is: Ms. Debora L. Hall, Outreach/Public Involvement, Los Alamos National Laboratory, P.O. Box 1663, Mail Stop J496, Los Alamos, NM 87545.

LANL is located in Los Alamos County, an incorporated county, in north-central New Mexico, approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe. LANL occupies an area of approximately 40 square miles situated on the Pajarito Plateau. The plateau consists of a series of finger-like mesas separated by deep west to east trending canyons. The mesa tops range in elevation from approximately 7,800 feet above mean sea level at the flank of the Jemez Mountains, located to the west of Los Alamos, to about 6,200 feet above mean sea level at their eastern extent, where they terminate above the Rio Grande.

NMED announces the availability of the proposed draft Permit for public comment. In addition, NMED will consider any requests for a public hearing and determine whether a public hearing will be held to consider further public comment. NMED also announces the availability of a Fact Sheet providing the basis for NMED's proposed action on the draft Permit, and the significant factual, legal, and policy questions considered in preparing the draft Permit. The Fact Sheet also explains in detail the corrective action activities that the Applicant must implement and a summary of the basis for 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 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*

A copy of the draft Permit, this Public Notice, and the Fact Sheet, are also available on the NMED website at: [www.nmenv.state.nm.us/HWB/lanlperm.html](http://www.nmenv.state.nm.us/HWB/lanlperm.html) under LANL 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. NMED will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

NMED issues this public notice on **August 27, 2007**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MST, October 26, 2007**. 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 respective address below.

Only comments and/or requests received before **5:00 p.m. MST on October 26, 2007** will be considered.

John E. Kieling, Program Manager  
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  
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 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. MST, October 26, 2007**. 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; 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, 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 Judy Bentley at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 26110, 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.