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PUBLIC NOTICE NO. 03-04

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico 87505
May 9, 2003

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A FOR CLOSURE OF A CONTAINER STORAGE UNIT AT
LOS ALAMOS NATIONAL LABORATORY EPA ID NO. NM0890010515**

The New Mexico Environment Department (NMED) proposes to approve closure of a mixed waste container storage unit (CSU) at Los Alamos National Laboratory (LANL). The Facility is located 25 miles northwest of Santa Fe in Los Alamos County, New Mexico. The CSU is located at Technical Area 16 in the southwest part of LANL and is designated TA-16-88. The closure is pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 §§74-4-1 et seq. and the Hazardous Waste Management Regulations 20.4.1.600 NMAC, incorporating 40 CFR Part 265, subpart G.

The CSU is authorized to store mixed-hazardous waste as an interim status unit pursuant to 20.4.1.600 NMAC. The CSU was in existence prior to the effective date of RCRA, November 11, 1980. The CSU was identified on the January 25, 1991 Part A RCRA permit application submitted to the NMED by LANL and the U.S. Department of Energy (Permittees). The CSU is also included in the June 1995, TA-16 Part B permit application for consideration to be permitted. The Permittees elected to terminate its interim status authority and permit review of the CSU.

The CSU is a 150 square foot area located within a single-room metal building, approximately 100 feet long by 20 feet wide. The CSU was requested by the Permittees to be removed from the operational unit list in a letter dated June 24, 2002. The Permittees have provided an affidavit indicating that the unit was never used to store mixed hazardous waste. The NMED proposes to approve closure of the unit because the unit was never used for storage of mixed hazardous waste.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

A copy of Administrative Record may be reviewed at the following locations:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Mondays - Fridays from 8:00 a.m. to 5:00 p.m.

LANL Community Relations Office
1619 Central Avenue
Los Alamos, New Mexico 87544
Contact: Linda Alderman 665-4400
Mondays - Fridays 8:00 a.m. to 5:00 p.m.

A copy of the June 24, 2002 Closure Letter is also available on the NMED website at <http://www.nmenv.state.nm.us/HWB/lanlperm.html> under TA-16-88 Closure. To obtain a copy of the Administrative Record or a portion thereof, in addition to further information, please contact Ms. Lee Winn at (505) 428-2541, or the address given below. The NMED will provide members of the public with up to 80 pages of the Administrative Record free of charge. Thereafter, NMED will charge a copy fee of \$0.25 per page. The administrative record for this action consists of the Closure Letter, the permit applications, and related correspondence.

Any person who wishes to comment on this action 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 on or before **5:00 p.m. June 9, 2003** will be considered

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Ref: Los Alamos National Laboratory TA-16-88
e-mail: hazardous_waste_comment@nmenv.state.nm.us

Written comments must be based on all information available for review 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 closure plan; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

The NMED must ensure that the approved Closure Plan is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the Closure Plan will be considered in formulating a final decision and may cause the Closure Plan to be modified. NMED will respond in writing to all public comments. This response will specify which provisions, if any, of the Closure Plan have been changed in the final decision, the reasons for the change, and will briefly describe and respond to all public comments on the Closure Plan or the Administrative Record 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. This response will also be posted on the NMED website.

After consideration of all the written public comments received, the NMED will issue, or modify and issue the Closure Plan. If the NMED modifies and issues the Closure Plan, the Permittee shall be provided by mail a copy of the modified Closure Plan and a detailed written statement of reasons for the modifications.

The NMED will make the final closure decision publicly available and shall notify the Applicant by certified mail. The final closure decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Cliff Hawley, NMED, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, NM 87502-6110; ph. no. (505) 827-2580. TDD or TDY users please access Mr. Hawley's number via the New Mexico Relay Network. Albuquerque users may access Mr. Hawley's number at (505) 275-7333 or 800-659-1779.