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*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

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**RON CURRY**  
SECRETARY

**DERRITH WATCHMAN-MOORE**  
DEPUTY SECRETARY

**PUBLIC NOTICE NO. 05-04**

**NEW MEXICO ENVIRONMENT DEPARTMENT**  
**HAZARDOUS WASTE BUREAU**  
**Santa Fe, New Mexico**  
**May 13, 2005**

**NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE A PERMIT  
MODIFICATION OF THE PUBLIC SERVICE COMPANY OF NEW MEXICO'S RCRA  
POST-CLOSURE CARE PERMIT FOR THE PERSON GENERATING STATION**

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, NMSA 1978, as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC), the New Mexico Environment Department (NMED) can approve or deny hazardous waste permits, closure plans, permit modifications, and amendments. Under this authority, NMED intends to approve, pending public input into this decision, a modification of the RCRA Post-Closure Care Permit issued to the Public Service Company of New Mexico (PNM, Permittee) for the Person Generating Station, located in Bernalillo County, New Mexico, EPA ID# NMT360010342.

The Person Generating Station is located on a 22-acre site that is south of the Albuquerque metropolitan area in Bernalillo County, New Mexico. The facility is situated northeast of the intersection of Broadway Boulevard and Rio Bravo Road, approximately two miles east of the Rio Grande River. PNM operated the Person Generating Station from 1952 through 1986. The power plant contained four gas-fired electric generating units that were built between 1951 and 1957. The generating units were operated regularly until 1981 and intermittently from 1982 to 1986. The power generating facilities were regulatorily abandoned in 1993. The generating station also contained several supporting structures including four aboveground 10,000 to 50,000-barrel fuel oil tanks, four cooling towers, a switchyard, and several large-capacity water production wells.

As a result of operations at the facility, PNM has generated hazardous and solid wastes. In 1987, the United States Environmental Protection Agency (EPA) conducted a RCRA Facility Assessment of the Person Generating Station and identified eight (8) solid waste management units (SWMUs) or areas of concern (AOCs). The SWMUs and AOCs include a waste oil tank (unlined dry well), solid waste disposal areas, and leach fields. Past waste management activities at PNM have caused the release of hazardous contaminants into the environment. The corrective measures associated with the waste oil tank are ongoing and would not be changed as a result of

the approval of this proposed permit modification. Soil and groundwater corrective actions, including groundwater monitoring, that are specified in the Post-Closure Care Permit and the associated Permit Application would not be replaced or superseded as a result of the approval of proposed permit modification.

The Permittee is located at the following address: 2401 Aztec NE, Albuquerque, NM 87107. The Permittee's primary contact for this action is Mr. John Hale.

If approved, the proposed modification would grant No-Further-Action (NFA) for seven (7) SWMUs/AOCs. Table A.1, in Module IV of PNM's RCRA Post-Closure Care Permit, lists SWMU/AOCs at the Person Generating Station facility where corrective action is necessary to characterize and/or remediate past releases of hazardous wastes or hazardous waste constituents. One of the SWMUs that is the subject of this notice, the Natural Pit Area, is listed on Table A.1. Table A.2, in Module IV of PNM's RCRA Post-Closure Care Permit, lists SWMU/AOCs at the Person Generating Station facility where corrective action is not necessary. The remaining six SWMUs that are the subject of this notice, the Spin-Off Filter Area, the Bone Yard, and the Four Leach Fields, are listed on Table A.2. If this modification is approved by the NMED, the Natural Pit Area will be transferred from Table A.1 to Table A.2 and will be identified as approved for NFA. The remaining six SWMUs that are the subject of this notice will also be designated as SWMU/AOCs that have been approved for NFA.

Two (2) of the SWMUs, the Natural Pit Area and the Spin-Off Filter Area, are proposed for NFA by the Permittee on the basis that they were characterized and/or remediated in accordance with current applicable state or federal regulations. The remaining five (5) SWMUs, the Bone Yard Area and the Four Leach Fields, are proposed for NFA on the basis that no release to the environment has occurred nor is likely to occur in the future.

Solid Waste Management Units/Areas of Concern Proposed for No Further Action Class 3  
RCRA Post-Closure Care Permit Modification Request of March 2003:

|     | <b><u>SWMU/AOC Name</u></b> |
|-----|-----------------------------|
| 1   | Natural Pit Area            |
| 2   | Spin-Off Filter Area        |
| 3   | Bone Yard Area              |
| 4-7 | Four Leach Fields           |

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The Administrative Record for this proposed action consists of the PNM Post-Closure Care Permit modification request, the Fact Sheet/Statement of Basis, this Public Notice, the draft Post-Closure Care Permit that consists of the proposed Tables A.1 and A.2, and the referenced supporting documentation. The Administrative Record may be reviewed 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  
(505) 428-2500  
*Monday - Friday from 8:00 a.m. to 5:00 p.m.*

A copy of the Fact Sheet/Statement of Basis, the Public Notice, and the draft Post-Closure Care Permit that consists of the proposed Tables A.1 and A.2 may be reviewed at the following location during the public comment period:

NMED-District 1 Albuquerque Office  
5500 San Antonio NE  
Albuquerque, New Mexico 87109  
(505) 222-9500  
*Monday - Friday from 8:00 a.m. to 5:00 p.m.*

A copy of the Fact Sheet / Statement of Basis, the Public Notice, and the draft Permit that consists of the proposed Tables A.1 and A.2 are also available on the NMED website at: [www.nmenv.state.nm.us/HWB/pnmperm.html](http://www.nmenv.state.nm.us/HWB/pnmperm.html). To obtain a copy of the Administrative Record or a portion thereof, in addition to further information please contact Ms. Pam Allen at (505) 428-2531, 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 **May 13, 2005**, to announce the beginning of a 45-day comment period that will end at **5:00 p.m., June 27, 2005**. 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 respective address below. Only comments and/or requests received on or before **5:00 p.m., June 27, 2005** 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  
Or via E-mail: hazardous\_waste\_comment@nmenv.state.nm.us  
Ref: PNM Person Generating Station - 7 No Further Action Petition

Written comments must be based on the Administrative Record. Documents in the Administrative Record need not be re-submitted if 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 proposed action, including specific references; and (4) a statement of the issues which such persons propose 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., June 27, 2005**. The NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

The NMED must ensure that the approved final Post-Closure Care Permit will be consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Post-Closure Care Permit will become part of the administrative record, will be considered in formulating a final decision, and may cause the draft Post-Closure Care Permit to be modified. NMED will respond in writing to all significant public comment. The response will specify which provisions, if any, of the draft Post-Closure Care Permit have been changed in the final Post-Closure Care Permit decision, and the reasons for the change. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments.

After consideration of all written public comments received, NMED will issue, or modify and issue, the Post-Closure Care Permit. If NMED modifies and issues the Post-Closure Care Permit, the Permittee shall be provided by mail a copy of the modified Post-Closure Care Permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final Post-Closure Care 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. All persons on the mailing list, or who provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

The final decision will become effective thirty days after service of the decision, unless a later date is specified or review is requested under the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, Section 901.E, *Hearings*.

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### **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, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.