



PUBLIC NOTICE No. 22-05

NEW MEXICO ENVIRONMENT DEPARTMENT

**HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
August 5, 2022**

**NOTICE OF AVAILABILITY OF THE U. S. DEPARTMENT OF ENERGY/ NATIONAL TECHNOLOGY &
ENGINEERING SOLUTIONS OF SANDIA, LLC.
CLASS 3 PERMIT MODIFICATION
REMEDY SELECTION FOR AREA OF CONCERN TIJERAS ARROYO GROUNDWATER**

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 et seq., NMSA 1978, as amended) 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, and permit modifications. Under this authority, NMED proposes to select a remedy for corrective action for the Area of Concern (AOC) Tijeras Arroyo Groundwater (TAG) at the Sandia National Laboratory (SNL). The United States Department of Energy/National Nuclear Security Administration (DOE/NNSA) and National Technology and Engineering Solutions of Sandia, LLC (NTESS) conducted a Corrective Measures Evaluation (CME) to evaluate remedial alternatives for cleanup of contaminated groundwater and submitted their assessment in a revised CME Report to NMED on February 14, 2018. NMED is proposing this action under the New Mexico Hazardous Waste Act, NMSA 1978 §§ 74-4-1 to 74-4-17, and under the terms of the SNL Compliance Order on Consent (Consent Order), dated April 29, 2004. The TAG has been under investigation since the 1990s. Based on the information collected, NMED intends, pending public input, to select a remedy for the AOC TAG. The remedy selection is a Class 3 modification to the Sandia National Laboratories Resource Conservation and Recovery Act Permit.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

The Administrative Record for this proposed remedy selection consists of a Fact Sheet/Statement of Basis (FS/SOB), a Public Notice, the April 29, 2004 Compliance Order on Consent (Consent Order), the Current Conceptual Model and Corrective Measures Evaluation (CCM/CME) Report, and associated investigation reports, monitoring reports, work plans, correspondence, and other referenced supporting documents. 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 87505-6313
(505) 476-6000
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: Naomi Gonzalez

A copy of the Public Notice and the proposed remedy are available electronically on the NMED website at: <https://www.env.nm.gov/hazardous-waste/sandia-national-laboratories/> under the link “Tijeras Arroyo Groundwater (TAG)” or may be reviewed at the location listed above during the public comment period. Any person seeking additional information regarding this notice, the CME, or the proposed remedy also may contact:

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

To obtain a copy of the Administrative Record or a portion thereof, in addition to further information, please contact Dave Cobrain at (505) 476-6000, or at the address given above. NMED will provide copies, or portions thereof, of the Administrative Record at a charge to the requestor.

NMED issues this public notice on August 5, 2022 to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, October 4, 2022**. Any person who wishes to comment on the proposed remedy selection 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. MDT, October 4, 2022** will be considered.

Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313
Ref: Sandia National Laboratories – Tijeras Arroyo Groundwater
E-mail: dave.cobrain@state.nm.us

Written comments must be based on the 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 requester represents; (3) a statement of any objections to the draft permit; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a minimum 30-day notice of a public hearing, if scheduled.

NMED must ensure that the 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 result in NMED modifying the proposed remedy and the draft permit. NMED will respond in writing to all public comments received. This response will specify which provisions, if any, of the draft permit have been changed in the final decision, the reasons for the change and will provide a brief description of all public comments. All persons who submit written comments or who request

notification in writing will be notified of the decision by mail. The final decision also will be posted on the NMED Hazardous Waste Bureau website.

After consideration of all written public comments received, NMED will issue, or modify and issue, the draft permit that includes the remedy selection and requirements for further corrective action. If NMED modifies the remedy selection, NMED will provide to the Permittee a copy of the modified draft permit and a detailed written statement containing the reasons for the modifications by mail. NMED will make the final decision publicly available and will notify the Permittee by certified mail. The final decision will constitute a final agency decision and may be appealed as provided by the HWA.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Tina Montoya no less than ten days prior to the end of the public comment period at the following address: New Mexico Environment Department, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, (505) 827-9769. TDD or TDY users please access Ms. Montoya's number via the New Mexico Relay Network at 1 (800) 659-8331.

Non-Discrimination Statement

NMED does not discriminate on the basis of race, color, national origin, disability, age, or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.