



State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau



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BUTCH TONGATE
Cabinet Secretary
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Deputy Secretary

PUBLIC NOTICE No. 18-004

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
JUNE 25, 2018**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON DETERMINATION OF CORRECTIVE ACTION COMPLETE
UNDER THE NEW MEXICO HAZARDOUS WASTE ACT AT THE PUBLIC SERVICE
COMPANY OF NEW MEXICO PERSON GENERATING STATION
EPA ID NUMBER: NMT 360010342**

The New Mexico Environment Department (NMED) intends to certify completion of corrective action at the Person Generating Station (Facility) under the New Mexico Hazardous Waste Act (HWA). Public Service Company of New Mexico (PNM) as the owner and operator of the Person Generating Station currently has a Hazardous Waste Facility Permit for Post-Closure Care (PCCP) reissued by the NMED on October 6, 2012. NMED intends to approve, pending public input into this decision, a Class 3 permit modification request (PMR) received from PNM (Permittee) a determination of corrective action complete pursuant to 20.4.1.900 NMAC (incorporating 40 CFR § 270.42(c)).

The Facility is located at 725 Electric Ave. SE, Albuquerque in Bernalillo County, New Mexico in the south valley of Albuquerque, approximately one mile east of the Rio Grande River, northeast of the intersection of Rio Bravo Blvd. and Broadway Blvd. The Facility occupies approximately 22 acres. The Facility is a closed electricity generating station owned by PNM (the Permittee) that was in operation between 1952 and 1986.

The Facility mailing address is: PNM Resources, 2401 Aztec NE, Albuquerque, NM 87107. The Applicant's primary contact for this action is: Mr. John Hale at the same mailing address.

The Facility generated and released wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978, or the HWA), and their implementing regulations.

The NMED also announces the availability of a Fact Sheet providing the basis for the certification of completion of corrective action and Post-Closure Care activities and the significant factual and regulatory issues considered in certifying closure.

PUBLIC REVIEW OF THE CERTIFICATION OF COMPLETION

The Administrative Record for this proposed action consists of this Public Notice, the Fact Sheet, and other supporting documentation the NMED relied on to determine that corrective action is complete. 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 87505-6313
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: *Pam Allen*

A copy of the Public Notice and the Fact Sheet are also available on the NMED website at: <http://www.nmenv.state.nm.us/hwb/pnmperm.html>. 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. The NMED will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

The Department issues this public notice on **June 25, 2018**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, August 24, 2018**. Any person who wishes to comment on the certification of closure or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and physical address to the respective address below. Only comments and/or requests received before **5:00 p.m. MDT on August 24, 2018** will be considered.

Dave Cobrain, Program Manager
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Ref: PNM Post-Closure

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 must 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 physical address of all persons whom the requestor represents; (3) a statement of any objections to certification of completion, including specific references to any conditions; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The NMED will provide a minimum thirty-day notice of a public hearing, if scheduled.

The Department must ensure that the determination of corrective action complete is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a decision on the Certification of Completion, or that may cause the Certification of Completion to be modified. The Department will respond in writing to all public comments. This response will specify which provisions, if any, of the Certification of Completion have been changed and the reasons for the changes. 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 NMED website.

After consideration of all the written public comments received the Secretary of the Department or his designee will make the final decision on the Certification of Completion. The decision will be publicly available, and shall be included in a notification to the Applicants by certified mail. The Secretary's decision shall 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 Donna Wright 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. Wright's number via the New Mexico Relay Network at 1 (800) 659-8331.

NON-DISCRIMINATION STATEMENT

The Department does not discriminate based on race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. The Department 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 the Department's non-discrimination programs, policies or procedures, you may contact:

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

If you believe that you have been discriminated against with respect to a Department 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.