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Governor

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Lieutenant Governor

*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. 17-11**

**NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU  
SANTA FE, NEW MEXICO  
November 17, 2017**

**NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE A  
MODIFICATION TO THE U. S. DEPARTMENT OF ENERGY/NATIONAL  
TECHNOLOGY AND ENGINEERING SOLUTIONS OF SANDIA L.L.C. RCRA  
PERMIT FOR SANDIA NATIONAL LABORATORIES**

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, the Department intends to approve, pending public input into this decision, a modification of the RCRA Permit issued to the U.S. Department of Energy (DOE)/National Technology and Engineering Solutions of Sandia, LLC (NTESS) (the Permittees) for Sandia National Laboratories (SNL), located in Bernalillo County, New Mexico, EPA ID# NM5890110518.

SNL, in operation since 1945, is engaged in research and development of conventional and nuclear weapons, alternative energy sources, and a wide variety of national security-related research and development. As a result of these activities, SNL has generated hazardous, radioactive, mixed (those wastes containing both hazardous and radioactive components), and solid wastes. From 1945 to 1988 most of these wastes were discharged or disposed at SNL at numerous locations which have been classified by NMED as solid waste management units (SWMUs) or areas of concern (AOCs). The SWMUs and AOCs include landfills, septic systems, outfalls, waste piles, test areas and other industrial areas. Past operations at SNL have resulted in the release of hazardous and radioactive contaminants into the environment.

The Permittees are located at the following addresses: SNL, 1515 Eubank SE, Albuquerque, NM 87123; and NNSA/DOE, Sandia Site Office, KAFB-East, Pennsylvania & H Street, Albuquerque, NM 87116. The Permittee's primary contact for this action is Mr. David Rast, NNSA/Sandia Site Office, DOE, P.O. Box 5400, Albuquerque, NM 87185.

If approved, the proposed modification would grant Corrective Action Complete (CAC) status for six SWMUs and AOCs. Table K-2 in Appendix K of the SNL RCRA Permit lists SWMUs and AOCs at the Facility where corrective action is necessary to characterize and/or remediate past releases of hazardous wastes or hazardous waste constituents. If this modification is approved the six SWMUs and AOCs will be transferred from Table K.2 to either Table K-3 or Table K-4, which list the SWMUs and AOCs where corrective action is complete with and without controls, respectively. Based on public comment, it is possible that CAC status will not be approved for some or all of the SWMUs and AOCs included in this permit modification request. If any SWMU or AOC is not approved for CAC status it will remain listed on Table K-2.

The following SWMUs and AOCs are proposed for CAC: 1) *SWMU 8, Open Dump (Coyote Canyon Blast Area)*; 2) *SWMU 58 Coyote Canyon Blast Area*; 3) *SWMU 68, Old Burn Site*; 4) *SWMU 149, Building 9920 Septic System*; 5) *SWMU 154, Building 9960 Septic System, Septic Tanks and Drainfield* 6) *SWMU 502, Building 9938 Surface Discharge Site*.

Furthermore, the comment “industrial land use” will be added to the listings in Table K-3 for SWMUs 58FF, 58B/8Y, 68 and 154 in order to restrict future land-use to industrial use. NMED also intends to continue listing the contaminated groundwater at TA-V and the Burn Site as SWMUs requiring additional corrective action on Table K-2 of the SNL RCRA Permit.

## **PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD**

The Administrative Record for this proposed action consists of the Permit application, the draft Permit, this Public Notice, Fact Sheet, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period. A copy of the administrative record may be reviewed at the following location:

NMED - Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
Monday - Friday from 8:00 a.m. to 5:00 p.m.  
Contact: Pam Allen  
(505) 476-6000

A copy of the draft Permit, this Public Notice, and the Fact Sheet are also available on NMED’s website at [https://www.env.nm.gov/hazardous-waste/sandia-national-laboratories/ under Corrective Action Complete/No Further Action](https://www.env.nm.gov/hazardous-waste/sandia-national-laboratories/under/Corrective%20Action%20Complete/No%20Further%20Action). To obtain a copy of the administrative record or a portion thereof, or for further information, contact Mr. Dave Cobrain at (505) 476-6000 or at the address given below.

The 60-day public comment period begins on **November 17, 2017 and ends on January 16, 2018**. Any person who wishes to comment on this action or request a Public Hearing must submit written or electronic mail (e-mail) comment(s) with the commenter’s name and address to the respective address below. Only comments or requests received on or before **5:00 p.m. January 16, 2018** will be considered.

Written comments may be sent to:

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 Corrective Action Complete Six Sites 2017  
Email: dave.cobrain@state.nm.us

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. Dave Cobrain on or before **5:00 p.m. MST, January 16, 2018**. NMED will provide a minimum 30-day notice of a public hearing, if scheduled.

NMED must ensure that the approved final Permit will be consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Permit will become part of the Administrative Record, will be considered in formulating a final decision, and may cause the draft 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 Permit have been changed in the final Permit decision, and the reasons for the change. The response also will 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, modify and issue, or disapprove the Permit modification. If NMED modifies the Permit, the Permittees shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final Permit decision publicly available and shall notify the Permittees 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 that provided written comments will be notified of the final decision by mail.

#### **ARRANGEMENTS FOR PERSONS WITH DISABILITIES**

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Donna Wright 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**

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:

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](mailto:NMED.NDC@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.