



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

**2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us**



RYAN FLYNN
Cabinet Secretary-Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

November 19, 2013

**RE: NOTICE OF PUBLIC COMMENT PERIOD FOR A CLOSURE PLAN FOR TECHNICAL
AREA 16-399 OPEN BURN UNIT AT LOS ALAMOS NATIONAL LABORATORY**

Dear Interested Citizen:

Enclosed is a Public Notice that the New Mexico Environment Department is issuing a Draft Closure Plan for Technical Area 16-399 Open Burn Unit at Los Alamos National Laboratory (LANL). LANL is owned by the U.S. Department of Energy (DOE) and is co-operated by the Los Alamos National Security, LLC (LANS). LANL is located approximately 25 miles northwest of Santa Fe in Los Alamos County, New Mexico and is at the following address: U.S. DOE 3747 West Jemez Road, Los Alamos, NM 87544 and LANL/LANS, P.O. Box 1633, Los Alamos, NM 87545.

The Enclosed Public Notice provides locations where the administrative record for this action can be reviewed, and provides procedures for submitting comments and requesting a Public Hearing. Written comments and requests for a Public Hearing may be submitted to the address at below or by email at dave.cobrain@state.nm.us. Only written comments received from the public by **5:00 p.m., December 19, 2013** will be considered.

Any person seeking additional information regarding this notice may contact:

Dave Cobrain
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

E-mail: dave.cobrain@state.nm.us
Phone: (505) 476-6055
Fax: (505) 476-6060

Sincerely,

Dave Cobrain
Manager, Permits Management Program
Hazardous Waste Bureau



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PUBLIC NOTICE NO. 13-08

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico 87505
November 19, 2013**

**NOTICE OF PUBLIC COMMENT PERIOD FOR A DRAFT CLOSURE
PLAN FOR TECHNICAL AREA 16 -399 OPEN BURN UNIT
LOS ALAMOS NATIONAL LABORATORY
EPA ID NUMBER: NM0890010515**

The New Mexico Environment Department (NMED) is issuing a Draft Closure Plan for an Open Burn (OB) Unit at Technical Area (TA) 16 at the Los Alamos National Laboratory (LANL). LANL is owned by the U.S. Department of Energy (DOE) and is currently co-operated by the Los Alamos National Security, L.L.C. (LANS) (the Permittees). LANL is located approximately 25 miles northwest of Santa Fe in Los Alamos County, New Mexico. The Open Burn Unit is located in TA-16, in the south-western portion of LANL and is designated as Open Burn Unit TA-16-399. The closure will be conducted pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 §74-4-1 *et seq.* and New Mexico Hazardous Waste Management Regulations, 20.4.1.600 NMAC (incorporating 40 CFR Part 265, Subpart G). This public notice is issued pursuant to 20.4.1.600 NMAC (incorporating 40 C.F.R. § 265.112(d)(4)).

Unit Description:

The OB Unit was authorized to thermally treat high explosive (HE) waste as an interim status unit pursuant to 20.4.1.600 NMAC. The Permittees plan to close the OB Unit and have elected to terminate their interim status authorization.

The OB Unit consists of: a burn tray, burn tray cover, a concrete pad, an electrical box and is surrounded by a chain-link fence. The burn tray, burn tray cover, and firebrick are the only items to be removed from the unit. The other associated equipment shall be assessed for damage and will remain after the closure of the Unit. A fact sheet has been prepared that provides the details associated with the proposed closure of the Unit.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

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 87505-6303
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen
(505) 476-6000

A copy of the Draft Closure Plan and the administrative record is also available on the NMED website at <http://www.nmenv.state.nm.us/HWB/>. To obtain a copy of the administrative record or a portion thereof or for further information contact Dave Cobrain at (505) 476-6055 or at the address given below.

The 30-day public comment period begins on **November 19, 2013**, and ends on **December 19, 2013**. 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 or requests received on or before **5:00 p.m. December 19, 2013**, will be considered.

Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Ref: Los Alamos National Laboratory TA-16 Open Burn Unit 399
Email: 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 Closure Plan; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a 30 day notice of a Public Hearing, if scheduled.

NMED must ensure that the Draft Closure Plan 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 or disapproving the Draft Closure Plan. NMED will respond in writing to all public comments received. This response will specify which provisions, if any, of the Draft Closure Plan have been changed in the final decision and the reasons for the change, and will provide a brief description of all public comments. All persons presenting written comments or who request notification in writing will be notified of the decision by mail. The final decision will also be posted on the NMED website.

After consideration of all the written public comments received, NMED will approve, modify, or disapprove the Draft Closure Plan. If NMED modifies or disapproves the Draft Closure Plan, NMED will provide to the Permittees a copy of the modified Closure Plan and a detailed written statement containing the reasons for the modifications or disapproval by mail.

NMED will make the final decision publicly available and will notify the Permittees 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 J.C. Borrego, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM 87502-6110, email: juancarlos.borrego@state.nm.us, phone number: (505) 827-0424. TDD or TDY users please access Mr. Borrego's number via the New Mexico Relay Network, at 1-800-659-8331.