

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF APPLICATION FOR
A POST-CLOSURE CARE HAZARDOUS
WASTE PERMIT FOR THE CHEMICAL
WASTE LANDFILL, SANDIA NATIONAL
LABORATORIES No. NM5890110518**

No. HWB-09-SNL-CWL

FINAL ORDER

This matter comes before the Secretary of Environment through a permit application for a Post-Closure Care Hazardous Waste Facility Permit for the Sandia National Laboratories' Chemical Waste Landfill ("CWL"), originally filed with the New Mexico Environment Department ("Department") on May 20, 2003, by Sandia Corporation and the United States Department of Energy ("Sandia"). Pursuant to the New Mexico Hazardous Waste Act ("the Act") at NMSA 1978 § 74-4-4.2 (H), the Department has provided an opportunity for a public hearing. The Department issued a draft permit on May 20, 2007, and provided a public comment period of 60 days. The comment period was later extended another 30 days. During that period, six interested parties requested a hearing.

Consistent with 20.4.1.901.A (4) NMAC the Department in conjunction with Sandia negotiated with permit opponents to resolve the issues giving rise to their opposition. As a result, all opponents withdrew their requests for hearing, contingent upon my issuance of a permit identical in its substantive terms to the revised draft permit they agreed upon. *See Exhibit A, Settlement Agreement.*

Subsequent to execution of the Settlement Agreement, the Department determined that certain non-substantive clarifications were appropriate in permit conditions relating to the effective date of the permit.

IT IS THEREFORE ORDERED:

The CWL Post-Closure Care Permit, as proposed in Exhibit 1 to the Settlement Agreement, is hereby issued, with the following changes:

- 1) The last sentence of Permit Part 1, Section 1.0 is changed to read:

This Permit is designed to meet RCRA post-closure care requirements in 40 C.F.R. §§ 264.117 through 264.120 and shall become effective and immediately supersede the CWL Closure Plan (SNL/NM December 1992) upon the date of the Department's written approval of the Permittees' certification of the closure of the CWL.

- 2) Permit Part 1, Section 1.6.1 is changed to read:

This Permit shall be effective for a fixed period of 10 years from the effective date as specified in Section 1.0 of this Permit, in accordance with 40 C.F.R. § 270.50(a), subject to Section 1.6.2 of this Permit Part.

- 3) The first sentence of Permit Part 3, Section 3.2.1 is changed to read:

The Permittees shall conduct post-closure care for the CWL to begin upon the Department's written approval of the Permittees' certification of closure of the unit and continue for 30 years after that date, except that the 30-year post-closure care period may be shortened or extended, as follows:

Once effective according to the above provisions, the permit shall remain in effect for ten years from the effective date in accordance with section 20.4.1.900 NMAC, incorporating 40 CFR § 270.50(a), unless the permit is modified, suspended or revoked under the Act, NMSA 1978, § 74-4-4.2, or under section 20.4.1.901 NMAC, or section 20.4.1.900 NMAC, incorporating 40 CFR § 270.41, §270.42, and § 270.43, or the post-closure care period is shortened pursuant to Permit Part 3, Section 3.2.1 of the permit.

Sandia shall comply with all terms and conditions of this Permit. This Permit consists of all the terms and conditions therein including those in the Attachments.



RON CURRY
Secretary, Environment Department

Date

10/15/09