

PNM 04



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RON CURRY
SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 22, 2006

Mr. Matt Lavery
Director, Participant Services
PNM
2401 Aztec Road NE
MS-Z110
Albuquerque, NM 87107

RE: PERSON GENERATING STATION (NMT360010342-1) - REQUEST FOR DETERMINATION OF PERMIT MODIFICATION CLASSIFICATION AND WITHDRAWAL OF CLASS I PERMIT MODIFICATION REQUEST, JUNE 28, 2006
PNM PERSONS GENERATING STATION, EPA ID NMT360010342
HWB-PNM-MISC

Dear Mr. Lavery:

The New Mexico Environment Department (NMED) has received a request from PNM to determine the class of permit modification for the combination of three proposed changes. In brief, the changes proposed in PNM's letter are:

1. To shorten the post-closure care period for soil impacted by the release of hazardous constituents from the dry well (also known as the waste oil tank), as referenced in Section IV.A.1.c of the existing permit;
2. To remove specific monitoring and extraction wells from the ground water monitoring program, as referenced in Section IV.A.2 of the existing permit;
3. To change the laboratory analytical method from U.S. EPA Method 8021B, as referenced in Section IV.A.2.a.iv (f) of the existing permit, to U.S. EPA Method 8260B.

Additionally, NMED acknowledges PNM's request to withdraw its earlier Class 1 permit

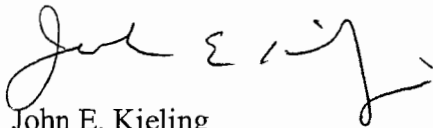
Mr. Matt Lavery
August 22, 2006
Page 2

modification request in order to facilitate the combination of proposed changes into a single permit modification request.

The determination of the class of the proposed permit modification is made under New Mexico Hazardous Waste Management Regulations at 20.4.1.900 NMAC, incorporating 40 CFR §270.42. Under Appendix I, E.3 to 40 CFR §270.42, a reduction in the post-closure care period is indicated to be a Class 3 permit modification. PNM should reference New Mexico Hazardous Waste Management Regulations at 20.4.1.901 NMAC, incorporating 40 CFR §270.42(c) regarding the permit modification process.

PNM will be invoiced for its permit modification request in accordance with New Mexico Hazardous Waste Fee Regulation 20.4.2 NMAC. If you have any questions regarding this matter, please contact David L. Mayerson at (505) 222-9528.

Sincerely,



John E. Kieling
Manager
Permits Management Program

JEK:dlm

cc: D. L. Mayerson, NMED, HWB
W. Moats, NMED, HWB
L. King, EPA Region 6 (6PD-N)
File: PNM 2006 and Reading