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**Request for Extension of Time for Submission of Public Comments; Request for Provision of Administrative Record; Request for Clarification of NMED Fact Sheet, and; Request for a Public Hearing; Citizen Action New Mexico Comments in the Matter of Sandia National Laboratories' (SNL) Chemical Waste Landfill (CWL) (Notice of Opposition)**

Citizen Action New Mexico (CA) monitors SNL and educates the public for SNL programs related to nuclear weapons production and radioactive and hazardous waste disposal. CA has participated in numerous technical and administrative proceedings before the NMED most recently involving the SNL Mixed Waste Landfill (MWL). CA is very interested in the substantive aspects of the draft permit and post-closure of the CWL and its potential for impacts on public health and the environment. For CA and other members of the public to adequately comment on the draft permit, we must have full access to the administrative record that is currently unavailable.

Citizen Action represents at least 16-non-governmental organizations (NGOs) and neighborhood associations as a part of its coalition. The organizations within the coalition include: Southwest Research and Information Center (SRIC); Citizens for Alternatives to Radioactive Dumping (CARD); Peace Action New Mexico (PANM); Progressive Albuquerque Network (PAN); Southwest Organizing Project (SWOP); Native Forest Network (NFN); Center for Action and Contemplation (CAC); Green Party of New Mexico; Bernalillo County Green Party; International Depleted Uranium Study Team (IDUST); Living Rivers; Forest Guardians; Mountain View Neighborhood Association; South Meadows Neighborhood Association; New Mexico Solidarity Network (NMSN); and Stop The War Machine (STWM).

Because of the lack of availability of the administrative record, CA and the public are unable to adequately comment on the draft permit. CA requests that the NMED extend the public comment period for the CWL for at least 90 days after provision is made for furnishing the full administrative record for the CWL. The full administrative record is not currently assembled to be available for review by the public, although the NMED notice and fact sheet claimed that it could be reviewed. Failure to furnish the full administrative record is not in accordance with due process requirements of RCRA or

NMAC. NMED is proposing to base three simultaneous regulatory actions on the Administrative Record.

Upon requesting to review the Administrative Record for the CWL, CA Director was informed that the Administrative Record was not assembled for full review and that personnel are currently extremely busy with a Los Alamos National Laboratories project. The full administrative record for the CWL is only available in Santa Fe and should be put in Albuquerque to facilitate its review by the public. NMED website documents differ from those at the Albuquerque (ABQ) NMED office. The website has not posted the 5 volumes of the CWL Landfill Excavation Voluntary Corrective Measures Final Report Environmental Restoration Project SNL/NM April 2003 that contain the Annexes A-I. The web posted CWL Corrective Measures Study Report December 2004 is not at the ABQ office. Instead there is an October 2004 Corrective Measures document. A significant document not posted on the NMED website is the 10/14/2003 Responses to NMED Request for Supplemental Information on the CWL Landfill Excavation (Nimick to Davies).

Because of the volume and complexity of the draft permit, Closure Plan amendment, and Corrective Measures Study, and tens of thousands of pages in the Administrative Record, the Department needs to recognize that a substantial public comment period is necessary especially given that this occurs in the summer when many are on vacations.

NMED should also issue a new Fact Sheet clarifying what it is that the public is being presented for review and comment or for requesting a public hearing.

The changing terminology of the NMED May 21, 2007 Fact Sheet is confusing as to what the exact names are for the various documents, the precise correlation to the different names of the documents and exactly what are the precise documents that the public is being presented for review.

- p.2 of the NMED Fact Sheet lists a CWL Final Closure Plan, a Post-Closure Care Permit (Permit), an amendment for Chapter 12 of the CWL Closure Plan and remedy for the CWL Corrective Measures Study;
- p. 5, lists the “draft Permit” is listed, but then begins reference to “the Permit;”
- p. 6 discusses the Proposed Chapter 12 Closure Plan Amendment,
- p.7 lists the Corrective Measures Study Report, Proposed Final Remedy, and Remedial Action Proposal (RAP);
- p. 8 states Public Review of the Draft Permit, Closure Plan Amendment, and Corrective Measures Study Report.

The documents named for the CWL thus encompass at least seven different names. On p. 8, Public Review is supposedly for the Draft Permit, Closure Plan Amendment, and Corrective Measures Study Report. However, on p. 9, the Comment Period and NMED Contact it states “Any person who wishes to comment on the draft Permit or request a public hearing...” Thus, it would appear in going from p. 8 to the first paragraph of p. 9 that the number of documents the public may comment on or request a public hearing has gone from three documents to one document only.

**Citizen Action requests that the NMED not issue any post-closure permit until a RCRA compliant well monitoring system has been installed at the CWL.**

Under the Post Closure provisions of 40 CFR 264 Subpart G the CWL is required to have a 40 CFR 265 Subpart F compliant well monitoring system to furnish reliable and representative water samples for the post-closure period. Monitoring wells CWL-BW4A, MW4, MW5U and MW6U are proposed as meeting the Subpart F compliance requirements, but do not meet Subpart F requirements. Numerous well screens at Los Alamos National Laboratories and at the SNL Mixed Waste Landfill are known to have corroded well screens and/or have used drilling fluids that prevent the detection of contaminants of concerns. Well CWL-BW4A has a carbon steel well screen that may be corroded. Well CWL-MW4 was drilled used mud rotary drilling methods that hide contaminants of concern and also has a 304 stainless steel well screen that may be corroded since it has shown chromium concentrations greater than the MCL. Given that chromium is a contaminant of concern at the CWL, all monitoring wells should have PVC well screens.

No well monitoring network exists for the CWL that is compliant with RCRA long-term groundwater monitoring requirements.

The placement of the four monitoring wells with respect to the groundwater flow may be incorrect given that a more northerly direction of groundwater flow may exist locally for the CWL than is indicated by the general groundwater flow direction.

Well screen intervals are 20 ft at each of the four wells. The EPA and NMED recommend a maximum length of 10 feet for monitoring well screens because a longer length will dilute the concentrations of contamination in the water produced from the well.

The distance of the monitoring wells from the official CWL boundary of the fence line would appear not to meet the point of compliance requirement under 40 CFR 265.95. The waste management area of the CWL would be the projected horizontal footprint of the CWL as shown in Figure 9. The monitoring wells are not positioned at the hydraulically downgradient limit of the waste management area extending into the uppermost aquifer underlying the regulated unit.

There are no monitoring wells for the vadose zone beneath the CWL for the early detection of contaminants.

Chromium detection and evaluation should be set below the MCL for early detection of releases from the CWL and should be examined as a trend over time.

The well screens for monitoring wells CWL-BW4A, MW4, MW5U and MW6U should be presented graphically to show the relationship of their well screens to the uppermost aquifer (Ancestral Rio Grande) and the fine-grained sediments of the Alluvial Fan. Is there a sufficient number of downgradient wells in either strata to determine the direction of flow for the fine-grained sediments and Ancestral Rio Grande Deposits?

Purging of monitoring wells at the CW should follow the recommended EPA rate. "Purging should be accomplished by removing groundwater from the well at low flow rates using a pump. The rate at which groundwater is removed from the well during purging ideally should be less than approximately 0.2 to 0.3 L/min." [From pp. 7-8 of the RCRA Draft Technical Enforcement Guidance Document, November 1992.]

**A preliminary review of other issues of public concern include the following:**

Residual contamination outside the boundaries of the excavation has not been analyzed.

Elevated tritium levels are in soil piles in the Southwest Area, Southeast Area and Northern Area.

The risk associated with potential VOC vapor plume migration to the surface.

The nature and extent of the remaining VOC vapor phase plume in the vadose zone.

PCB concentrations have not been analyzed in the risk assessment.

Uncertainty over contaminants of concern (COCs) as risk drivers for the risk assessment.

Cleanup of Cobalt 60.

Soil to air volatilization of substances such as Aniline, Arsenic, Chromium, Mercury, 1,2,3 Trichloropropane.

Levels of contamination in the fill soil.

Chromic acid levels in soil.

The extent and nature of the VOC vapor plume in the vadose zone extending all the way to groundwater at 500 ft.

Failure to sample a portion of the East-Central Area.

Of 13 samples collected of backfill sampling for the excavated areas, RCRA metals VOCs, SVOCs PCBs and radionuclides were detected above background level.

10 contaminants did not pass background screening procedure. The Subpart S screening procedure was not performed for these contaminants. Subpart S screening was not performed for radionuclides.

No water pathways to the groundwater were considered for contaminants.

Movement in the vadose zone was only modeled one dimensionally for TCE and no other contaminants.

Surface runoff pathway and potential for dermal contact were not analyzed.

Estimated cancer risk was initially above the NMED guidelines when maximum concentrations were used in the risk calculations. SNL subsequent estimates were goal driven and residential usage for a growing metropolis should have been more fully considered.

Ecological risks at the CWL have not been adequately characterized particularly for contaminants such as tritium, Thorium 232, U 235, U 238, arsenic, barium, chromium and mercury.

The surface level backfill of the excavations is not compliant with RCRA cover requirements.

Wind born contaminant travel from erosion of the CWL cover and backfill materials is a concern.

Failure to consider the cumulative risk to public health of the CWL in conjunction with other sources of contamination at SNL.

Sincerely,

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