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**NEW MEXICO
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PUBLIC NOTICE NO. 10-06

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
November 29, 2010**

**NOTICE OF PUBLIC COMMENT PERIOD
FOR SANDIA NATIONAL LABORATORIES MIXED WASTE LANDFILL
CORRECTIVE MEASURES IMPLEMENTATION REPORT**

The federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992(k), provides for the regulation of hazardous waste. Congress waived the immunity of the federal government for actions brought under state hazardous and solid waste laws as well as under RCRA. Pursuant to Section 3006 of RCRA, 42 U.S.C § 6926, the U.S. Environmental Protection Agency (EPA) delegated to the New Mexico Environment Department (Department), on April 16, 1985 by delegation numbers 8-31 and 8-32, the authority to enforce the Hazardous Waste Act (HWA) and its implementing regulations, the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC, in lieu of EPA enforcement through RCRA. The Department has maintained its delegation from EPA over hazardous waste management in New Mexico and from time to time has amended its state program to conform to statutory or regulatory changes in RCRA. The HWMR requires corrective action at solid waste management units (SWMUs) where releases of hazardous waste or hazardous constituents have or may have occurred.

The U. S. Department of Energy, owner and operator, and Sandia Corporation, co-operator, (hereinafter referred to as the Permittees) have been issued a HWA Permit (Permit) for the Sandia National Laboratories (SNL) Facility, located in Bernalillo County, New Mexico, EPA ID# NM5890110518. The Permittees must comply with the HWA, the HWMR, and the Permit, all of which require that Permittees to conduct corrective action as necessary to protect human health and the environment.

On May 26, 2005, the Department Secretary issued a final permit modification and ordered a final remedy for SNL's Mixed Waste Landfill. As part of these actions, the Permittees were required to submit to the Department a Corrective Measures Implementation (CMI) Report. The CMI Report, dated January 26, 2010, was received by the Department on January 28, 2010.

Pursuant to the Secretary's order, the Department is seeking public comment on the CMI Report prior to final action on the CMI Report.

LOCATION OF THE SNL FACILITY AND THE MWL

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. John Gould, NNSA/Sandia Site Office, DOE, at P.O. Box 5400, Albuquerque, NM 87185.

SNL is located within the boundaries of Kirtland Air Force Base (KAFB), south of Albuquerque in Bernalillo County, New Mexico. KAFB occupies 52,233 acres. The SNL research and administration facilities occupy 2,842 acres and are divided into five Technical Areas (TAs), (designated 1 through 5) and several test areas. TA-1, TA-2, and TA-4 are separate research facilities in the north-central portion of KAFB. TA-3 and TA-5 are contiguous research facilities forming a 4.5-square-mile rectangular area in the southwestern portion of KAFB. TA-3 alone encompasses 2,000 acres.

The MWL is located approximately 5 miles southeast of the Albuquerque International Sunport and 4 miles south of TA-1. The MWL occupies 2.6 acres in the north-central portion of TA-3.

FACILITY OPERATIONS

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 disposed of at SNL at numerous locations, which have been classified by the NMED as Solid Waste Management Units (SWMUs) or Areas of Concern (AOCs). The SWMUs and AOCs include unpermitted landfills, septic-system drainfields and seepage pits, outfalls, waste piles, and test areas. Past waste management activities at SNL have caused the release of hazardous and radioactive contaminants into the environment. The MWL is designated as SWMU 76.

DESCRIPTION AND HISTORY OF THE MIXED WASTE LANDFILL

The MWL was opened as the "TA-3 low-level radioactive waste dump" in March 1959. The MWL accepted low-level radioactive waste and mixed waste from SNL research facilities and off-site generators from March 1959 to December 1988. Approximately 100,000 cubic feet of radioactive waste containing 6,300 curies (Ci) of activity (at the time of disposal) were disposed of at the MWL in unlined trenches and pits.

Investigations at the landfill indicate that tritium is the primary contaminant that has been released from the landfill. Results of a risk assessment prepared by the Permittees indicate that releases of contaminants from the MWL pose little risk to human health or the environment under an industrial land use scenario. Tritium activities at the MWL will decrease steadily with time due to its relatively short half-life of 12.3 years. Because of tritium's short half-life and in

consideration of current activity levels, the Department believes that tritium releases at the MWL does not pose a threat to groundwater, human health, or the environment.

REGULATORY BACKGROUND

The Department issued a HWA Permit for storage of hazardous waste at SNL on August 6, 1992. On February 6, 2002, the Permittees applied to the Department to renew their HWA permit. That application is pending. The existing permit remains in effect until final action is taken on the renewal request. On October 11, 2001, the Department directed the Permittees to conduct a Corrective Measures Study (CMS) to evaluate a range of alternatives for a final remedy for the MWL. The CMS Work Plan was approved with conditions by the Department on October 10, 2002.

After approval of the CMS Work Plan, a CMS was conducted by the Permittees to identify, develop, and evaluate corrective measures alternatives and recommend a final remedy for at the MWL. The results of the CMS were documented in a CMS Report; the report was received by the Department on May 21, 2003. The CMS Report was deemed complete by the Department on January 5, 2004.

On January 23, 2004, the Permittees requested a Class 3 modification of the Permit, and that the Department select a final remedy for the MWL. During the 60-day public comment period initiated by the Permittees, a public meeting concerning the CMS Report and the Permittees' preferred remedy was held on February 26, 2004 in Albuquerque, New Mexico. Following completion of the Permittees' public comment period, the Department issued a public notice and began an additional public comment period starting August 11, 2004. The Department's public notice was accompanied by a Statement of Basis which explained in detail the Department's proposed remedy.

A public hearing on the selection of a final remedy for the MWL was held by the Department on December 2-3 and 8-9, 2005; the Department's public comment period was held from August 11, 2004 to December 2, 2004, and extended until December 9, 2005, the conclusion of the public hearing. Based on the administrative record and the Hearing Officer's Report, on May 26, 2005, the Department Secretary approved a modification to the Permit that included a final remedy for SNL's Mixed Waste Landfill -- a vegetative soil cover with bio-intrusion barrier as the final remedy. The Secretary's order requires that interested member of the public be afforded the opportunity to review and comment on the CMI Report prior to the Department taking final action on it.

On December 22, 2008, the Department approved with conditions the MWL CMI Plan (dated November 2005), which in particular describes construction specifications for the installation of the vegetative soil cover with bio-intrusion barrier. The purpose of the CMI Report is to provide information on the actual construction of the cover so that the Department can assess whether the cover was constructed substantially in compliance with the approved CMI Plan. Section VII.D.5.a of the SNL Compliance Order on Consent (April 29, 2004) lists the major components of what must be included in the CMI Report.

PUBLIC REVIEW OF THE CMI REPORT

The CMI Report may be reviewed by any member of the public at the following locations during the public comment period:

NMED – Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
(505) 476-6000
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: *Pam Allen*

NMED-District 1 Albuquerque Office
5500 San Antonio NE
Albuquerque, New Mexico 87109
(505) 222-9551
Monday - Friday from 8:00 a.m. to 4:30 p.m.
Contact: *William Moats*

The CMI Report is also available electronically on the Department website at: <http://www.nmenv.state.nm.us/hwb/snlperm.html#MWLCMIReport>. To obtain a copy of the CMI Report or a portion thereof, in addition to further information, please contact Mr. John Kieling at (505) 476-6000, or at the Santa Fe address given above. The Department will provide copies, or portions thereof, of the CMI Report, at a cost to the requestor.

NMED issues this public notice on **November 29, 2010** to announce the beginning of a 60-day comment period on the CMI Report that will end at **5:00 p.m. MST, January 28, 2011**. Any person who wishes to comment should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments submitted in this manner and received on or before **5:00 p.m. MST, January 28, 2011** will be considered.

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Ref: Sandia National Laboratories – MWL CMI Report
E-mail: john.kieling@state.nm.us

All written comments submitted during the public comment period will become part of the administrative record, will be considered prior to the Department taking final action on the CMI Report. The Department will respond in writing to all written public comment received during the public comment period. The Department will notify all persons providing written comments, and post its response on the Department's website.

The Department's final action will be made publicly available. The Department will provide notice to the Permittees by certified mail of the final action. All persons on the mailing list, or that provided written comments, or who requested notification in writing, will be notified of the final action.

PUBLIC MEETING

The Department will hold a public meeting on **December 14, 2010** from **6:00 p.m. to 8:00 p.m. MST** at the **Cesar Chavez Community Center**, 7505 Kathryn SE, in Albuquerque. The Department is holding the public meeting for the purposes of providing information to interested members of the public, fielding questions from interested members of the public, and listening to concerns and comments about the CMI Report. The meeting will not be recorded, and oral comments made will not be responded to. Persons may submit written comments on the CMI Report at the meeting, and those will be responded to as explained above.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.