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Secretary

JON GOLDSTEIN  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

December 22, 2008

Kimberly A. Davis  
Acting Manager  
Sandia Site Office/NNSA  
U.S. Department of Energy  
P.O. Box 5400 MS 0184  
Albuquerque, NM 87185-5400

Francis B. Nimick  
Deputy Director  
Nuclear Energy & Global Securities Technologies  
Sandia National Laboratories  
P.O. Box 5800, MS 0701  
Albuquerque, NM 87185

**RE: CONDITIONAL APPROVAL  
MIXED WASTE LANDFILL CORRECTIVE MEASURES IMPLEMENTATION  
PLAN, NOVEMBER 2005  
SANDIA NATIONAL LABORATORIES, NM5890110518  
SNL-05-025**

Dear Ms. Davis and Mr. Nimick:

The New Mexico Environment Department (NMED) has reviewed the U.S. Department of Energy/Sandia Corporation's (Permittees) November 26, 2008 responses to NMED's second Notice of Disapproval (NOD) for the Sandia National Laboratories Mixed Waste Landfill (MWL) Corrective Measures Implementation (CMI) Plan. The MWL CMI Plan was originally submitted in November 2005. The NOD was the second addressing deficiencies in the CMI Plan, the first having been issued on November 20, 2006. The Permittees responded to these NODs on December 15, 2006 (Comment Response Set #1); January 19, 2007 (Comment Response Set #2); and, in the aforementioned response, on November 26, 2008.

The MWL CMI Plan is hereby approved, subject to the following conditions.

1. The Permittees must implement various changes proposed by the Permittees in their responses to the NODs. Specifically:

a. The proposal presented in the Permittees' November 26, 2008, response to comment #2 (Part 1 Comments) concerning what constitutes acceptable foliage cover must be incorporated into the Long-Term Monitoring and Maintenance Plan (LTMMP).

b. NMED agrees with the Permittees' withdrawal of Section 4.1, Appendix E and associated Figure E-25 from the CMI Plan. A new evaluation method for data and trigger levels must be incorporated into the LTMMP. NMED believes that a statistical approach could be designed that would be acceptable.

c. The proposal presented in the Permittees' November 26, 2008, response to comment #4 (Part 2 Comments) concerning the annual sampling of animal burrows and ant hills, must be incorporated into the LTMMP.

d. The proposal presented in the Permittees' November 26, 2008, response to comment #6 (Part 2 Comments) concerning the installation of two permanent soil-vapor sampling points and other sampling collection points for air, surface soil, and soil vapor located within the landfill boundary, must be incorporated into the LTMMP.

e. All of the trigger levels for all media need to be incorporated into the LTMMP. These trigger levels are found in the original submittal of the CMI Plan, Comment Response Set #2, and the Permittees' responses dated November 26, 2008 (Comment #7, Part 2 Comments). NMED accepts the Permittees' trigger levels in the November 26, 2008 responses for bromodichloromethane, dibromochloromethane; cis-1,3 dichloropropene, and trans-1,3 dichloropropene.

f. The Permittees must adhere to the construction schedule proposed in Comment Response Set #1 (see Comment #2 in Set #1). The Permittees may have an additional 90 days to complete any necessary contracts to begin construction of the cover.

g. The Permittees must implement the change to the CMI Plan under comment response 10 of Comment Response Set #1 concerning the seeding of borrow pits that are no longer needed.

h. The Permittees must implement the change to the CMI Plan under comment response 11 of Comment Response Set #1 concerning the use of heavy equipment within three feet of any monitoring well or measurement device.

i. The Permittees must implement the change to the CMI Plan under comment response 15 of Comment Response Set #1 concerning quality control data, and as corrected in Comment Response Set #2.

2. The Permittees provided evidence that tumbleweed may actually be helpful to establish other types of vegetation. However, the roots of tumbleweed plants can potentially extend to depths of about two meters. Such deep roots could reach the waste layer and provide a pathway for contaminants to migrate to the surface. The Permittees therefore may not allow tumbleweed to grow on the MWL cover. However, NMED accepts the Permittees' proposal to implement a supplemental watering plan as a means to help establish a mature plant community on the MWL cover. The method, timing, and amount of supplemental watering should be included in a revision of the LTMMP.

NMED has reconsidered its position as stated in its letter of October 10, 2008, and now agrees that radon and tritium would not have to be monitored in soil gas because of the difficulty in

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obtaining sufficient quantities of gas for accurate measurements. Radon and tritium will be monitored in the groundwater and at the surface of the landfill through methods that are to be fully developed in the LTMMP.

Please contact William Moats of my staff at (505) 222-9551 if you have any questions.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: J. Kieling, NMED, HWB  
W. Moats, NMED, HWB  
L. King, EPA-Region 6 (6PD-N)  
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File: Reading and SNL, 2008

