



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*

**2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)**



DAVE MARTIN  
Secretary

BUTCH TONGATE  
Deputy Secretary

JAMES H. DAVIS, Ph.D.  
Director  
Resource Protection Division

September 14, 2012

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC DIALOGUE  
MEETING FOR SANDIA NATIONAL LABORATORIES MIXED WASTE  
LANDFILL LONG-TERM MONITORING AND MAINTENANCE PLAN**

Dear Interested Person:

Enclosed is a **Public Notice** regarding the U. S. Department of Energy (DOE)/Sandia Corporation's (Permittees) revised Long-term Monitoring and Maintenance (LTM) Plan for the Sandia National Laboratories (SNL) Mixed Waste Landfill (MWL). The LTM Plan is a requirement of HSWA Module IV, Section V.6 of the SNL Resource Conservation and Recovery Act Permit.

The DOE is owner, and Sandia Corporation, operator, of SNL. 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 enclosed Public Notice provides locations where the LTM Plan may be reviewed by any members of the public. Comments will be received by the New Mexico Environment Department (NMED) through **5:00 p.m. MST, November 13, 2012**. Any person seeking information may contact:

William Moats  
New Mexico Environment Department  
Hazardous Waste Bureau  
5500 San Antonio Avenue, NE  
Albuquerque, NM 87109

E-mail: [William.Moats@state.nm.us](mailto:William.Moats@state.nm.us)  
Telephone: (505) 222-9551  
Fax: (505) 222-9510

NMED will host a public dialogue to discuss technical issues related to the LTM Plan for Sandia National Laboratories' Mixed Waste Landfill. The public dialogue will be held at the **Cesar Chavez Community Center**, 7505 Kathryn SE, Albuquerque, New Mexico 87108. The meeting will **start at 5:30 p.m. and conclude at 7:45 p.m. on October 16, 2012**. All members of the public are invited to attend this forum.

Sincerely,

John E. Kieling  
Chief  
Hazardous Waste Bureau



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

***Hazardous Waste Bureau***

**2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)**



DAVE MARTIN  
Secretary

BUTCH TONGATE  
Deputy Secretary

JAMES H. DAVIS, Ph.D.  
Director  
Resource Protection Division

**PUBLIC NOTICE NO. 12-05  
NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU  
SANTA FE, NEW MEXICO  
September 14, 2012**

**NOTICE OF PUBLIC COMMENT PERIOD  
FOR SANDIA NATIONAL LABORATORIES MIXED WASTE LANDFILL  
LONG-TERM MONITORING AND MAINTENANCE PLAN**

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 United States 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 (NMED), on April 16, 1985 by delegation numbers 8-31 and 8-32, the authority to enforce the New Mexico 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. NMED 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 require 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 Sandia Corporation, operator, (hereinafter referred to as the Permittees) have been issued a RCRA 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 SNL RCRA Permit, and must conduct corrective action as required under the SNL Order on Consent (April 29, 2004) to protect human health and the environment.

On May 26, 2005, the NMED Secretary approved a final Permit and ordered a final remedy for SNL's Mixed Waste Landfill (MWL). The Secretary also directed that the public be given the opportunity to comment on all major documents regarding the MWL prior to any final action being taken by the NMED. The Permit and final order require the Permittees to submit to the NMED for approval a Long-Term Monitoring and Maintenance (LTM) Plan. The LTM Plan was originally submitted to the NMED on September 25, 2007, but has since been withdrawn. The Permittees submitted a revised MWL LTM Plan on March 23, 2012, which is the subject of this Public Notice.

Pursuant to the Secretary's order, the NMED is seeking public comment on the revised LTM Plan prior to making a final decision on whether to approve the plan.

### **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 Weckerle, 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. 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. The Mixed Waste Landfill (MWL) is located approximately 5 miles southeast of the Albuquerque International Sunport and occupies 2.6 acres in the north-central portion of TA-3.

### **FACILITY OPERATIONS**

SNL is an engineering and science laboratory owned by the DOE and operated by Sandia Corporation (a subsidiary of Lockheed Martin, Incorporated). During the late 1940's, the final assembly of nuclear weapons was conducted at SNL. Since 1949, SNL has been dedicated to research, development, and testing. Currently, SNL employs approximately 9,300 people.

The primary mission of SNL is to provide engineering and testing support for nuclear weapons components and related systems. The Facility conducts a variety of research and development programs and develops technologies and procedures to sustain, modernize, and protect the nuclear arsenal, prevent the spread of weapons of mass destruction, defend against terrorism, protect national infrastructures, ensure stable energy and water supplies, and provide new capabilities to the U. S. armed forces.

As a result of such activities, SNL has generated and continues to generate 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 Department as solid waste management units (SWMUs) or areas of concern (AOCs). The SWMUs/AOCs include 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 Mixed Waste Landfill is classified 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 NMED does not believe that tritium releases at the MWL pose a threat to groundwater, human health, or the environment.

## **REGULATORY BACKGROUND**

NMED issued a RCRA Permit for storage of hazardous waste at SNL on August 6, 1992. On February 6, 2002, the Permittees applied to the NMED to renew their RCRA permit (the old Permit remains in effect until a final decision is made on the renewal request; a draft permit was issued by the NMED on August 20, 2007). On October 11, 2001, the NMED directed the Permittees to conduct a Corrective Measures Study (CMS) for the MWL because of concerns raised by the public. The CMS Work Plan was approved with conditions by the NMED on October 10, 2002. After approval of the CMS Work Plan, the CMS was conducted by the Permittees to identify, develop, and evaluate corrective measures alternatives and to recommend a final remedy to be taken at the MWL. The results of the CMS were documented in a CMS Report following completion of the study; the report was transmitted to the NMED on May 21, 2003. The CMS Report was deemed complete by the NMED on January 5, 2004. On January 23, 2004, the Permittees proposed a Class 3 modification of the SNL RCRA Permit, requesting that the NMED select a final remedy for the MWL. As part of a 60-day public notice and comment period initiated by the Permittees, a public meeting was held on February 26, 2004 in Albuquerque, New Mexico. Following completion of the Permittees public comment period, the NMED issued a public notice and began its public comment period starting August 11, 2004.

A public hearing on the selection of a final remedy for the MWL was held by the NMED on December 2-3 and 8-9, 2004; the NMED public comment period was held from August 11, 2004 to December 2, 2004, and extended until December 9, 2004. Based on the administrative record and the Hearing Officer's Report, on May 26, 2005, the NMED Secretary approved a final permit and ordered a final remedy for SNL's Mixed Waste Landfill, selecting a vegetative soil cover with bio-intrusion barrier as the final remedy.

The Permittees were required under their RCRA Permit to submit to NMED a Corrective Measures Implementation (CMI) Work Plan within 180 days after approval of the final remedy. The CMI Work Plan was submitted on November 3, 2005. The CMI Work Plan was approved by the NMED on December 22, 2008. The Permittees completed implementation of the CMI Work Plan, including construction of the landfill cover, as documented in the CMI Report submitted to the NMED on January 26, 2010. NMED approved the CMI Report on October 14, 2011, indicating that the first 5-year re-evaluation of the remedy would be due 5 years after NMED approval of the LTM Plan

The SNL Permit also requires the Permittees to submit to the NMED for approval a Long-term Monitoring and Maintenance (LTM) Plan, the subject of this public notice. The Permittees submitted the first version of the LTM Plan on September 25, 2007. The first version of the plan was noticed to the public on October 31, 2007, with a time extension granted on December 17, 2007 until January 31, 2008. Although public comments were received, the NMED did not make a final decision on the first version of the LTM Plan chiefly because several of the groundwater monitoring wells at the MWL were scheduled to be replaced. The Permittees withdrew the first version of the LTM Plan on December 7, 2011.

The Permittees have replaced the several wells at the MWL, and subsequently, submitted a revised LTM Plan on March 23, 2012. As indicated above, the revised plan is the subject of this public notice. Anyone who commented on the first version of the LTM Plan will need to resubmit comments for the second version of the plan by following the procedures under the heading *Public Review of the LTM Plan* if they wish for their comments to be considered by the NMED. Anyone who has not previously submitted comments on the first version of the LTM Plan may also submit comments on the revised LTM Plan by following the procedures under the heading *Public Review of the LTM Plan*.

The LTM plan must describe the types and frequencies of monitoring and maintenance that will be conducted at the MWL to ensure protection of human health and the environment. The LTM Plan must also include all necessary physical and institutional controls to be implemented in the future at the MWL, and must include contingency procedures to be implemented if the final remedy selected for the landfill fails to be protective of human health and the environment.

### **PUBLIC DIALOGUE MEETING**

NMED will host a public dialogue to discuss technical issues related to the LTM Plan for Sandia National Laboratories' Mixed Waste Landfill. The public dialogue will be held at the **Cesar Chavez Community Center**, 7505 Kathravn SE, Albuquerque, New Mexico 87108. The meeting will **start at 5:30 p.m. and conclude at 7:45 p.m. on October 16, 2012**. All members of the public are invited to attend this forum.

### **PUBLIC REVIEW OF THE LTM PLAN**

The LTM Plan 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  
Phone: (505) 476-6000  
Monday – Friday: 8:00 a.m. to 5:00 p.m.  
Contact: Pam Allen

NMED - Hazardous Waste Bureau  
District 1  
5500 San Antonio Avenue, NE  
Albuquerque, New Mexico 87109  
Phone: (505) 222-9551  
Mondays - Fridays from 8:00 a.m. to 5:00 p.m.  
Contact: William Moats

The LTM Plan is also available electronically on the NMED web site at:

[www.nmenv.state.nm.us/HWB/snlperm.html](http://www.nmenv.state.nm.us/HWB/snlperm.html) under the link: *SNL Long-Term Monitoring and Maintenance Plan for the Mixed Waste Landfill (3/23/2012)*. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at address given above. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

The Department issues this public notice on **September 14, 2012**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MST, November 13, 2012**. Any person who wishes to comment on the revised LTM Plan should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and/or requests received before **5:00 p.m. MST on November 13, 2012** will be considered.

William Moats  
Hazardous Waste Bureau - New Mexico Environment Department  
5500 San Antonio Avenue, NE  
Albuquerque, New Mexico 87109  
E-mail: [William.Moats@state.nm.us](mailto:William.Moats@state.nm.us)  
Ref: Sandia National Laboratories – MWL LTM Plan

To be considered relevant to this matter, written comments must be based on the LTM Plan. The NMED must ensure that the approved LTM Plan will be consistent with the New Mexico Hazardous Waste Management Regulations. Written comments submitted will become part of the Administrative Record, will be considered in formulating a final decision, and may cause the LTM Plan to be modified. NMED will respond in writing to all significant public comment. The response will specify which provisions, if any, of the LTM Plan have been changed in the final decision, and the reasons for the change. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments. After consideration of the written public comments received, NMED will approve, or approve with modifications the LTM Plan. If NMED modifies the plan, the Permittees will be provided by certified mail a copy of the modified plan and a detailed written statement of reasons for the modifications.

The NMED will make the final decision publicly available. The NMED's decision shall constitute a final agency decision. All persons on the mailing list, or that provided written comments, or who requested notification in writing, will be notified of the final decision by mail. The final decision will become effective immediately upon service of the decision to the Permittees, unless a later date is specified.

#### **ARRANGEMENTS FOR PERSONS WITH DISABILITIES**

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Connie Joseph at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-9769. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.