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TRANSMITTAL VIA ELECTRONIC EMAIL AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 9, 2021

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RE: APPROVAL

**MIXED WASTE LANDFILL FIVE-YEAR REPORT, JANUARY 2019
SANDIA NATIONAL LABORATORIES
EPA ID# NM5890110518
HWB-SNL-19-001**

Dear Messrs. Harrell and Shoemaker:

The New Mexico Environment Department (NMED) has received the *Mixed Waste Landfill Five-Year Report, January 2019* (Report), with cover letter dated December 14, 2018, submitted by the U.S. Department of Energy on behalf of itself and National Technology & Engineering Solutions of Sandia, LLC (collectively, the Permittees) and received on January 4, 2019.

The May 2005 Final Order established the requirement for the Permittees to submit a five-year report to NMED assessing the remedy performance for the Mixed Waste Landfill (MWL). The May 2005 Final Order also established the requirement that NMED provide a process whereby members of the public may comment on the MWL Five-Year Report and its conclusions and to respond to those comments in its final approval of the MWL Five-Year Report.

On January 8, 2014, NMED approved the MWL Long-Term Monitoring and Maintenance Plan (LTMMP), which started the first five-year evaluation period. NMED received the MWL Five-Year Report on January 4, 2019. On May 24, 2019, NMED issued a public notice announcing a 60-day comment period, which concluded on July 23, 2019. NMED received over 400 comments on the Report. As specified by the May 2005 Final Order, NMED has responded in writing to the comments received. The Response to Comments document is enclosed with this letter and may also be viewed on NMED's webpage at <https://www.env.nm.gov/hazardous-waste/snl-mwl-2/>.

NMED reviewed the MWL Five-Year Report, relevant environmental data and the public comments received. Additionally, NMED has reviewed and taken into consideration annual monitoring reports submitted for 2019 and 2020. Our review of these annual monitoring reports indicates that no

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significant sampling data changes were observed or have been reported since the end of the Five-Year Review reporting period in 2018.

Based on the information provided, NMED determined that the selected remedy is functioning as intended and that there is no threat to human health or the environment. With authority delegated to me from the Cabinet Secretary, I am notifying the Permittees that NMED approves the January 2019 Five-Year Report.

The Permittees must continue monitoring the MWL in accordance with the LTMMP, which provides essential data for oversight of the selected remedy. Going forward, there are two important factors that the U.S. Department of Energy and Sandia National Laboratories must take into consideration in relation to ongoing monitoring and future review of the selected remedy and alternatives. The first is continuing advances in science and associated regulatory changes regarding emerging contaminants of concern to human health and the environment, such as PFAS, that were not available when NMED approved the LTMMP in 2014 and amended the permit in 2016. The second is the continued residential and commercial growth within the Mesa Del Sol area and its ever-encroaching proximity to the MWL, which is an ongoing factor in the risk analysis associated with comparing the alternatives to the selected remedy. Therefore, pursuant to Paragraph 5 of the 2005 Final Order, which requires SNL's five-year feasibility review to include "anything additional required by NMED," NMED requires SNL's next Five-Year Report, due to NMED no later than January 8, 2024, to evaluate:

1. Groundwater quality for all toxic pollutants added to the Ground Water and Surface Water Protection regulations at 20.6.2 NMAC, since January 8, 2014 (see enclosure); and
2. Current and future planned land use activities in previously undeveloped areas around Kirtland Air Force Base, including Mesa Del Sol.

As NMED reviews additional information about the performance of the existing remedy, including any credible evidence obtained by NMED from the Permittees, NMED's own sampling or that of other parties regarding emerging contaminants and the potential human health exposure risks, we will continue to scrutinize the appropriateness of the existing remedy as compared to the alternatives. In addition, NMED will determine whether regulatory changes related to contaminants of emerging concern and conditions at the MWL warrant modification of the approved LTTMP.

If you have any questions regarding this letter, please contact me at (505) 469-6521.

Sincerely,

Christopher S. Catechis
Acting Director, Resource Protection Division

Enclosures:

- Response to Comments on the Five-Year Report
- NMED Groundwater Standards – 2018 Revisions

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