



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
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RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

May 20, 2015

**SUBJECT: PUBLIC HEARING NOTICE ON PROPOSAL FOR CORRECTIVE ACTION COMPLETE WITH CONTROLS STATUS FOR MIXED WASTE LANDFILL**

Dear Interested Person:

The New Mexico Environment Department (Department) is providing the enclosed Hearing Notice on the proposal for corrective action complete status with controls for the Sandia National Laboratories (SNL) Mixed Waste Landfill. The proposed action is more fully described in the attached Hearing Notice.

The Hearing Notice provides information on how to submit public comment and describes the process to participate in the public hearing. Public comments will be received through the end of the public hearing. The public hearing will begin **Wednesday, July 8, 2015 at 9:00 AM MST**. The public hearing will be held at the Anderson Abruzzo Albuquerque International Balloon Museum located at 9201 Balloon Museum Drive NE, Albuquerque, NM 87113, in Pugash Hall.

Any person seeking additional information regarding this notice may contact:

William Moats, SNL Project Manager  
New Mexico Environment Department  
Hazardous Waste Bureau  
5500 San Antonio Drive NE  
Albuquerque, New Mexico 87109

E-mail: [william.moats@state.nm.us](mailto:william.moats@state.nm.us)  
Phone: (505) 222-9551  
Fax: (505) 222-9510

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Cobrain".

Dave Cobrain  
Manager  
Permits Management Program  
Hazardous Waste Bureau



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### PUBLIC NOTICE No. 15-03

NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU  
SANTA FE, NEW MEXICO  
May 20, 2015

**NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON A  
PROPOSAL FOR DETERMINATION OF CORRECTIVE ACTION COMPLETE WITH  
CONTROLS STATUS FOR THE MIXED WASTE LANDFILL,  
SANDIA NATIONAL LABORATORIES  
EPA ID No. NM5890110518**

The New Mexico Environment Department (**Department**) issues this public notice of a public hearing, and the opportunity for the public to provide comment, on a pending action before the Secretary of the Environment Department regarding Sandia National Laboratories (**SNL**, or the **Facility**). Specifically, the Department intends to approve corrective action complete (CAC) with controls status for the Mixed Waste Landfill (MWL).

SNL is a multi-purpose engineering and science laboratory owned by the U.S. Department of Energy (DOE) and operated by Sandia Corporation (a subsidiary of Lockheed Martin, Inc.). The Facility is located within the boundaries of Kirtland Air Force Base (KAFB) on land owned by the DOE, the U. S. Department of Defense, and the U. S. Forest Service (USFS). Collectively, these lands are situated south of Albuquerque in north-central New Mexico. SNL is divided into five smaller geographical areas known as technical areas (TAs) and several large remote test areas (Foothills Test Area, Central Coyote Test Area, Southwest Test Area, and Canyons Test Area). The Facility occupies 2,820 acres (4.4 square miles).

SNL generates hazardous and mixed wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (NMSA 1978, §§ 74-4-1 to -14 or HWA), and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC or HWMR). Mixed waste is radioactive waste that is also a hazardous waste as defined by the HWA. The Facility operates under a RCRA Permit issued by the Department on January 27, 2015, which authorizes the management, treatment and storage of hazardous and mixed waste at the Facility. The DOE and Sandia Corporation are collectively referred to as the "Permittees".

Under the authority of the HWA and the HWMR, the Department may approve, approve as modified, or deny hazardous waste permits, permit modifications, closure plans and amendments. Pursuant to this authority, the Department intends, pending public input, to approve corrective action complete (CAC) with controls status for the MWL, also known as Solid Waste Management Unit (SWMU) 76, located in SNL's Technical Area III.

The MWL was opened as the "TA-3 low-level radioactive waste dump" in March 1959. Low-level radioactive waste and mixed waste from SNL research facilities and off-site generators were disposed in the landfill from March 1959 to December 1988. Corrective action at the landfill was conducted pursuant to an April 29, 2004 Compliance Order on Consent. Following an opportunity for the public to provide comment and a public hearing, a final remedy was selected by the Department in a Final Order of May 26, 2005. A CAC with controls determination indicates that the Permittees have completed implementation of the remedy, while requiring that monitoring, control, and maintenance activities at the MWL continue indefinitely.

The administrative offices of SNL are located at the following mailing addresses: Sandia Corporation, 1515 Eubank Boulevard SE, Albuquerque, New Mexico, 87123; and the DOE Sandia Site Office at KAFB-East, Pennsylvania & H Street, Albuquerque, New Mexico 87116. The Permittees' primary contact and address for this action is: Mr. David Rast, NNSA/Sandia Site Office, DOE, Post Office Box 5400, Albuquerque, New Mexico 87185.

## **I. NOTICE OF HEARING AND OPPORTUNITY TO COMMENT**

The Permittees requested CAC with controls status for the MWL via a Class 3 modification request on October 17, 2014. The Department initiated a 60-day public comment period on January 12, 2015, and granted an extension until April 13, 2015, for a total of 91 days. Comments were received from the public that for a variety of reasons opposed granting CAC with controls status for the MWL. The Department, in conjunction with the Permittees and other interested persons, attempted to resolve the issues giving rise to the opposition on the CAC proposal for the MWL, as required by the HWMR. However, not all opposition could be resolved.

Through this notice the Department announces a public hearing to accept additional public comments and provide persons a reasonable opportunity to present testimony, as well as to examine witnesses on the CAC proposal prior to issuance of a final decision. See *II. Public Hearing*, below, which addresses the public hearing and submission of public comment on this action.

## **II. PUBLIC HEARING**

The public hearing on the CAC proposal will begin **Wednesday, July 8, 2015 at 9:00 AM MDT** and continue as necessary. The public hearing will provide interested persons a reasonable opportunity to present data, views, arguments, to examine witnesses, and will afford an opportunity for all persons to present comments. The public hearing will be held at the Anderson Abruzzo Albuquerque International Balloon Museum located at 9201 Balloon Museum Drive NE, Albuquerque, NM 87113, in Pugash Hall. The hearing will be conducted in accordance with the HWMR, 20.4.1.901.F NMAC, the Department Permit Procedures, 20.1.4 NMAC, and any scheduling and procedural orders as may be entered by the Hearing Officer.

Any person, including the Permittees, wishing to submit written public comment or present oral public comment at the public hearing for Department's consideration, shall do so according to the procedures set forth below. The public comment period continues through the close of the public hearing.

**A. WRITTEN PUBLIC COMMENT**

The Department will accept written public comments on the CAC proposal. Written comments shall be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the Administrative Record need not be re-submitted if expressly referenced by the commenter. Written comments must be filed with the Hearing Clerk on or before the close of the public hearing at the New Mexico Environment Department, Room S-2100, 1190 S. St. Francis Drive, P.O. Box 5469, Santa Fe, NM, 87502-5469. Written public comments may also be submitted at the public hearing.

**B. TECHNICAL TESTIMONY AND ORAL PUBLIC COMMENTS**

At the public hearing, the Department will accept technical testimony and non-technical oral comments. The Hearing Officer may set reasonable limits on the time allowed for technical testimony and oral comments. Technical testimony and oral comments on the CAC proposal shall be accepted at the public hearing, in accordance with Department regulations, as set forth below:

1. Technical Written Statements and Oral Testimony: Any person who intends to provide a technical written statement or technical oral testimony concerning this action shall file a Statement of Intent to Present Technical Testimony on or before June 15, 2015 with the Hearing Clerk at the address provided above.
  - (a) Content of Statement of Intent: The Statement of Intent to Present Technical Testimony shall:
    - (i) identify the person filing the statement;
    - (ii) state whether the person filing the statement supports or opposes the CAC proposal;
    - (iii) identify each witness, including name, address, affiliation(s), and educational and work background;
    - (iv) estimate the length of the direct testimony of each witness;
    - (v) identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;
    - (vi) list or make available all technical materials relied upon by each witness in making a statement of technical fact or opinion contained in his or her direct testimony; and
    - (vii) attach the complete direct testimony of each witness in full narrative fashion. Although not required in the Statement of Intent, full rebuttal testimony of each witness shall be filed on or before June 30, 2015.
2. Effect of Failure to File: Failure to file a timely Statement of Intent to Present Technical Testimony meeting the requirements above, pursuant to 20.1.4.300.B NMAC, shall preclude a person from presenting technical testimony, and if the person has not filed a

timely Entry of Appearance, pursuant to 20.1.4.300.A NMAC, from being a party in the proceeding, but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

3. General Written and Oral Statements; Non-Technical Testimony: Any person may provide a general written statement concerning the CAC proposal at or before the hearing. Any person may provide a general oral statement or non-technical testimony concerning the CAC proposal at the hearing. Such oral statements will be heard from 12:00 – 1:00 PM on July 8 and July 9, 2015, and at 5:00 PM on July 8, 2015, provided that all persons wishing to make oral statement sign in no later than 5:30 PM.

### **PROCEDURES FOR GRANTING CAC STATUS**

The Department must ensure that the final decision is consistent with the HWMR (20.4.1 NMAC). All comments submitted on the CAC proposal will be considered in formulating a decision on granting CAC status, and may cause the CAC proposal to be modified or rejected.

The Department will respond in writing to all public comments received in accordance with Item II.A above. The response will specify whether the MWL has been approved or approved with modifications for CAC with controls status, and the basis for rejection, if not approved. All persons presenting written comments or who requested notification in writing, and the Permittees, will be notified of the Department's decision by mail. The response will also be posted on the Department's website.

The Secretary of the Department or his designee will make the final decision on the CAC proposal publicly available, and will notify the Permittees by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

### **ADDITIONAL INFORMATION**

Any person seeking additional information regarding this action, or who would like to arrange for review of the Administrative Record, may contact Mr. David Cobrain at the Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505, (505) 476-6000. A copy of the index to the Administrative Record, and this Public Notice are also available on the Department website at: <http://www.nmenv.state.nm.us/HWB/snlperm.html> under Mixed Waste Landfill. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor in accordance with Department policy.

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

Any person with a disability and requiring assistance or auxiliary aid to participate in this process should contact J.C. Borrego, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, TDD or TDY users please access Mr. Borrego's number via the New Mexico Relay Network at 1-800-659-8331.