



NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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October 31, 2007

SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD 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) Long-term Monitoring and Maintenance (LTM) Plan for the Sandia National Laboratories (SNL) Mixed Waste Landfill. The LTM Plan is a requirement of Section V.6 of the SNL Resource Conservation and Recovery Act Permit.

The DOE is owner, and with Sandia Corporation, co-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 through **5:00 p.m. MST, December 31, 2007**. Any person seeking additional information may contact:

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

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

Sincerely,

John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau



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PUBLIC NOTICE NO. 07-17

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
October 31, 2007**

**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 operator, and Sandia Corporation, co-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 requires the Permittees to submit to the NMED for approval a Long-term Monitoring and Maintenance (LTM) Plan. The LTM Plan was submitted to the NMED on September 25, 2007. Pursuant to the Secretary's order, the NMED is seeking public comment on the 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.

Protecting our Environment, Preserving the Enchantment

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. 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. The landfill 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 activities. 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 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 an additional 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 by the Permittees on November 3, 2005. 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 have chosen to submit the LTM Plan earlier than required by their RCRA Permit. The LTM Plan was submitted on September 25, 2007. 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 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
(505) 476-6000
Contact: Pam Allen
Monday - Friday from 8:00 a.m. to 5:00 p.m.

NMED-District 1 Albuquerque Office
5500 San Antonio NE
Albuquerque, New Mexico 87109
(505) 222-9500
Contact: William Moats
Monday - Friday from 8:00 a.m. to 5:00 p.m.

The LTM Plan is also available electronically on the NMED web site at: www.nmenv.state.nm.us/HWB/snlperm.html under Mixed Waste Landfill under Long-Term Monitoring and Maintenance Plan. To obtain a copy of the LTM Plan or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at the address given above. NMED will provide copies, or portions thereof, of the administrative record at a cost to the requestor.

NMED issues this public notice on **October 31, 2007**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MST, December 31, 2007**. 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 and/or requests received on or before **5:00 p.m. MST, December 31, 2007** 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 LTM Plan
E-mail: john.kieling@state.nm.us

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 shall 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

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley by 10 days prior to the end of the public comment period at the following address: New Mexico Environment Department, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-6110, (505) 827-9872. TDD or TDY users please access Ms. Bentley's number via the New Mexico Relay Network at 1-800-659-8331.