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SNL 2003



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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

September 9, 2003

Karen L. Boardman, Manager  
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Robert Eagan, Vice President  
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**SUBJECT: SECOND NOTICE OF DEFICIENCY  
ADMINISTRATIVE AND TECHNICAL COMPLETENESS  
PERMIT RENEWAL APPLICATION  
SANDIA NATIONAL LABORATORIES NM5890110518  
HWB-SNL-02-002**

Dear Ms. Boardman and Mr. Eagan:

The New Mexico Environment Department (NMED) has reviewed for administrative completeness and technical adequacy the U. S. Department of Energy/Sandia National Laboratories (DOE/SNL) February and April 2003 responses to the notice of deficiency on the permit renewal application dated February 2002, as required under the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC.

Pursuant to its authority under the New Mexico Hazardous Waste Act, N.M.S.A. 74-4-1 *et seq.*, and regulations promulgated pursuant thereto, NMED has made a determination that the document is administratively and technically incomplete. Before NMED can declare the permit application administratively complete, Sandia Corporation must first provide evidence of financial assurance for closure and post-closure (See item # 64 in the NOD). NMED is aware of the issue of funding at DOE/SNL for the permit renewal application, as discussed, and the need to make payment of Hazardous Waste Fees under 20.4.2 NMAC. Therefore it will be providing

Ms. Karen Boardman and Mr. Eagan  
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under separate cover an invoice.

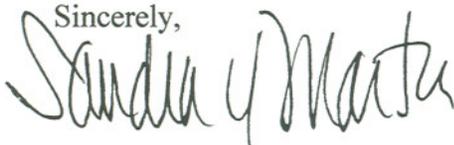
The New Mexico Hazardous Waste Management Fee Regulations 20.4.2 NMAC require assessment of fees when administrative review of a document is complete. Due to DOE/SNL's financial constraints to pay the permit fees before the beginning of your next fiscal year, NMED will issue an invoice to you under a separate cover despite the fact that one component (i.e., Financial Assurance) is missing from Sandia Corporation. Payment of the fees is due within sixty (60) calendar days from the date that you receive the invoice.

Should you need to request an extension of the sixty-day period the request must be received by the NMED a minimum of fourteen (14) calendar days prior to the end of the sixty-day period. Should you disagree with the fee assessed you may file an Administrative Appeal under the provisions of 20.4.2.302.1.NMAC. Upon receipt of the fee and SNL's response to the NOD, NMED will begin review of the responses for administrative and technical completeness.

Also, enclosed are comments that DOE/SNL need to address. A Waste Analysis Plan (WAP) Notice of Deficiency will be sent later under separate cover. Please provide the required information in four hard copies and on four CDs or 3.5" diskettes compatible with Microsoft Word.

Should you have any questions please contact John Kieling, at (505) 428-2535, or Cornelius Amindyas, at (505) 841-9488, or at the address above.

Sincerely,



Sandra Y. Martin  
Acting Chief  
Hazardous Waste Bureau

JEK:ca

cc: J. Kieling, NMED HWB  
W. Moats, NMED HWB  
C. Amindyas, NMED HWB  
C. Abeyta, NMED HWB  
L. King, EPA Region 6 (6PD-N)

File: SNL 03 and Reading

**ATTACHMENT  
SECOND NOTICE OF DEFICIENCY  
THE DEPARTMENT OF ENERGY/SANDIA NATIONAL LABORATORIES  
(DOE/SNL), NEW MEXICO.**

**September 9, 2003**

The following are comments on DOE/SNL's response to the notice of deficiency (NOD) issued by NMED on October 10, 2002. Provide the required information and incorporate the responses into the permit application text.

- 1. NOD Comment # 7b, Section A.5.1, Wells (20 NMAC 4.1.900/40 CFR 270.14[b][19][ix]), Page SW-A-6: Details of design and construction should be provided for all monitoring wells -**

**DOE/SNL's Response:** "None of the Units included in this application are regulated units as defined in 20 NMAC 4.1.900/40 CFR 26[4]. 90(a)(2), and none are subject to the requirements of 20 NMAC 4.1.500/40 CFR 264 Subpart F. None of the Units have groundwater monitoring wells associated with them. Thus, the requirement in 20 NMAC 4.1.900/40 CRF 270.14(c) to provide information about the monitoring wells is not applicable."

- a) A "regulated Unit" is defined in 20.4.1.500 NMAC, incorporating 40 CFR §264.90(a)(2). The Chemical Waste Landfill (CWL) is a "regulated unit" because it was operated until 1985. DOE/SNL must therefore provide the information requested in NMED Comment 7.b.
  - b) **General Part B, Appendix G, Sections G.1.1 through G.1.8:** Provide the maximum amounts of the various waste types that will be treated annually at the Radioactive and Mixed Waste Management Facility and at the Auxiliary Hot Cell Facility by chemical deactivation, macro-encapsulation, stabilization, thermal deactivation, amalgamation, and mechanical processing.
- 2. NOD Comment # 57, Regarding Requirements for Ignitable, Reactive, and Incompatible Wastes (IRIW) and General Part B, Section 1.1.2.1, 3rd paragraph -**

This paragraph states that ignitable and reactive wastes may be stored in designated waste management areas (WMAs) at each Unit. Provide information on how these specific WMAs or cells within a WMA are designated, identified or labeled to ensure that waste is kept properly segregated.

- 3. NOD Comment # 61, regarding the identification of potential ignition and reaction sources present at each individual unit -**

DOE/SNL provided general information on potential sources but did not identify ignition/reaction sources at each unit. Provide information that describes the ignition/reaction sources at each unit.

**4. NOD Comments # 63 and # 66, regarding inspection forms and plans:**

There is a difference between the plan and the schedule/forms. The inspection plan shall be a detailed description of how the inspection is to be performed and should be unique to each individual unit. The plan should identify and address special requirements, areas, and concerns unique to the individual units. For instance, some of the cells at the HWMF Building 959 contain shelves with lips that could potentially collect liquids from spills. The inspection plan for this unit should indicate that these shelves are to be inspected for spills or accumulated liquids. In addition, the inspection plan for the HWMF does not include the retention pond. Provide information that addresses the above issues.

**5. NOD Comments # 64, # 65 and # 66 regarding inspections and the level of detail required:**

The inspection plan or the forms shall identify all key pieces of equipment, structures and areas to be examined in order to ensure that these items are accounted for. For instance, the current list for spill control equipment lists recovery drums only. At a minimum this list should include items necessary to contain and clean up a release. Items such as brooms, mops, wet/dry vacuum, pumps, absorbent, and containment booms, as applicable, should be included. In addition, quantities of items should be included to insure that adequate supplies are on hand. In DOE/SNL's response to Comment # 65 it states that the quantities may vary depending on the amount of waste in storage. If this is the case, then the evaluation method for determining sufficient supplies shall be presented in the plan.

**6. NOD Comment # 70: Appendix D, Personnel Training, Table D-2, Page SW-D-6, last column titled "Unit Operations Support Staff" -**

Explain why the Unit Operations Support Staff are not required to be trained in RCRA and emergency response, so that they would know what to do in case of emergency occurring in their vicinity.

**7. NOD Comment # 70, Appendix D, Figure D-8, Page SW-D-16 "Job Title description, and Qualifications", first bullet: "Transportation Manager", Second sentence, "Transportation manager duties may include, but are not limited to "Preparing documentation and paperwork for off-site shipments of RCRA-regulated waste..."**

Provide exemplary documentation that the transportation Manager prepares.

**8. NOD Comment # 78 and Section 6 of the Unit-specific modules -**

In order to provide emergency responders with a quick reference to information about a facility and the location of different waste types, the Contingency Plan should contain figures of building layouts showing where the different waste categories are stored and a table identifying the building and location of different waste types stored. Also the map showing evacuation routes should be included in the Contingency Plan section.

**9. NOD Comment #325 - List of Active Test Sites -**

The list of three SWMUs (SWMUs 83, 84, and 240) and the two active septic systems (No. 1004 and No. 1094) provided in the DOE/SNL response does not likely include all outdoor test sites at SNL. In many cases, there may be no appreciable difference between active sites and inactive sites that are currently recognized as SWMUs. DOE/SNL must provide a list of all outdoor active test sites. The list must include the name, location, and a general description of the type or types of testing at each active test site.

**10. NOD Comment # 382: Volume I, General Part B, Appendix B, Page SW-B-33, Section B.B.3.1, third paragraph, third sentence, "If water collected in the catch tank is known to be contaminated with RCRA-regulated waste constituents treated at the TTF, arrangements will be made for disposal into the City of Albuquerque wastewater system..." -**

Explain how DOE/SNL are going to determine whether or not water in the catchment tank is contaminated with hazardous waste constituents without carrying out chemical analysis of a sample of the water. Such water must be handled as hazardous waste unless chemical analysis indicates that it is not contaminated with hazardous waste or hazardous waste constituents.

**11. NOD Comment # 391, Volume I, General Part B, Appendix F, "Closure Plan", Page SW-F-8, Section F.6, "Sampling and Analysis Plan", third sentence: "Unit-specific details (e.g., the number and location of samples required analytical constituents, QA/QC procedures, etc.) will be provided in an updated sampling and analysis plan...These unit-specific sampling and analysis plans will be submitted to NMED for approval prior to initiation of closure activities" -**

Provide a detailed sampling and analysis plan with schematic drawings of the HWMF, the RMWMF, and TTF showing proposed sample locations at closure. NMED does not accept that information to be provided at closure of the Facilities.

**12. NOD Comment # 396, Volume I, Module II, Standard Operating Procedures at the TTF: Section 2.6, Page TTF-18, fifth paragraph, last sentence "The TTF is east of the trough, and groundwater flow under the TTF is toward the west (SNL/NM, 2001a, 2001b) -**

Explain how DOE/SNL determined that the direction of the groundwater flow at the TTF was towards the west. Provide a potentiometric surface map from the cited studies.

**13. NOD Comment #435, Regarding Subpart CC requirements and the identification of each waste management area where the Subpart CC requirements apply. -**

The use of the term "the waste management Unit" in reference to individual tanks and containers is applied in Part 264 Subpart CC. The requirement to identify each container area subject to the requirements of Subpart CC is stated in 20.4.1.900 NMAC, incorporating 40 CFR §270.27. The regulations 20.4.1.900 NMAC, incorporating 40 CFR Part 270 deal with the permit program and

what is required in the permit application. Since it is impossible to identify individual containers that may not even be stored during the permit application process, the language used in §270.27 must be interpreted as meaning an area within the hazardous waste management unit. The permit Applicant should be able to designate and identify areas within the facility where waste subject to the Subpart CC requirements will be stored.

DOE/SNL must submit the information required under the original NOD Comment # 435.

14. **NOD Comments #509 through #524, i.e., COMMENTS ON LTTD, Last part of the paragraph in SNL's response: "DOE and Sandia are now operating the LTTD unit under the final approval; LTTD operations are expected to be completed by early December. Due to these changes in the permitting authority for the LTTD unit, specific responses to Comments 509 through 524 are unnecessary." -**

A statement that "specific responses to Comments # 509 through # 524 are unnecessary" is insufficient. DOE/SNL must submit a formal request to rescind the LTTD application from the re-authorization request.

**The following are additional comments on the revised Permit Application, Revision 2.0, dated April 2003.**

15. **General Part A, Appendix B, Figures B-2 through B-8, and also Figures B-16, B-19, and B-20 -**

Provide a scale for each of the ten Figures, as well as for any other schematic drawings in the whole Permit renewal application, which are qualified by the phrases "SITE SKETCH NOT TO SCALE", and "NOT TO SCALE". The required scale will enable third part reviewers to have an idea about the dimensions of each structure.

16. **General Part B, Section 1.1.1, 2nd paragraph, page SW-9 -**

This section states "**liquids that might accumulate at an SNL/NM Unit are contained within a secondary containment system that is sufficiently impervious to contain leaks, spills or accumulated precipitation until the liquid is removed,**" as described in each unit specific module. (Emphasis added) The unit-specific modules do not describe how liquids are removed, DOE/SNL shall provide this information.

17. **General Part B, Section 1.1.2.1, Prevention of Accidental Ignition or Reaction, 3<sup>rd</sup> paragraph last sentence, page SW-10 states "Ignitable and reactive waste are stored under controlled conditions to prevent spontaneous combustion."**

Describe what these controlled conditions are and how they prevent spontaneous combustion.

**18. General Part B, Section 1.1.4.6, Preventing Releases to the Atmosphere, Subpart CC, page SW-17 and General Part B, Appendix C, Section C.5, page SW-C-4 - Regarding remedial action -**

The New Mexico Hazardous Waste Management Regulations 20.4.1.500 NMAC, incorporating 40 CFR §264.1086(c)(4)(iii) require that efforts to repair a defect shall begin within 24 hours after detection and shall be completed within 5 calendar days. Provide information that indicates this requirement will be met.

**19. General Part B, Section 1.1.4.6, Preventing Releases to the Atmosphere, Subpart CC, 3rd paragraph, page SW-16 states -**

RCRA regulated wastes that are subject to Subpart CC requirements are managed in primary containers that are U.S. Department of Transportation approved. If SNL intends to use the DOT container requirements to demonstrate compliance with the Container Level 1 standards [§264.1086(c)(1)(i)], SNL must provide additional information to demonstrate the DOT compliance required in 20.4.1.500 NMAC, incorporating 40 CFR §264.1086(f).

**Comments #20 through #26 are additional comments on the Hazardous Waste Management Facility (Module I)**

**20. Section 1.1, Designated Waste Management Areas -**

Describe the fire rating of the buildings and cell walls and describe whether the cell walls are full or half walls.

**21. Section 1.1.1, Building 959, page HWMF-3 -**

The application states that the secondary containment capacities for the holding cells is 71 gallons and for the packaging area is 188 gallons. NMED calculates secondary containment capacities of 98 gallons and 261 gallons respectively for the holding cells and packaging area based on the dimensions provided. Check and correct the numbers provided in the text.

**22. Section 1.1.2, Building 958, page HWMF-3 -**

Because Cell 5 does not have a metal grate above the secondary containment reservoir, explain how containers are kept from contact with liquids as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.175(a)(2).

**23. Section 1.2.1, Operation of Containment Systems, page HWMF-5 -**

Regarding the shelves with edges that will contain liquids if spilled. This section states "Containers of highly corrosive liquids may be placed in larger containers to capture any releases that may occur." 20.4.1.500 NMAC, incorporating 40 CFR §264.175(a)(2) requires that all containers be protected from contact with liquids. Provide management practices that demonstrate compliance with this requirement.

**24. Section 1.2.2, Ignitable, Reactive and Incompatible Wastes, page HWMF-6 -**

The last bullet states that containers of wastes are labeled and segregated in different holding cells in Building 959 according to compatibility criteria. Provide information on how these different holding cells are labeled or identified so that accidental mixing of waste is prevented. This cell labeling should also apply to cells located in Building 958 and to the modular units.

**25. Section 1.3.2.2, Aisle Space and Storage Configuration, second paragraph, page HWMF-9 -**

This paragraph states "Containers may also be stored directly on the floor or on the grating." Containers cannot be stored directly on the floor unless the floor is sloped or operated to drain liquids, or containers are otherwise protected from contact with liquids (§264.175(a)(2)). The information provided on the design of the WMAs does not demonstrate that these requirements will be met. Either provide the information necessary to demonstrate compliance or provide an alternative storage configuration.

**26. Section 4.0, Inspection, 5th paragraph, page HWMF-16 -**

Sandia/DOE personnel also test the systems in accordance with the requirements of NFPA 25 standards for fire protection systems, as described in Section 1.1.3.2 of the General Part B. Section 1.1.3.2 of the General Part B does not describe the NFPA 25 standards. Provide this information.

**27. Module II, Section 2.6, Page TTF-18, Second Paragraph from the top of the page, third sentence states "The samples collected in 2001 were analyzed for several metals, including silver".**

Provide a list of the metals analyzed for other than silver. Provide a summary of the concentrations of the silver and the other metals found in the soil at and around the TTF.

**28. Volume I, General Part B, Figure 1, and Appendix A, Figures A-1, and A-3 through A-8:**

Provide a scale for each of the above listed seven Figures that carry the note saying "Not to scale". This should assist third part reviewers to have a feeling for the dimensions of each structure.

## **CAMU PART B PERMIT APPLICATION**

The following comments numbered # 29 through # 55 are on Volume III, Part 5 Corrective Action Units:

### **29. General comment:**

As indicated in the DOE/SNL response (February 14, 2003) to comment # 95 of the NOD issued by the NMED on October 10, 2002; staging, treatment, and containment operations are completed at the Corrective Action Management Unit (CAMU). The CAMU is now undergoing closure under a revised Closure Plan approved by the NMED on November 22, 2002. The NMED approval contained one condition -- revision of the Post-Closure Care Plan. At this time, many comments on the CAMU permit application submitted February 6, 2002 are no longer relevant. DOE/SNL have proposed in their response to the NOD issued October 10, 2002 to submit a CAMU Post-Closure Care Plan in 2003 and that this submittal will be substituted in the Part B renewal package as the CAMU permit application.

The NMED accepts this proposal, provided that the revised Post-Closure Care Plan is submitted with DOE/SNL's responses to this NOD.

Although most comments included in the NOD issued on October 10, 2002 are no longer relevant, a few are still significant. The latter are included below to ensure that they are eventually addressed in the revised Post-Closure Care Plan.

### **30. Section 3.1.1, Physical and Chemical Characteristics of Waste to be Managed, page 3-11, 2nd paragraph, last sentence states:**

"Hazardous remediation waste containing Toxic Substances Control Act (TSCA) contaminants ... may also be generated as a result of ER Project corrective action activities; management of these remediation wastes at the CAMU requires compliance with TSCA regulations...and New Mexico Solid Waste Act regulations for asbestos-containing wastes."

DOE/SNL has responded that all current permits are listed in Appendix A of the Part A Permit. However, the comment requests documentation that the necessary Permits and authorizations have been obtained from the U. S. Environmental Protection Agency and the New Mexico Environment Department Solid Waste Bureau. This documentation can consist of approval letters or certificates.

### **31. Section 3.1.6.4, Protection of the Atmosphere, page 3-49, 2nd paragraph:**

Provide additional information on other common wind directions and speeds. For example, winds from the west to southwest are common in this part of New Mexico.

DOE/SNL have responded that the requested information will be incorporated into the post-closure care plan. This is acceptable to the NMED.

**32. Section 3.5.6, Releases to the Atmosphere, page 3-60, 2nd paragraph, 2nd sentence states:**

“The prevailing wind direction at the CAMU is from the east (SNL/NM, 1994).”

Provide information on other common wind directions and speeds.

See also the 2nd paragraph of response #31 above.

### **CAMU PART B PERMIT APPLICATION**

Volume III, Part 5, Corrective Action Units,  
Appendix B, Attachment G  
Corrective Action Management Unit Supplement to Site-Wide Contingency Plan

**33. Table 1, page 6:**

Explain the relationship between the emergency coordinator position discussed in the training plan and this contingency plan.

See also the 2nd paragraph of response #31 above.

**34. Table 1, page 6:**

Provide the home addresses of the emergency coordinator and the first and second alternates as required by 20.4.1.500 NMAC incorporating 40 CFR 264.52(d).

See also the 2nd paragraph of response #31 above.

**35. Table 2, page 7**

Provide a brief description of each major piece of emergency equipment as required by 20.4.1.500 NMAC incorporating 40 CFR 264.52(e).

See also the 2nd paragraph of response #31 above.

**36. General Comment:**

Provide information on how SNL will comply with 20.4.1.500 NMAC incorporating 40 CFR 264.53(a), which requires maintaining a copy of the contingency plan at the facility.

See also the 2nd paragraph of response #31 above.

### **PART B PERMIT APPLICATION**

Volume III, Part 5 Corrective Action Units,

**37. Section 1.1, Training Director, page 5:**

Explain who will be the training director. State whether the training director is someone who will work routinely at the CAMU.

See also the 2nd paragraph of response # 31 above.

**38. Section 1.2, Relevance of Training to Job Position, page 5:**

This section is too brief and should contain more detail on how training will be relevant to each job position.

See also the 2nd paragraph of response #31 above.

**39. Section 1.2, Relevance of Training to Job Position, page 6, last sentence of the last paragraph:**

“The Training Director or designee will determine the exact content and duration of training required for individual employees.”

- a. List the qualifications needed by a person to be designated by the Training Director to fulfill the responsibilities of the Training Director.
- b. State whether Section 2.2, and Tables 2.1 and 2.2 apply to all workers at the CAMU, or whether the Training Director can modify training requirements.

See also the 2nd paragraph of response #31 above.

**40. Section 2.2, Training Content, Frequency, and Techniques, page 6, 1st paragraph, last sentence on page states:**

“All on-site personnel also participate in a minimum of 8 hours annual refresher training, which may include a review of the materials presented during the initial training as listed in Table 2-2, and other site-specific information such as the contingency plan.”

Annual review of initial training (20.4.1.500 NMAC incorporating 40 CFR 264.16(a)), including that related to the contingency plan is required (20.4.1.500 NMAC incorporating 40 CFR 264.16(c)).

The subject sentence should be revised to: “All on-site personnel also participate in a minimum of 8 hours annual refresher training, which will include a review of the materials presented during the initial training as listed in Table 2-2, and other site-specific information including the contingency plan.” See also the 2nd paragraph of response #31 above.

**41. Section 2.2, Training Content, Frequency, and Techniques, page 15, last sentence states:**

“The Emergency Coordinator and CAMU Project Leader are not considered on-site employees.”

- a. Explain why these job positions are not considered to be on-site employees.
- b. Explain how the Emergency Coordinator can coordinate a response to an emergency if he/she is not on-site

See also the 2nd paragraph of response #31 above.

**42. Table 2-1, Required Training for Each Job Title, page 12:**

Justify why the CAMU Project Leader and the Emergency Coordinator do not need initial and refresher OSHA HAZMAT training.

See also the 2nd paragraph of response #31 above.

**43. Section 2.3, Emergency Training, page 15:**

Explain how this training relates to that listed in Table 2-2.

See also the 2nd paragraph of response #31 above.

**44. Section 2.3, Emergency Training, page 15, item 1 states: “Emergency notification procedures.”**

The subject statement should be revised to “Emergency notification procedures, including location and use of alarms and communication devices”.

See also the 2nd paragraph of response #31 above.

**45. Section 2.3, Emergency Training, page 15:**

Justify why training is not required to respond to a ground-water contamination incident, as required by 20.4.1.500 NMAC incorporating 40 CFR 264.16(a)(3).

See also the 2nd paragraph of response #3 above.

**46. Section 3.0, Training Records, page 16, last sentence states:**

“All other training records and documentation are maintained by the Training Director or designee at a centralized facility location.”

State the name and place of the “centralized facility location.”

DOE/SNL have responded that the SNL/NM Records Center is currently located in Building 869. This information must be included in the revised Post-Closure Care Plan.

## **PART B PERMIT APPLICATION**

### **Volume III, Part 5 Corrective Action Units, Appendix D**

#### **Closure Plan**

#### **47. General Comment:**

As indicated in the DOE/SNL response to comment #224 of the NOD issued October 10, 2002, the Corrective Action Management Unit (CAMU) is now undergoing closure under a revised Closure Plan approved by the NMED on November 22, 2002. The NMED approval contained one condition, requiring revision of the Post-Closure Care Plan. Although most comments of the NOD issued on October 10, 2002 are no longer relevant, a few are still significant. The latter are included below ensuring that they are eventually addressed in the revised Post-Closure Care Plan.

#### **48. Section 8.3, Post-closure Notices, page 44, 1st paragraph, 1st sentence; and sub-bullet #3 of bullet #1:**

Revise the subject sentence and bullet to identify specifically the local zoning authority. See also response # 47 above.

#### **49. Section 8.5, Maintenance Activities and Frequencies, page 48, 1st sentence states:**

“Maintenance activities will be performed on a regularly scheduled basis to maintain the integrity of the waste containment cell.”

Sections 8.5.1 and 8.5.2 state that maintenance of the cover and drainage structures will be conducted “as needed”, rather than on a regularly scheduled basis (which makes sense in these cases). The subject sentence should be revised to: “Maintenance activities will be performed to maintain the integrity of the waste containment cell, the LCRS, drainage diversion structures, and the monitoring systems.”

See also response # 47 above.

#### **50. Section 8.6, Certification of Completion of Post-closure, page 49, 3rd sentence states:**

“Documentation supporting the independent registered professional engineer’s certification of post-closure will be furnished to the Regional Administrator upon request.”

The subject sentence needs to be updated; also the NMED will require documentation of post-closure activities. The subject sentence should be revised to: "Documentation supporting the independent registered professional engineer's certification of post-closure will be furnished to the NMED."

See also response #47 above.

**51. Section 4.5.2 and 4.5.3, pages 29 and 33:**

Provide information on the average depth of frost penetration and describe the effects on the freeze/thaw cycles of the cover.

See also response #47 above.

**52. Section 8.5.3, page 48:**

Describe how the LCRS tank will be decontaminated and state whether the tank is to be removed at the end of the post-closure period.

See also response #47 above.

**53. Section 8.5.5, page 49:**

Demonstrate that the containment cell and its cover system will not be disturbed by post-closure land use in accordance with 20.4.1.500 NMAC incorporating 40 CFR 264.117(b) and (c).

See also response #47 above.

**54. Comment on length of post-closure period:**

Suggest a reasonable time period for the length of post closure.

See also response #47 above.

**55. Section 8.4.4, Vadose Zone Monitoring, page 47, subtitle Quarterly Vadose Zone Detection Monitoring:**

Reference Table 4-1 in Appendix E somewhere in this subsection so that the frequencies and types of vadose zone monitoring that will be conducted during post closure is clearer to the reader.

See also response # 47 above.

**56. SNL's Response to Comment # 433:** NMED disagrees. Section 1.1.4.6, General Part B, lists five standards where Subpart CC requirements do not apply. Standards 3, 4, and 5 are listed as "containers..." However, these exemptions apply to three categories of hazardous waste management units, not containers, as given in 20.4.1.500 NMAC incorporating 40 CFR Part 264.1080 (b)(5) through (b)(7). Units that satisfy these conditions have been deferred by EPA from regulation under Subpart CC pending further study." The EPA has further decided to temporarily defer application of the subpart CC standards to tanks, containers, and surface

impoundments which are being used on-site to treat or store hazardous wastes containing organics generated from remedial activities required under RCRA corrective action or CERCLA response authorities, or similar State remediation authorities, provided that the wastes are managed in units that do not also manage other hazardous wastes” (59FR 62913).

Therefore, individual containers stored in units unlike these three units are subject to Subpart CC requirements. For example, a container that contains waste derived from remedial activities under corrective action authorities is subject to Subpart CC regulations unless the waste management unit that the container is stored in is used “solely for the on-site management of waste derived from remedial activities under corrective action authorities.” If the unit is also used for the management of as-generated or other wastes not derived from remedial activities under corrective action authorities, then the deferral does not apply. The deferrals listed as numbers 3, 4, and 5 should be modified to include “waste management units”, and the word “containers” should be removed.

57. **SNL’s Response to Comments # 434 through #437:** NMED disagrees. The revised text in Section 8.2, General Part B, lists Subpart CC exemptions as exemptions for containers, not units. The regulation defers particular types of units, not individual containers. See comment 56 above in response to comment # 433.
58. **SNL’s Response to Comments # 440 through #441:** NMED disagrees. Regardless of whether or not a release has been documented, NMED will require that building floors and other storage areas be decontaminated (washed) and a radiological screening be completed prior to closure. This section should describe decontamination procedures that will be conducted to meet the closure standard required by 20.4.1.500 NMAC incorporating 40 CFR Part 264.111 and Part 264.112.
59. **SNL’s Response to Comments # 450 through #465:** NMED disagrees. NMED disagrees. Withdrawal of the High Bay Waste Storage Facility from the RCRA Part B application must be submitted to NMED in writing and certified in accordance with 20.4.1.900 NMAC incorporating 40 CFR §270.11. Operation of the HBWSF is authorized under interim status as described in the original permit modification for the life of the existing SNL RCRA Permit, unless modified. Accordingly, the HBWSF must be closed according to 20.4.1.600 NMAC incorporating 40 CFR Part 265 Subpart G standards prior to the new 10-year permit becoming effective. A closure plan for the HBWSF must be submitted by SNL to NMED for approval within 45 days prior to the date that closure activities begin.
60. **SNL’s Response to Comments # 477 through #478:** NMED disagrees. See Comment # 58 above regarding SNL’s response to NOD comments #440 and #441.
61. **SNL’s Response to Comments # 479 through # 482.** NMED disagrees. See Comment # 56 above regarding SNL’s response to NOD comment #433.

**62. SNL's Response to Comments # 498 through # 499.** NMED disagrees. See Comment # 58 above regarding SNL's response to NOD comments 440 and 441.

**63. SNL's Response to Comments # 500 through # 503. Rejected.**

See Comment # 57 above, regarding SNL's response to NOD comments #433, #434, #436, and #437.

**64. Financial Assurance for Closure and for Post-Closure Care**

SNL must provide financial assurance for closure and post-closure care of the proposed facilities, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.143 and §264.145, before the application can be deemed administratively complete.