

SNL 04



National Nuclear Security Administration

Sandia Site Office
P.O. Box 5400
Albuquerque, New Mexico 87185-5400



NOV 08 2004



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. James Bearzi, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Road East
Building 1
Santa Fe, NM 87505

Dear Mr. Bearzi:

On behalf of the Department of Energy (DOE) and Sandia Corporation, DOE is responding to the New Mexico Environment Department (NMED) letter of September 14, 2004, Third Notice of Deficiency (NOD): Response to Comments on July 12, 2004 NMED Notice of Deficiency, Post-Closure Care Plan for the Corrective Action Management Unit (CAMU), Technical Area 3, Sandia National Laboratories/New Mexico, Environmental Restoration Project, March 2004, HWB-SNL-03-025. The CAMU is authorized under the Hazardous and Solid Waste Amendments Module of the Resource Conservation and Recovery Act Permit for Sandia National Laboratories/ New Mexico (EPA ID No. NM5890110518).

The response to the initial NOD (dated December 17, 2003) on the CAMU Post Closure Care Plan (PCCP) was transmitted on April 9, 2004. The second NOD issued on July 12, 2004 identified a number of outstanding issues related to our NOD responses. DOE responded to the second NOD on August 31, 2004. The third NOD identified two outstanding issues. In Enclosure 1, we have prepared responses to each of the two comments identified in the third NOD.

On the first comment, we have prepared, for NMED review and approval, a page change for the PCCP, which incorporates NMED comments by providing a revised Figure 2-6 (Enclosure 2).

In regards to the second comment, we are proposing for NMED approval, conditions related to the future management of leachate during the post-closure care period via the domestic sewage exclusion allowed by state regulations. As you are aware, we have provided your office the CAMU closure certification notice and consider the CAMU in post-closure care. If the NMED has imposed additional restrictions on the use of this exclusion, please provide additional details.

Upon NMED approval of both responses, we will prepare and transmit a final version of the PCCP.



Mr. J. Bearzi

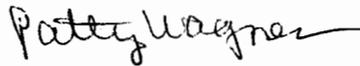
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NOV 08 2004

As noted in your December 17, 2003 letter, the DOE requests that, upon NMED approval, the CAMU PCCP replace in its entirety the current operating permit and conditions specified in the Class III Permit Modification Request for Management of Hazardous Remediation Waste in the Corrective Action Management Unit, Technical Area III, September 1997, Reprinted June 2002, and concurrently replace the CAMU portion of the Part B permit renewal application submitted to the NMED in February 2002.

If you have any questions regarding this response, please contact Joe Estrada of my staff at (505) 845-5326.

Sincerely,



Patty Wagner
Manager

Enclosures

cc w/enclosures:

W. Moats, NMED-HWB (Via Certified Mail)
J. Kieling, NMED-HWB, Santa Fe
L. King, USEPA, Region VI (Via Certified Mail)
M. Gardipe, NNSA/SC/ERD
M. Reynolds, NNSA/SSO
D. Rast, NNSA/SSO
C. Voorhees, NMED-OB, Santa Fe
D. Sleeman, NMED-OB

cc w/o enclosures:

F. Nimick, SNL, MS 1089
R. E. Fate, SNL, MS 1089
M. J. Davis, SNL, MS 1089
D. Miller, SNL, MS 1088
A. Blumberg, SNL, MS 0141

CERTIFICATION STATEMENT FOR APPROVAL AND FINAL RELEASE OF DOCUMENTS

Document title: **Response to 3rd Notice of Deficiency, CAMU Post-Closure Care
Plan, November 2004**

Document author: **M.J. Davis, Dept. 614**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature: Peter B. Davies

Peter B. Davies
Director

Geoscience & Environment Center
Division 6100
Sandia National Laboratories/New Mexico
Albuquerque, New Mexico 87185
Operator

10/28/04

Date

and

Signature: Patty Wagner

Patty Wagner
Manager

U.S. Department of Energy
National Nuclear Security Administration
Sandia Site Office
Owner and Co-Operator

11-5-04

Date

ENCLOSURE 1

**RESPONSE TO COMMENTS
NEW MEXICO ENVIRONMENT DEPARTMENT (NMED)
THIRD NOTICE OF DEFICIENCY
September 14, 2004**

Comments by the Permits Management Program, Hazardous Waste Bureau, NMED
for
U.S. Department of Energy (DOE) / Sandia National Laboratories (SNL)
August 31, 2004
Response to Comments on July 12, 2004 NMED Notice of Deficiency for
Post-Closure Care Plan (PCCP) for the Corrective Action Management Unit (CAMU)
Technical Area 3

**Comments and Responses
November 2004**

1. Response to Comment #7. This NMED comment required that Figure 2-6, Detail 10, Plan of Leachate Collection and Storage Area, be revised to reflect that the leachate collection tank and appurtenances are no longer in use and that it should be shown as a less-than-90-day drum storage area with the appropriate controls.

In response to this comment, DOE/SNL provided an updated Figure 2-6 to reflect all changes occurring since CAMU closure. These updates included deleting Detail 10, as requested, as well as deleting Details 1 and 3, relating to the now-removed decontamination pad, and Detail 11, relating to the now-removed leachate collection pad.

After deleting these particulars, the remaining detail section numbers were changed to detail sections #1 through #7. In doing so, these detail section numbers no longer match the detail sections that they refer to in Figure 2-4, which is the CAMU Containment Cell Site Plan.

DOE/SNL must correct this discrepancy in detail section numbers. In addition, DOE/SNL must add a detail section of the less-than-90-day area showing a cross-section of the secondary containment pallets on the 3-inch-deep gravel base course.

Response: As requested, we have revised Figure 2-6 to reinstate the original detail numbers and to add a cross-section of the less-than-90-day area. Please see the revised Figure 2-6, Enclosure 2.

2. Response to Comment #9. This NMED comment required that Section 2.2 of the Waste Analysis Plan, *Description of Hazardous Remediation Waste*, provide a description of the hazardous waste constituents that potentially could be detected in leachate.

In response to this comment, DOE/SNL indicated that laboratory analysis of the leachate would be performed to evaluate compliance with City of Albuquerque sanitary sewer discharge limits; a list of constituents to be sampled for prior to said discharge to the sanitary sewer was provided. DOE/SNL further indicated that a complete list of potential constituents is found in Table 3-1 of the existing CAMU permit (SNL/NM, September 1997).

DOE/SNL is herein again requested to provide a description in the PCCP of the hazardous waste constituents that potentially may be found in the leachate, not what will be sampled for prior to discharge into the sanitary sewer system. In addition, NMED expects RCRA waste-contaminated leachate to be managed as F039 listed waste, which should be sent to an off-site RCRA Subtitle C facility for treatment and disposal, as applicable. The NMED is concerned that leachate sampled for the purpose of discharge into the sanitary sewer system will not be fully characterized to determine if the leachate should be managed as hazardous waste from "cradle to grave." DOE/SNL are reminded here that the CAMU permit currently requires leachate from the containment cell to be disposed of at an off-site RCRA Subtitle C facility.

Response: The PCCP was submitted in July 2003 as a Class 2 permit modification request, proposing to modify or clarify post-closure conditions contained in the "Class III Permit Modification Request for Management of Hazardous Remediation Waste in the Corrective Action Management Unit, Technical Area III, September 1997, Reprinted June 2002." As such, we are proposing, for NMED approval, conditions related to the future management of leachate during the post-closure care period. The proposed PCCP language regarding leachate is designed to explicitly acknowledge all leachate management options that may be implemented throughout the post-closure care period.

As recognized in the PCCP (Appendix A, Section 3.1), several options are available for management of leachate under the New Mexico hazardous waste management regulations. The DOE/SNL preferred method of leachate disposal is discharge to the sanitary sewer, under an exclusion in 20.4.1.200 NMAC incorporating 40 CFR 261.4(a)(1). Under this domestic sewage exclusion, any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly-owned treatment works (POTW) is excluded from the definition of solid waste. The discharged material must, of course, comply with the POTW discharge limits, established to ensure compliance with the Clean Water Act.

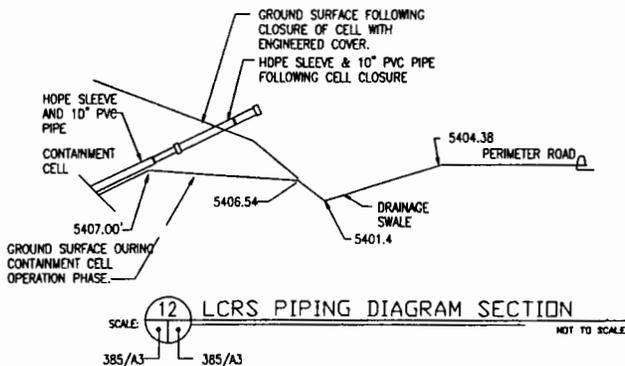
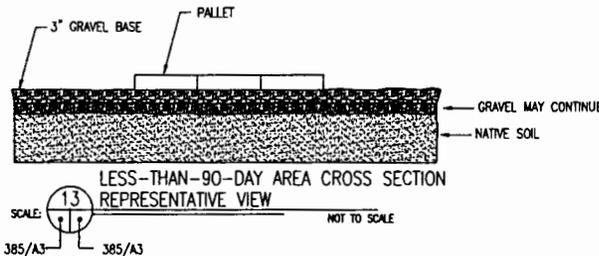
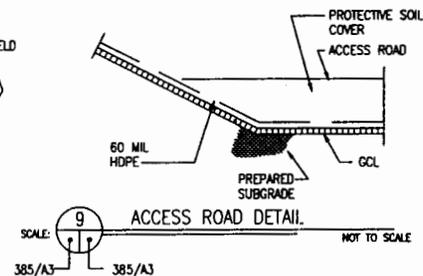
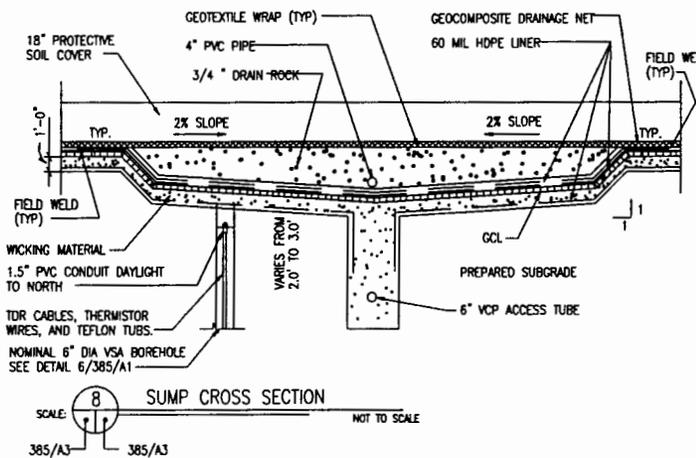
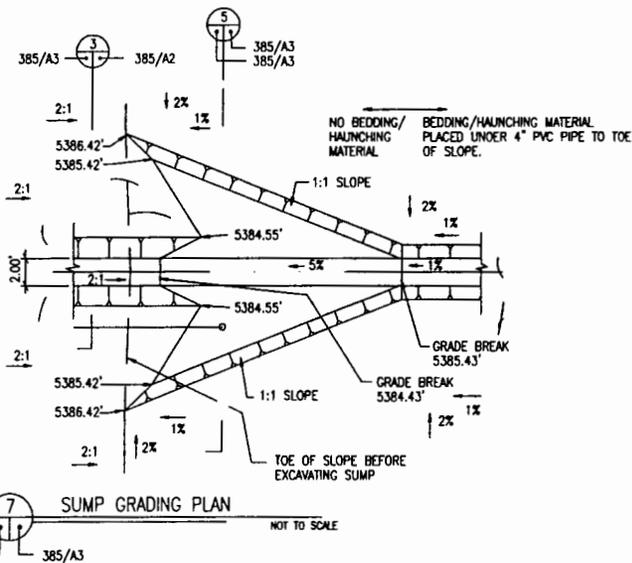
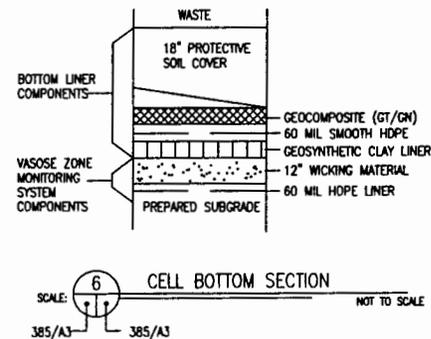
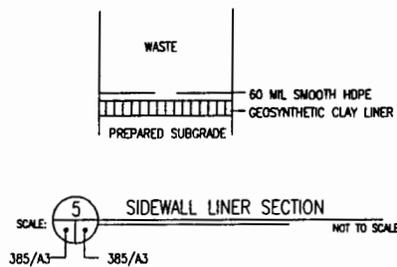
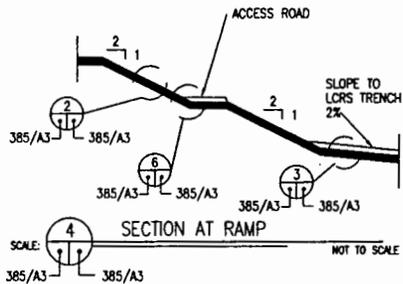
The domestic sewage exclusion is a statutory exemption, included in the Solid Waste Disposal Act (the precursor to RCRA) to prevent dual regulation of wastes discharged to the sanitary sewer. Under the exclusion, materials discharged to the sewer are regulated by the Clean Water Act, not RCRA. This domestic sewage exclusion allows the discharge of low-concentration hazardous waste, which loses its hazardous (and solid) waste designation as it enters the sewer. The exclusion was included in the 1980 RCRA regulations and has not been changed since. EPA endorsed the use of the domestic sewage exclusion for disposal of cleanup waters generated by remediation actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

At SNL/NM, the leachate is managed as hazardous waste from the point of generation. Currently, the leachate is staged at a less-than-90-day area pending sampling and analysis. As required by the City of Albuquerque (COA) sewer ordinance, the leachate is sampled for a broad spectrum of

analytes including total toxic organics and total metals, as well as individual analytes. Analytical results are forwarded to the COA, with a request for permission to discharge. Thus, the analytical requirements are determined by the sewer ordinance and are sufficient to meet Clean Water Act requirements.

It is our understanding that the domestic sewage exclusion is a viable provision in the New Mexico hazardous waste management regulations, available for use by any generator whose waste meets the related requirements under the Clean Water Act. If the NMED has imposed additional restrictions on the use of this exclusion, please provide additional details.

ENCLOSURE 2



GENERAL NOTES
 ○ SEE MECHANICAL EQUIPMENT SCHEDULE, SHEET 385/A6

KEYED NOTES
 ① AIRLINE AND BUBBLER TUBE PENETRATE THROUGH SIDE OF EQUIPMENT STORAGE SHED 12" ABOVE GRADE.

Figure 2-6
Corrective Action
Management Unit
Containment Cell Design Details

REV	DATE	DESCRIPTION	DRN	CHK	APP
△					
△	11/04	LESS-THAN-90-DAY AREA ADDED			
△	11/04	LEACHATE SYSTEM/DECON PAD DELETED			

U.S. DEPARTMENT OF ENERGY MANAGEMENT SUPPORT DIVISION		ALBUQUERQUE, NEW MEXICO	
NORTLAND AIR FORCE BASE EAST		ALBUQUERQUE, NEW MEXICO	
SANDIA NATIONAL LABORATORIES PLANT ENGINEERING		ALBUQUERQUE, NEW MEXICO;Livermore, California; TOROPAR, NEWMEXICO	
DECONTAMINATION PAD & CONTAINMENT CELL DTLS.		P.A. OR I.D.	
HAZARDOUS WASTE CORRECTIVE ACTION MANAGEMENT UNIT		PROJECT NO.	E364-CN4666
DRAWN BY		CHKD BY	DEH
CHECKED BY		APPROVED BY	EW
DATE		DATE	10/01/04
SIZE		DRAWING NO./SHEET	12
FILE NAME		104-358/A3	
REFERENCE FILE:			

CAD DRAWING
 COMPUTER SYSTEMS DEPT. 7901
 SITE UTILITIES DEPT. 7901
 FILE NAME: 840857.0208 RZ
 REFERENCE FILE: