


National Nuclear Security Administration

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

ENTERED

MAR 17 2005
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Marcy Leavitt, Director
 Water and Wastewater Division
 New Mexico Environment Department
 Harold Runnels Building
 1190 St. Francis Drive
 PO Box 26110
 Santa Fe, NM 87502



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

Dear Ms. Leavitt and Mr. Bearzi:

On behalf of Sandia Corporation and the Department of Energy (DOE), DOE is requesting extensions of time for two deliverables under the Compliance Order on Consent (Consent Order) for Sandia National Laboratories/New Mexico (SNL/NM) (EPA ID No. NM5890110518). This request is in accordance with Section III.J.2 of the Consent Order, which details a written submission to the Department for review and approval. The submission must identify the length of the extension and the basis for the request. The two deliverables covered in this written submission are related to corrective measure (remedy) selection for the Mixed Waste Landfill (MWL) at SNL/NM.

The Corrective Measures Study (CMS) Report for the MWL was transmitted to the New Mexico Environment Department (NMED) on May 21, 2003. The CMS Report evaluated corrective measure alternatives and recommended as a final remedy the construction of a vegetative soil cover for the MWL. On January 5, 2004, NMED determined that the MWL CMS Report is complete and directed DOE and Sandia to initiate the Class 3 permit modification process for remedy selection. DOE subsequently transmitted the Class 3 permit modification request on January 23, 2004.

The Compliance Order on Consent (Order), which took effect on April 29, 2004, included the requirement for the submission of an MWL Corrective Measures Implementation Plan, and an MWL Corrective Measures Implementation Report. These documents were to be submitted on September 30, 2004 and January 20, 2006, respectively. However, the CMI Plan is dependent on a determination of

MAR 17 2005

Ms. M. Leavitt and Mr. J. Bearzi (2)

the final remedy for the MWL by the Department Secretary, and the CMI Report is dependent on the completion of fieldwork at the site. In order to comply with these dates, we notified NMED in October of 2003, that a decision on the MWL final remedy would be needed by June of 2004. When the public hearing for the MWL remedy had not been scheduled by May of 2004, we requested an extension to the Order due dates for the two documents and proposed a new schedule (see table below). In this extension request we also informed NMED that a final remedy decision would be needed by April of 2005 if we were to be able to comply with the extended dates.

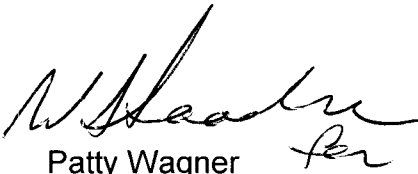
The public hearing on the remedy was held on December 2 & 3 and 8 & 9, 2004, and we were recently informed that Citizen Action was granted a 30-day extension for the submission of their closing remarks, findings of fact, and conclusions of law. Since this extension will extend the date for a final determination on the remedy by the Secretary, we are requesting a second 30-day extension to the Order due dates for the MWL CMI Plan and the MWL CMI Report.

<u>Deliverable</u>	<u>Due Date Contained In Order</u>	<u>1st Extended Due Date</u>	<u>New Extended Due Date</u>
MWL Corrective Measures Implementation Plan	9/30/2004	8/12/2005	9/12/05
MWL Corrective Measures Implementation Report	1/20/2006	9/29/2006	10/28/06

Further extensions will likely be required depending upon when the Secretary actually issues the final decision on the remedy selection.

Please contact John Gould at (505) 845-6089 with any questions regarding this request.

Sincerely,


Patty Wagner
Manager

Ms. M. Leavitt and Mr. J. Bearzi (3)

MAR 17 2008

cc:

W. Moats, NMED (Via Certified Mail)
L. King, EPA, Region 6 (Via Certified Mail)
M. Gardipe, NNSA/SC/ERD
J. Estrada, NNSA/SSO, MS 0184
M. Reynolds, NNSA/SSO, MS 0184
A. Blumberg, SNL, MS 0141
F. Nimick, SNL, MS 1089
D. Miller, SNL, 1088
D. Fate, SNL, MS 1089
J. Peace, SNL, MS 1088
T. Goering, SNL, MS 1088
M. J. Davis, SNL, MS 1089
J. Volkerding, NMED-OB
D. Pepe, NMED-OB, Santa Fe