



BILL RICHARDSON
GOVERNOR

SNL MWL
State of New Mexico
ENVIRONMENT DEPARTMENT ENTERED

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RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

*Reading Field
Mailed
1/29/07
CR*

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 29, 2007

Janet Greenwald
Citizens for Alternatives to Radioactive Dumping
202 Harvard SE
Albuquerque, New Mexico 87106

RE: SANDIA NATIONAL LABORATORIES' MIXED WASTE LANDFILL

Dear Ms. Greenwald:

New Mexico Environment Department (Department) Secretary Curry has asked me to respond to your electronic letter dated January 23, 2007, in which you request information concerning certain corrective action activities at the Sandia National Laboratories' (SNL) Mixed Waste landfill (MWL). You ask if the Department has resolved safety issues concerning the MWL; the Department takes this to mean those issues related to comments in the Notice of Deficiency (NOD) issued for the MWL Corrective Measures Implementation (CMI) Plan on November 20, 2006. You also request that if these issues have not been resolved, that the Department take action to stop construction of the cover. Furthermore, if the issues have been resolved, you request copies of documentation related to the resolution of the issues, including performance modeling.

As you are aware, as a result of the hearing held on the matter of the MWL Corrective Measures Study, Secretary Curry approved a final permit on May 26, 2005 and ordered that a cover with bio-barrier be installed over the MWL and that long-term monitoring be conducted. This decision was appealed by Citizen Action, a citizen advocacy group, and is now before the New Mexico Court of Appeals. Citizen Action has asked the Court to overturn the Department's decision and to select a different remedy. The Court has not yet ruled on the appeal. The permit issued by the Department remains in effect until and unless the Court overturns it.

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In accordance with the approved permit, SNL was required to submit to the Department the CMI Plan mentioned above. The CMI Plan was submitted to the NMED on November 3, 2005. A public comment period was held from December 9, 2005 to February 7, 2006, and extended from May 25, 2006 to June 8, 2006. A public meeting was conducted on the technical merits of the CMI Plan on May 25, 2006. The Department's responses to public comment on the CMI Plan were made available at the NMED web page at <http://www.nmenv.state.nm.us/hwb/snlperm.html> under Mixed Waste Landfill, and mailed to the facility mailing list that includes your organization.

Responding to a verbal request by the U. S. Department of Energy and SNL, the Department issued a letter on September 18, 2006, authorizing the removal of fencing and preparation of the subgrade in advance of cover construction. A copy of this letter is enclosed. The Department gave this authorization because it did not have any technical concerns with these two specific issues. The Department also did not receive any public comment related to fence removal and subgrade preparation.

As mentioned previously, the Department issued a NOD on the MWL CMI Plan which was divided into two main parts. Part 1 dealt with construction design, specifications, and quality assurance. Part 2 contained comments related to the Fate and Transport Model and monitoring triggers. In addition, the Department required SNL to submit a soil-vapor sampling and analysis plan (SAP) to obtain more recent data for emissions of volatile organic contaminants, tritium, and radon.

SNL submitted its responses to Part 1 of the NOD and the soil-vapor SAP on December 21, 2006. Both the responses and the SAP are posted on the Department's web page at the previously mentioned link. The Department will not take a final action on the SAP until it has formally made the SAP available for public comment and has considered any public comment received. The Department has not at this time completed its preparations to open up the SAP for public comment, but you are welcome to download the document any time you wish and to provide comment to the Department.

SNL submitted responses to Part 2 of the NOD and a correction to comment #15 of Part 1 on January 19, 2007. The Department will post these documents on the Department's web page as soon as electronic versions are available. Please check the web page periodically for this posting. Please feel free to call John Kieling at 505.476.6035 for a status update if the document has not been posted within one week of receiving this letter.

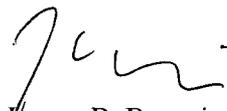
The Department has not approved any portion (Part 1, Part 2, or the SAP) of the NOD as of the date of this letter. Therefore, the issues raised in the NOD remain unresolved.

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SNL technical personnel have informed the Department that the fence surrounding the MWL has been removed and that SNL has completed subgrade preparation. The actual cover installation has not commenced. SNL will not begin construction of the cover until it has received Department approval of the cover design, construction specifications, and quality assurance plan.

The Department values citizen input, and encourages you to avail yourself of the many documents posted on our website related to the MWL. If you have any questions, please feel free to contact me at 505.476.6016.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:wpm

Enclosure

Cc: R. Curry, NMED Secretary
C. Padilla, NMED Deputy Secretary
J. Kieling, NMED HWB
W. Moats, NMED HWB
T. Fox, NMED OGC