

SNL MWL 07

07-017

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

April 16, 2007

David B. McCoy
Executive Director
Citizen Action New Mexico
P. O. Box 4276
Albuquerque, NM 87196-4276

RE: SANDIA NATIONAL LABORATORIES MIXED WASTE LANDFILL: PUBLIC HEARING AND PUBLIC COMMENT PERIOD REQUEST OF MARCH 23, 2007

Dear Mr. McCoy:

I am in receipt of your March 23, 2007 letter in which you request a public hearing on issues pertaining to storm-water erosion controls at the Sandia National Laboratories Mixed Waste Landfill (MWL). This request concerns a March 13, 2007 letter from the U. S. Department of Energy (DOE) to the New Mexico Environment Department (NMED) on the subject of installing erosion controls at the MWL while construction of the cover is delayed.

Based on analytical results of surface soil sampling conducted at the landfill during the RCRA Facility Investigation (RFI), the only contaminants in surface soil that originated from the MWL are tritium, radon, and volatile organic compounds. Low levels of plutonium were also detected in surface soil at the MWL at the location of the now-closed Interim Status Storage Unit. Site characterization of the MWL included surface and subsurface soil and soil-gas sampling, and groundwater monitoring. This information, including the risk assessment based on the RFI findings, was presented in detail by NMED technical staff at the hearing in the matter of the Corrective Measures Study (CMS) for the MWL, in which Citizen Action was a party. NMED testified in the hearing that contaminants known to be in surface soil at the MWL do not pose an unacceptable risk. Therefore, any of these contaminants that may migrate from the existing landfill surface would be diluted by other sediment, thus posing an even lower risk to human health and the environment. Any storm-water monitoring downstream of the MWL therefore would not be necessary to protect human health and the environment, and not be driven by risk, extant data, or science.

Mr. Dave McCoy

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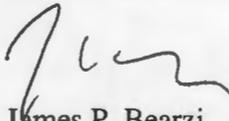
The erosion controls discussed in the March 13, 2007 letter are temporary controls, as are requirements in the proposed Corrective Measures Implementation (CMI) Plan for erosion control during construction activities. Only the swales are meant to be permanent features. NMED requires that the swales be constructed in accordance with the approved CMI Plan when the cover installation has been completed. The NMED has no concern about the swales working as temporary features prior to them being designated as permanent features.

NMED considers retesting and recompacting, if necessary, the constructed subgrade before proceeding with the installation of the cover is a wise precaution. Soil-gas sampling on the landfill surface will not be impacted if the landfill surface is recompacted.

The DOE and Sandia Corporation are not required to submit information regarding the actual installation of the cover, including the subgrade, until such time the Corrective Measures Implementation Report is due. The NMED is not aware of any information to suggest that the DOE and Sandia Corporation have not complied substantially with the proposed CMI Plan with respect to construction of the subgrade. NMED will nevertheless scrutinize the CMI Report and act on any information contained therein suggesting that DOE and Sandia Corporation did not comply with cover construction requirements.

Finally, under the applicable procedural rules, 20.1.4.901 NMAC, there is no provision or right to a hearing on the issue you have raised. NMED therefore denies your request for a public hearing on the storm water controls at the MWL. Because the March 13, 2007 letter does not constitute a "major document" as contemplated in the Secretary's Final Order in the matter of corrective action at the MWL, NMED denies your request to open a public comment period on this subject.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
W. Moats, NMED HWB
T. Skibitski, NMED DOE OB
T. Fox, NMED OGC
L. King, EPA-VI

File: SNL, 2007