



BILL RICHARDSON  
GOVERNOR

MWL  
State of New Mexico  
**ENVIRONMENT DEPARTMENT**

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07-025

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

May 25, 2007

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

**RE: PUBLIC INFORMATION REQUEST, MARCH 29, 2007**

Dear Mr. McCoy:

I am in receipt of your March 29, 2007, letter that contains about 28 requests for public records in 16 categories pertaining to Sandia National Laboratories' (SNL's) Mixed Waste Landfill (MWL). On March 30, 2007, you were notified that the New Mexico Environment Department (Department) would respond to your March 29, 2007 request for information by April 30, 2007. Because the Department found your request excessively burdensome or broad, you were notified on April 30, 2007, that Department would require additional time to respond, and would respond by the date of this letter. Herein is the Department's response to your information request of March 29, 2007, enumerated as in your letter.

1. The MWL Annual Groundwater Monitoring Report for 2006 can be reviewed at the Hazardous Waste Bureau's offices in Santa Fe. To arrange your review of this information, contact Pam Allen at (505) 476-6064, or by e-mail at [pam.allen@state.nm.us](mailto:pam.allen@state.nm.us).
2. See item #1 to make arrangements to review the records for field measurements for groundwater samples obtained from MWL-MW1. The groundwater reports previously provided to Citizen Action on June 1 and June 20, 2006, contain much of the information available to the Department. Citizen Action has previously requested to review the complete administrative record, which includes all groundwater data, for *all* SNL monitoring wells (Citizen Action information request of November 20, 2006); the Department responded on December 9, 2006,

Mr. Dave McCoy

May 25, 2007

Page 2

informing Citizen Action that it may make the necessary arrangements to review the groundwater records. As of this date, Citizen Action has not requested to make any arrangements to review such public records.

3. See item #1 to make arrangements to review the records for analytical results for various metals, including nickel, chromium, zinc, cadmium, molybdenum, selenium, vanadium, boron, and beryllium. The groundwater reports previously provided to Citizen Action on June 1 and June 20, 2006, and the electronic spreadsheet provided to Citizen Action by the Department and referenced in the subject information request likely contain nearly all of the information available to the Department.

4. See item #1 to make arrangements to review the records for analytical results for iron and manganese. Note that analytical results for total (unfiltered) metals will not necessarily have corresponding results for dissolved (filtered) metals. The groundwater reports previously provided to Citizen Action on June 1 and June 20, 2006, and the electronic spreadsheet provided to Citizen Action by the Department and referenced in the subject information request likely contain nearly all of the information available to the Department.

5. See items #3 and #4.

6. See item #1 to make arrangements to review the quality assurance plan, which is a general plan for the SNL Facility. However, information concerning quality control and that is specific to the MWL is included in the Phase 1 and Phase 2 RCRA Facility Investigation Work Plans.

7. No response required.

8. The Phase 2 RCRA Facility Investigation (RFI) Report (and specifically page 5-1) for the MWL was prepared by the owner/operators of the SNL Facility, not the Department. The Department has already addressed regulation of the MWL and the provisions of 40 C. F. R. Part 264 Subpart F in letters to Citizen Action as recently as March 23, 2007 and April 16, 2007.

The Department does not have a copy of the 1994 Davis memorandum referenced in the Phase 2 RFI Report.

9. a. Enforceable documents have not been issued in lieu of a post-closure care permit for the MWL. Thus, there are no records of this type.

b. See item #9a.

10. See item #9a.

Mr. Dave McCoy  
May 25, 2007  
Page 2

11. See item #9a.
12. See item #9a.
13. See item #9a.
14. See item #9a.
15. a. As indicated in the Department's Surface Water Quality Bureau response (dated April 2, 2007) to your March 29, 2007 request, the NMED has no records pertaining to your request other than a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity, which was submitted to the U. S. Environmental Protection Agency (EPA) by the owner/operators of the SNL Facility. A copy of the NOI was enclosed with the Department's April 2, 2007 response to the subject information request.

Questions concerning EPA's authority relating to construction activities and stormwater should be directed to the EPA, as the Department does not speak for EPA.

- b. See item #15a.
- c. The Department is unaware of any written information on this topic, other than the request letter you referenced.
- d. See item #15c.
- e. See item #15a.
- f. See item #15a.
- g. See item #15a.
- h. The Department does not have this information at this time. Construction information is to be submitted in the future as part of the Corrective Measures Implementation Report.
- i. See item #15h.
- j. See Item #15a.
- k. No inspections have been performed at this time; thus the Department does not have any inspection information related to cover construction.
- l. See the Corrective Measures Implementation Plan for landfill cover design information, which includes that for historical precipitation used in performance monitoring. This document can be found on the Department's webpage at:

<http://www.nmenv.state.nm.us/hwb/snlperm.html>.

Other information is found in the document *Deployment of an Alternative Cover and Final Closure of the Mixed Waste Landfill*, dated September 23, 1999. See item #1 to make arrangements to review this document.

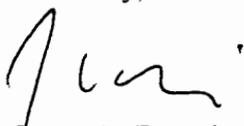
Mr. Dave McCoy

May 25, 2007

Page 2

- m. See item #15c.
  - n. See item # 15h.
  - o. See item #15h.
  - p. See item #1 to make arrangements to review records pertaining to the March 13, 2007, request letter from the U. S. Department of Energy to the Department.
  - q. Information on the contents of the pits (inventory) was previously provided to Citizen Action and is part of the SNL response to the Letter of Denial issued September 11, 1997, for the Phase 2 RFI Report. The information is also available on Citizen Action's webpage. See also item #15h with respect to whether or not the pits have been covered as a result of construction activity.
  - r. See item #15h.
  - s. The Department is unaware of any such documentation for future activities.
  - t. The Department does not have a copy of this report.
- 16
- a. See Department's response, dated May 21, 2007, to Citizen Action's request for public records.
  - b. See item #16a.
  - c. See item #16a.
  - d. See item #16a.
  - e. See item #16a.
  - f. See item #16a.
- 17
- a. See item #1 to make arrangements to review the records concerning replacement of well MWL-BW1. The letter directing well replacement is on the Department's webpage (see item #17b for web address).
  - b. See report by Moats, Mayerson, and Salem, 2007, *Evaluation of the Representativeness and Reliability of Groundwater Monitoring Well Data, Mixed Waste Landfill, Sandia National Laboratories*. The report is on the Department's webpage at:  
<http://www.nmenv.state.nm.us/hwb/snlperm.html>
  - c. See item #1 to make arrangements to review records related to well purging and sampling.
  - d. See item #17a.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

Mr. Dave McCoy

May 25, 2007

Page 2

cc: J. Kieling, NMED HWB  
W. Moats, NMED HWB  
T. Skibitski, NMED DOE OB  
T. Fox, NMED OGC  
[REDACTED] and Reading