



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

2/8/2008

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

FEB - 8 2008

Mr. Robert Gilkeson
P.O. Box 670
Los Alamos, NM 87544

Dear Messrs. McCoy and Gilkeson:

This letter is in response to both your January 14 and January 18, 2008, letters to the U.S. Environmental Protection Agency Region 6 (EPA) regarding the Sandia National Laboratory (SNL), New Mexico, Mixed Waste Landfill (MWL). Your January 14, 2008, letter was in response to our December 13, 2007, letter to you regarding the MWL groundwater monitoring system. Your January 18, 2008, letter requested that we forward the November, 2006, New Mexico Environment Department (NMED) report entitled, "Evaluation of the Representativeness and Reliability of Ground Water Monitoring Well Data" (i.e., the "Moats Report") to the EPA National Risk Management Research Laboratory (NRMRL) for review.

The NMED, like all other State environmental agencies in EPA's Region 6, has been authorized to administer the Resource Conservation and Recovery Act (RCRA) program and received that authority after having met the requirements for an authorized State program under RCRA. The EPA's role in these federally authorized States is programmatic oversight. Because of this, EPA's review of the technical aspects of any particular site in an authorized State is discretionary.

As we stated in our December 13, 2007, letter, our review of the MWL groundwater monitoring system found no evidence to indicate that the MWL poses a current threat to citizens or the groundwater supply. Further, we believe long term monitoring, along with installation of a landfill cover to reduce erosion and animal intrusion, will provide both improved safeguards and early indication of any contamination. New monitoring wells, scheduled for installation this spring, will provide additional data.

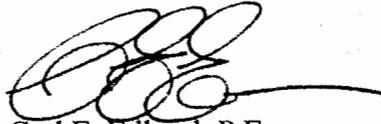
Because NMED had already directed SNL to replace a number of MWL monitoring wells due to factors such as well screen corrosion and dropping water levels, we did not consider the "Moats Report" relevant and, therefore, did not conduct a technical review of that report. We requested that NRMRL review the Los Alamos National Laboratory (LANL) document entitled "Well Screen Analysis Report" and its subsequent revisions because of uncertainty in the groundwater geochemistry data. In that case, we recognized that a review by NRMRL was

appropriate and would provide technical assistance to both the State and LANL. In effect, we determined that a technical review of the "Moats Report" was not an appropriate use of our resources, however.

Our review of the MWL groundwater monitoring system found NMED's administration of its corrective action program to be adequate and appropriate. Further, we believe that the concerns you raised should be addressed within the context of NMED's authorized state hazardous waste program, which includes opportunities for public participation (such as public meetings, public comment periods, and public and administrative hearings) and opportunities for administrative appeals and judicial review. Because New Mexico implements the hazardous waste program in lieu of EPA, concerned citizens should avail themselves of these state-level opportunities. The EPA may review state-level decisions if they are adverse to or in conflict with the requirements for state program approval.

Thank you for your concern in this matter; we recognize that groundwater is a critical resource for New Mexico and the Albuquerque area. We again encourage you to work with NMED through the approved State program mechanisms to appropriately resolve your concerns regarding the MWL. If you have additional questions, please contact Ashley Phillips of our Office of Regional Counsel at (214) 665-7121.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Edlund', with a long horizontal flourish extending to the right.

Carl E. Edlund, P.E.

Director

Multimedia Planning
and Permitting Division