

Kieling, John, NMENV

From: David McCoy <dave@radfreenm.org>
Sent: Friday, November 09, 2012 3:03 PM
To: Kieling, John, NMENV
Cc: Robert H Gilkeson, registered geologist; Joni Arends; Janet Greenwald/CARD
Subject: Request for extension on the SNL Hazardous Waste Permit.

November 9, 2012
John Kieling, Chief
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe, New Mexico 87505-6303
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Dear Mr. Kieling,

Citizen Action requests an extension of time for the public comment period and opportunity to request a public hearing for the Sandia National Laboratories (“SNL”) Draft Hazardous Waste Permit (“Permit”) and Granting of Corrective Action Complete Status (“CAC”) for the Solid Waste Management Units/Areas of Concern.

1. The full documentation necessary for review of the Permit and the CAC have not been posted on the NMED website and the SNL website. Citizen Action requests that a 90-day extension to February 14, 2013 for submission of comments be granted.
2. CA has participated in numerous technical and administrative proceedings before the NMED involving the Sandia National Laboratories (SNL) Resource Conservation and Recovery Act (RCRA) Draft Part B Permit, the SNL Chemical Waste Landfill (CWL) post closure permit and the Los Alamos National Laboratory RCRA Part B Permit. CA is very interested in the substantive requirements of the SNL draft permit and the post-closure care of the hazardous waste units at SNL and for the potential impacts on public health and the environment from the SNL Permits.
3. The volume and complexity and the changes made to both the revised and reissued SNL draft Permit and the LTMMP compound difficulties for review. The concurrent presentation of the SNL Long- Term Monitoring and Maintenance Plan “LTMMP” and the due date for comments on the LTMMP of November 13, 2012 is 3 days earlier than the due date for the public comment period and opportunity to request a public hearing for the SNL Permit. This imposes an impossible burden on the public and Citizen Action to simultaneously and adequately review and comment on documents for both proceedings. The addition of the Class 3 modification to the KAFB permit imposes an additional burden.
4. The Hazardous Waste Permit submission is incomplete because it lacks a Closure Plan and Post Closure Permit for the Mixed Waste Landfill dump. The MWL dump is listed only as SWMU 76. The MWL is a regulated unit because it received waste after July 26, 1982. A Closure Plan and a Post Closure permit are required. The MWL lost interim status on two occasions and that alone required clean closure.
5. Citizen Action requests a public hearing for the SNL Permit but is unable to provide comments at this time due to focus on the LTMMP.
6. NMAC 20.4.1.901. A.(4) provides:

If the Secretary issues a Draft Permit, and a timely written notice of opposition to the Draft Permit and a request for a public hearing is received, the Department, acting in conjunction with the applicant, will respond to the request in an attempt to resolve the issues giving rise to the opposition. If such issues are resolved to the satisfaction of the opponent, the opponent may withdraw the request for a public hearing.

Prior to any notice of public hearing, pursuant to 20.4.1.901. A.(4) NMAC, Citizen Action requests that NMED, the Permittees, Citizen Action, and other parties conduct negotiations to attempt to resolve issues related to the draft permit. Citizen Action believes that other parties and NMED would agree with some of the concerns and objections raised in the following comments and that a revised draft permit could be developed prior to the public hearing.

7. All of the above statements are also to be considered as part of CA comments that will be supplemented by a subsequent set of comments.

Thank you for your consideration.

Respectfully submitted,

David B. McCoy, Executive Director
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