

From: Shean, Frederic [mailto:fshean@abcwua.org]

Sent: Monday, February 11, 2013 10:30 AM

To: Moats, William, NMENV

Cc: Skibitski, Thomas, NMENV; Kieling, John, NMENV; Morris, David R.; Moya, Julian (CITY); Steve Glass

Subject: Sandia National Laboratories -- MWL LTM Plan

Hello, Will:

Attached is a cover letter and documents from Councilor Rey Garduño's and the Water Protection Advisory Board's Public Forum on the proposed long-term monitoring and maintenance plan (LTMMP) for the Mixed Waste Landfill. Please consider the public comment portion of the transcript, with names and addresses, during your review of public comments for the LTMMP. I will also bring a hard-copy to your office today.

Sincerely,

Rick Shean

Water Quality Hydrologist

Albuquerque Bernalillo County Water Utility Authority

P.O. Box 568

Albuquerque, NM 87103

505-768-3634 (office)

505- 366-7561(mobile)

February 8, 2013

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County of Bernalillo
Commissioner, District 2

Vice Chair

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Website
www.abcwua.org

William Moats
Hazardous Waste Bureau
New Mexico Environment Department
5500 San Antonio Avenue, NE
Albuquerque, New Mexico 87109

Dear Mr. Moats:

On February 6, 2013, I co-hosted a special meeting of the Bernalillo County Water Protection Advisory Board, the purpose of which was to solicit public comment on the Long Term Monitoring and Maintenance Plan (LTMMP) for the Mixed Waste Landfill operated by Sandia National Labs at Kirtland Air Force Base.

A transcript of the meeting and the comments offered on the LTMMP by those in attendance is enclosed. It includes the names and addresses of the individuals offering comments on the monitoring and maintenance plan. I submit this for NMED's consideration in observance of the rules and deadlines you have established for public comment on the LTMMP.

Continued discourse on the future of the Mixed Waste Landfill is critical, in my view, and I thank you and your colleagues at NMED for your efforts to encourage public input regarding this very important issue.

Sincerely,



Rey Garduño
Vice Chair
Albuquerque Bernalillo County Water Utility Authority
City Councilor
Albuquerque District 6

SIGN-IN SHEET – SANDIA NATIONAL LABORATORIES’ MIXED WASTE LANDFILL LONG-TERM MONITORING & MAINTENANCE PUBLIC FORUM

February 6, 2013

(So that we can record your information legibly, please print.)

Name	Street Address	City	State	Zip
Susan Fate		ABQ		
Dick Fate				
Dave Price	1308 Terragon Dr. NE	ABQ	NM	87112
Bruce Thomas	1018 Idlewilde SE	ABQ	NM	87108
Tom Valdy/SSNA	512 Florida SE	ABQ	NM	87108
John Derr	149 Escena Dr.	Tijeras	NM	87059
Meredith Walter (?)	610 Ridge NE			
Bernard J. McIntyre	6200 Indian School #108	ABQ	NM	87110
Elizabeth Richards	903 Loma Linda Pl SE	ABQ	NM	87108
Tom Skibitski	NMED	ABQ	NM	87111
Kevin Lowrie	2320 Central	ABQ	NM	87106
Mark Sanchez	ABCWUA			
Robert Gilkenson	7220 Central SE #1043	Albuquerque	NM	87108
Tom McHugh	239 Jefferson NE	Albuquerque	NM	87108
Bruce Barnaby	729 Monroe NE	Albuquerque	NM	87110
Susan Rodriguez	7224 Carson Trl. NW	Albuquerque	NM	87120
Willard Hunter	1232 Nakomis Dr. NE	Albuquerque	NM	87112
Alex Lupenski				

SPEAKER SIGN-UP - February 6, 2013 Public Forum

Sandia National Laboratories' Mixed Waste Landfill Long-Term Monitoring and Maintenance Plan

(Note: Speaking Time is provided to offer comments for the record. Please print legibly and provide all requested information.)

1. Name Robert S.(sdv) Dinwiddle (Stu)
Address P.O. Box 308
City/State/Zip Rowe, NM 87562

2. Name Jim McKay (Ceded Eric Nuthall)
Address 4021 Simms Ave SE
City/State/Zip ABQ, NM 87108

3. Name David McCoy
Address Citizen Action (address stated in transcript)
City/State/Zip _____

4. Name Bob Wilkenson
Address Citizen Action (address stated in transcript)
City/State/Zip _____

5. Name Paul Robinson
Address PO Box 4524
City/State/Zip Abq, NM 87196

SPEAKER SIGN-UP - February 6, 2013 Public Forum
Sandia National Laboratories' Mixed Waste Landfill Long-Term Monitoring and Maintenance Plan

(Note: Speaking Time is provided to offer comments for the record. Please print legibly and provide all requested information.)

6. Name Ron Zuziak
Address 1520 Girard Blvd
City/State/Zip Abq, NM 87106

7. Name Charles Dickerson (Gilkeson Cede)
Address 1200 Louisiana
City/State/Zip Abq, NM 87110

8. Name Charles Powell (ceded to McCoy)
Address P.O. Box 20451
City/State/Zip Abq, NM 87154

9. Name Simon Polakowski
Address 6002 Redondo Ct. NW
City/State/Zip Albuquerque, NM 87107

10. Name Diane Werner
Address 4021 Simms SE
City/State/Zip Abq, NM 87108

SPEAKER SIGN-UP - February 6, 2013 Public Forum

Sandia National Laboratories' Mixed Waste Landfill Long-Term Monitoring and Maintenance Plan

(Note: Speaking Time is provided to offer comments for the record. Please print legibly and provide all requested information.)

11. Name Henry Misserville
Address 24 Matisse Rd Apt. D
City/State/Zip Albuquerque, NM 87124

12. Name Joseph Wexler
Address 610 Ridge Place NE
City/State/Zip Albuquerque, NM 87106

13. Name Robert Aly (A-lee)
Address 215 Hartline SW
City/State/Zip Albuquerque, NM 87105

14. Name Mark Doppke
Address 1209 Forrester Ave NW
City/State/Zip Albuquerque, NM 87104

15. Name Sylvania Diaz-d'Ouillue (ceded to McCoy)
Address PO Box 7143
City/State/Zip Albuquerque, NM 87194

SPEAKER SIGN-UP - February 6, 2013 Public Forum

Sandia National Laboratories' Mixed Waste Landfill Long-Term Monitoring and Maintenance Plan

(Note: Speaking Time is provided to offer comments for the record. Please print legibly and provide all requested information.)

16. Name Floy Barrett
Address 316 Washington NE
City/State/Zip Albuquerque, NM 87108

17. Name Eric Nuttall (ceded to McCoy)
Address 1445 HoneySuckle Dr. NE
City/State/Zip Albuquerque, NM 87122

18. Name Janet Greenwald
Address 215 Hartline SW
City/State/Zip Albuquerque, NM 87105

19. Name Susan Rodriguez (ceded to Misserville)
Address Paradise Hills (address stated in transcript)
City/State/Zip Albuquerque, NM

20. Name _____
Address _____
City/State/Zip _____

SPEAKER SIGN-UP - February 6, 2013 Public Forum

Sandia National Laboratories' Mixed Waste Landfill Long-Term Monitoring and Maintenance Plan

(Note: Speaking Time is provided to offer comments for the record. Please print legibly and provide all requested information.)

21. Name Diane Werner (see #10)
Address 4021 Simms Ave SE
City/State/Zip Albuquerque, NM 87108

22. Name Kevin Lowrie (ceded to Werner)
Address 2320 Central SE
City/State/Zip Albuquerque, NM 87106

23. Name _____
Address _____
City/State/Zip _____

24. Name _____
Address _____
City/State/Zip _____

25. Name _____
Address _____
City/State/Zip _____

SPEAKER SIGN-UP - February 6, 2013 Public Forum
Sandia National Laboratories' Mixed Waste Landfill Long-Term Monitoring and Maintenance Plan

(Note: Speaking Time is provided to offer comments for the record. Please print legibly and provide all requested information.)

26. Name Susan Rodriguez (see #19)
Address 7224 Carson
City/State/Zip Albuquerque, NM 87120

27. Name _____
Address _____
City/State/Zip _____

28. Name _____
Address _____
City/State/Zip _____

29. Name _____
Address _____
City/State/Zip _____

30. Name _____
Address _____
City/State/Zip _____

**PUBLIC COMMENT MEETING
PUBLIC FORUM ON THE PROPOSED
LONG-TERM MONITORING
AND MAINTENANCE PLAN
FOR SANDIA LABORATORIES MIXED WASTE LANDFILL**

**AT THE
NEW MEXICO VETERANS MEMORIAL
1100 Louisiana, Southeast
Albuquerque, New Mexico 87108**

**HELD ON
Wednesday, February 6, 2013
6:45 p.m.**

**REPORTED BY: MICHELE NELSON, PCR #402
INDEPENDENT COURT REPORTERS
46 Shawn Lane
Los Lunas, New Mexico 87031**

A P P E A R A N C E S

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Councilor Rey Garduno
Steve Glass, Water Protection Advisory Vice Board Chair
Dr. Bruce Thompson, Former Water Protection Advisory Chair
Dr. Elizabeth Richards, Water Protection Advisory Board
Tom Skibitski, New Mexico Environment Department
Patti Watson, Cooney, Watson & Associates, Inc.
Kevin Lowrie
Mark Sanchez
Robert Gilkeson
Tom McHugh
Bruce Barnaby
Susan Rodriguez
Willard Hunter
Dr. Robert Dinwiddie
Jim McKay
David McCoy
Paul Robinson
Rick Shean
David Morris
Ron Zuziak
Charles Dickerman
Charles Powell
Simon Polakowski
Diane Werner
Henry Misserville
Joseph Wexler
Robert Aly
Mark Doppke
Sylviana Diaz-d'Orville
Floy Barrett
Eric Nuttall
Janet Greenwald
Susan Fate
Dick Fate
Dick Price
Tom Valdez
John Derr
Bernard McIntyre

1 COUNCILOR GARDUNO: Good evening, everyone. My
2 name is Rey Garduno, and I'm a City Councilor from this
3 area. In fact, we're just south of the epi-center of
4 District 6. I think it's the best district in the city,
5 but, you know, I may be biased. I'm also Vice Chair of
6 the Water Authority of the Albuquerque Bernalillo County
7 Water Utility Authority. And in that capacity, I felt
8 like we needed to have a dialogue. But tonight, we're
9 going to have some comments from all of you folks.

10 The timing of the meeting is not coincidental.
11 You know, the New Mexico Environment Department is
12 soliciting public comments for the mixed waste landfill,
13 MWL. And the deadline is February 11th, and that sounds
14 like very quick. We have someone who is going to be doing
15 court reporting, as it were, taking down all the
16 comments. And all of the comments will be sent, given to
17 the New Mexico Environment Department.

18 The plan, which was -- or will be approved by
19 NMED is being forwarded by the Department of Energy and
20 Sandia National Labs. Mr. Tom Skibitski is not quite here
21 yet, and we hope he gets here soon. Excuse me -- he's
22 here.

23 Tom, sorry.

24 The acting division director for NMED Resources
25 Protection Division is with us, and he will be giving us a

1 presentation.

2 And I want to thank you, Tom, for coming and
3 being with us. It's important that we have someone from
4 NMED here. We did invite the Department of Energy and
5 Sandia National Labs, and they did not respond. They
6 declined our invitation.

7 Public involvement in this process is critical.
8 In my view, this forum for soliciting comments is very
9 important. I'm glad that you all were able to come. I
10 think it will be a good exercise in letting people know
11 how you feel and how the -- not only the area, but the
12 City and maybe the State feels about the mixed waste
13 landfill that is behind us, as it were.

14 We need to know that it's safe. We need to know
15 that they're taking care of it, and more than that,
16 they're taking care of us, our children, and our
17 children's children.

18 For now though, I would like to turn the meeting
19 over to Dr. Elizabeth Richards, who is a member of the
20 Water Protection Advisory Board. And she will be going
21 through -- I hate to say "ground rules," but just simply
22 how we think this should go forward.

23 For my part, it should be just that we're civil
24 to each other, and that the discussion and the comments
25 are plain and succinct so that they're recorded correctly

1 and completely.

2 I would also ask the presenters -- later on
3 they'll be introduced -- but I would like to ask them that
4 although they have a time next to their presentation, that
5 they don't have to take all that time. And I would hope
6 that would leave more time for comments because five
7 minutes taken away is maybe three or four, maybe five
8 comments.

9 So with that, let me turn it over to
10 Dr. Elizabeth Richards.

11 DR. RICHARDS: Thanks. Everyone, thanks for
12 coming. I'm filling for Steve Glass, who is running
13 late. And when he gets here, I'm going to hand my
14 responsibilities over to him.

15 I am probably known more frequently as Beth
16 Richards, as some of you already know me. And I need to
17 say that in full disclosure I am a retired engineer and
18 scientist from Sandia Labs. So just so you know, I do
19 have a past connection with Sandia here. But nothing that
20 I ever have -- I didn't ever have anything to do with the
21 mixed waste landfill. I was mostly in solar energy.

22 I would like to thank you, everyone, for coming
23 to the meeting. It's a public forum on the Proposed
24 Long-Term Monitoring and Maintenance Plan for Sandia
25 Laboratories Mixed Waste Landfill. You all already know

1 that.

2 It says here I'm supposed to point out where the
3 restrooms are, and I believe they are out that way, and
4 just follow the signs. The emergency exits appear to be
5 right over here, and there are some refreshments in the
6 back of the room, so help yourself to those.

7 I am a member of the Water Protection Advisory
8 Board. Like I mentioned before, Steve Glass is on his
9 way. He's the Vice Chairman, and he'll be taking over the
10 meeting when he gets here. I think we have at least one
11 other member of our board.

12 Tom, do you want to introduce yourself? Tom
13 McHugh.

14 Anybody else?

15 Of course, Bruce is a past member.

16 Oh, John is here, too. Sorry, I didn't see you.

17 So I guess there will be four of us here when
18 Steve gets here.

19 The agenda for the evening is we're going to
20 start with some brief background presentations from Steve,
21 from the former chair of the Water Protection Advisory
22 Board, Dr. Bruce Thompson, who's back there, and from
23 Mr. Skibitski -- did I pronounce that right -- of the New
24 Mexico Environment Department.

25 Following these presentations, we're going to

1 invite members of the audience to provide comments for the
2 record on the Long-Term Monitoring and Maintenance Plan.
3 And a transcript will then be provided to NMED prior to
4 the deadline for public comment on this plan.

5 So you need to sign up to speak. If you have not
6 signed up and you wish to speak, please raise your hand,
7 and we'll send somebody over to get you on the list.

8 Is there anybody who would like to speak who is
9 not already signed up?

10 Okay. Please keep in mind you must provide your
11 full name and address for the record if you wish to speak
12 so that your remarks will be considered under the New
13 Mexico Environment Department's rules for public comment.

14 We're going to try to adjourn as close to 8:30 as
15 possible. And so each speaker's time will need to be
16 limited according to how many people have signed up to
17 speak. And if you wish to cede your time to another
18 speaker, you can do that.

19 And it says, "I will go into greater detail on
20 the rules later," but I'm going to assume that Steve is
21 going to go into greater detail on the rules later.

22 And then I was also asked to remind everyone that
23 this is not an information session on the mixed waste
24 landfill. And the presentations tonight are just for
25 background, and they're not going to go into technical

1 detail. And so related to that, the agenda does not
2 include a Q & A session. And that's so as much time as
3 possible can be devoted to receiving public comment on the
4 plan, the Long-Term Monitoring and Maintenance Plan.

5 If you do have any questions on any of the
6 presentations, please feel free to track down the speaker
7 after the meeting.

8 Okay. So I think since Steve is not here to do
9 his background presentation --

10 COUNCILOR GARDUNO: If I may --

11 DR. RICHARDS: Oh. Councilman Garduno.

12 COUNCILOR GARDUNO: I was remiss not to mention
13 the fact that the Water Authority was instrumental in
14 putting this together and helping -- doing all that work
15 that needs to be done in the background, Brian and --

16 DR. RICHARDS: Rick.

17 COUNCILOR GARDUNO: Rick. Mark in the back is
18 very active about doing this, making sure that it
19 happened. The turnout is great. And again, I want to say
20 that we probably have asked folks to go over a little bit
21 because we got started a little late. So we might tack on
22 another 10 minutes again.

23 DR. RICHARDS: All right. Okay.

24 COUNCILOR GARDUNO: I just took 10 minutes.

25 DR. RICHARDS: So, Rick, shall we start with

1 Mr. Skibitski -- I've got to get that name right -- since
2 Steve isn't here. Okay. All right.

3 Come on up.

4 MR. SKIBITSKI: Well, aloha. My name is Tom
5 Skibitski. I'm the Acting Director for the -- they
6 changed the name -- the Resource Protection Division of
7 the New Mexico Environment Department. That division does
8 include the Hazardous Waste Bureau, which is the
9 regulatory authority over the mixed waste landfill.

10 There are a number of acronyms. I'll try to --
11 I'll try to spell out or use the whole name of something.
12 But I may, on occasion, revert back to the acronym because
13 after you hear them a lot, you'll recognize what they
14 are.

15 On behalf of the Department, I want to thank
16 Councilor Garduno and the Board for inviting us to present
17 a brief summary of the regulatory history of the mixed
18 waste landfill and how the Long-Term Maintenance and
19 Monitoring Plan will be enforced.

20 The mixed waste landfill, or the MWL, was
21 designated as a solid waste management unit. We call that
22 a SWMU, and it's a lot easier than spelling out or using
23 those four words. It was designated as SWMU by the U.S.
24 EPA, and it's regulated pursuant to the hazardous waste
25 regulations.

1 The section governing corrective actions for
2 SWMUs requires an owner/operator of a permitted hazardous
3 waste facility, like Sandia, to conduct corrective action
4 as necessary to protect human health and the environment.

5 The mixed waste landfill has followed the normal
6 regulatory pathway for a SWMU undergoing corrective action
7 under the Resource Conservation and Recovery Act or RCRA.
8 RCRA also requires that SWMUs be investigated and, if
9 necessary, cleaned up to be protective of human health and
10 the environment.

11 Slides 2 and 3 will summarize the regulatory
12 pathway that the mixed waste landfill has followed to the
13 present time. In slide 4, I'll address the two steps that
14 remain to complete the corrective action at the MWL, the
15 mixed waste landfill. In slide 5, I will describe how the
16 Long-Term Monitoring and Maintenance Plan, and this will
17 variously be called the LTMMMP or the LTM plan -- and how
18 that will be enforced.

19 So then in my presentation in slide 6 -- which
20 lists contact information for the Department -- for
21 matters regarding the mixed waste landfill, and presents
22 where on the Department's web page an electronic copy of
23 the Long-Term Maintenance and Monitoring Plan can be
24 downloaded by the public.

25 The first step under RCRA or corrective action

1 after a SWMU has been identified is to conduct a RCRA
2 facility investigation, an RFI. For the mixed waste
3 landfill, this was done in the early to mid-1990's in two
4 phases, which at the time were subject to oversight by the
5 U.S. EPA. The results of the RFI were presented in
6 reports, and the last report for Phase 2 was submitted to
7 the EPA and to the Department in 1996.

8 Following submittal of the Phase 2 RFI report,
9 Sandia was directed by the Department, which was now
10 authorized by the U.S. EPA, to oversee corrective action.
11 Sandia was directed to conduct a corrective measures
12 study, a CMS, to evaluate potential remedies for the mixed
13 waste landfill and to recommend their preferred remedy.
14 This process ended with Sandia submitting to the
15 Department the CMS report in May of 2003.

16 Once the CMS report was deemed complete by the
17 Department, we scheduled and held a public meeting in
18 December of 2004 on the results of the CMS report. That
19 hearing lasted four days, and during which time, the
20 public gave comment and various parties provided technical
21 testimony on the remedy selection for the mixed waste
22 landfill.

23 On May 26, 2005, the cabinet secretary of the
24 Department issued a final order selecting as the remedy
25 for the MWL an evapotranspiration cover with a

1 bio-intrusion barrier and a long-term maintenance and
2 monitoring plan.

3 He also approved a permit modification that
4 incorporates this remedy, as well as several other
5 requirements, which include creation of the LTM plan and
6 other documents that are listed on the bottom of this
7 slide.

8 Before the remedy could be constructed, the plan
9 first had to be submitted and approved. The Corrective
10 Measures Implementation plan, the CMI plan, was submitted
11 to the Department in November 2005. The Department
12 conducted a public meeting on the plan, considered public
13 comment, and approved the plan in December of 2008.

14 The remedy in the form of an evapotranspiration
15 cover with a bio-intrusion layer was constructed in 2009.
16 After completion of cover construction, Sandia submitted
17 to the Department in January 2010 their CMI report. The
18 report documents the as-built construction of the cover
19 and presents the quality control data that was acquired
20 while the cover was undergoing construction. The
21 Department approved this CMI report and accepted the cover
22 in October of 2011.

23 Constructing the cover was only part of the
24 remedy selected for the landfill by the Department, as
25 long-term monitoring and maintenance was also required to

1 complete the remedy. In response, Sandia submitted the
2 LTM plan in March of 2012, and the Department held a
3 public meeting on this plan last October, also in 2012.

4 The LTMMP is undergoing public comment now and is
5 the reason for this gathering. The comment period was
6 initially set for 60 days, but it was extended by the
7 Department to close on February 11, for a total of 150
8 days.

9 After reviewing, considering, and responding to
10 public comment, the Department will approve or approve
11 with modifications the LTM plan. The next step after that
12 is for Sandia to request a Class 3 permit modification
13 requesting that the MWL be approved for corrective action
14 complete status with controls. Controls include
15 monitoring of environmental media, maintenance of such
16 things as the cover, drainage systems, security fences and
17 gates, and implementing physical and institutional
18 controls to ensure the remedy remains protective. The
19 controls to be implemented for the mixed waste landfill
20 are found in the LTMMP.

21 The LTMMP will become part of Sandia's hazardous
22 operating permit and it will become enforceable under that
23 permit. The Department has currently issued for public
24 comment the draft permit for the Sandia facility. Once
25 effective, the permit will replace Sandia's existing

1 permit and it will include for the first time their mixed
2 waste management units.

3 Draft permit section 8.7.1 sets forth the
4 requirements for SWMUs that are granted corrective action
5 complete status with controls. This slide lists the
6 contact information for two of my staff. Also listed is
7 where on the Department's web page an electronic copy of
8 the LTMP can be accessed and downloaded by the public.

9 Thank you for the opportunity to present this
10 summary, and I encourage the Board and the public to
11 submit their comments on the LTMP by 5:00 p.m. next
12 Monday, February 11.

13 The Department accepts written comments by
14 e-mail, hand delivery, and regular mail. Councilor
15 Garduno and the Board have provided this opportunity for
16 your verbal comments to be transcribed into written form
17 and submitted to the Department.

18 Written comments received will become part of the
19 administrative record, will be considered in formulating a
20 final decision and may cause the LTM plan to be modified.
21 The Department will respond in writing to all significant
22 public comments that are based on the LTM Plan. The
23 response will specify which provisions, if any, of the LTM
24 have been changed in the final decision. It will list the
25 reasons for the change, and the response will be posted on

1 our website and notification will be sent to all persons
2 who have provided written comment.

3 After consideration of the written public
4 comments received, the Department will approve or approve
5 with modifications the LTM plan. The Department will make
6 the decision publicly available for all persons on the
7 mailing list or that provided written comments or who
8 requested notification in writing. And they will all be
9 notified of final decision by mail.

10 The final decision will become effective
11 immediately upon service of the decision to the permittees,
12 unless a later date is specified.

13 So thank you for your participation, and have a
14 good night.

15 DR. RICHARDS: Thank you.

16 All right, Bruce.

17 DR. THOMPSON: Okay. Thank you. I'd like to
18 thank the Water Protection Advisory Board for inviting me.
19 I'd especially like to thank Councilor Garduno. He's my
20 councilor and does a good job of representing the
21 Southeast Heights.

22 So what my objective here is to talk a little bit
23 about the history of water protection -- the Water
24 Protection Advisory Board, and just a little bit about of
25 what has been done with respect to the mixed waste

1 landfill by the Board over the last decade.

2 And I -- oh, there it goes. So the -- yeah.
3 We'll just go right next to the -- next one -- wrong
4 direction. So back in the mid-80's, there was recognition
5 that the City of Albuquerque and the vicinity was in
6 jeopardy because we had this world-class aquifer. And
7 this is kind of a poor illustration, but if you could come
8 up and look at it closely, it shows an aquifer that's
9 10,000 feet deep, talked about being the size of Lake
10 Superior. That was our sole source of water. That was
11 the only drinking water we had in the community, and we
12 assumed that it was high quality throughout.

13 And then in the late '80's, early '90's, we began
14 to realize, oh, no. That's not an accurate representation
15 of the aquifer. It's highly stratified. The groundwater
16 is limited to -- the useable groundwater is limited to
17 maybe 3,000 feet. Below that the aquifer properties
18 diminish, and the water quality.

19 So they did this Ground Water Protection Advisory
20 Board and they developed a groundwater protection policy
21 and action plan, GPAP, passed in '92 -- or completed in
22 '92 and adopted by the County and by the City in '93 and
23 '94. They formed a board in '98, and I was one of the
24 first appointees. So I was a member of the group that
25 developed the policy, and I was the first board chairman.

1 And shortly thereafter, we began to hear reports
2 on the mixed waste landfill. So it goes back to '99.
3 That's the first record that I could find in my notes. We
4 had a number of meetings -- a total of six meetings by
5 March of 2001. We provided a resolution to the City
6 Council and the County Commission in April. And I saw
7 that that has been circulated today.

8 The resolution says that the Board found that the
9 mixed waste landfill does not pose an eminent threat that
10 excavating it at this time, 10 years ago, would be a very
11 substantial occupational risk as well as a risk to the
12 public by -- through dust, airborne contamination, and
13 airborne release of volatile radioactive constituents,
14 principally tritium. We also believe that there was a
15 need for continued vigilance. I think we recommended
16 every five years to come back and review the status.

17 We made the following recommendations. As I
18 recall, these were adopted by both the County Commission
19 and the City Council. And over the intervening years, the
20 latest I could find in my records was -- and we also
21 continued to hear about the mixed waste landfill up to
22 2006. Now, my term on the Board ended in 2010. I
23 understand that you guys have continued to consider the
24 issues there.

25 So I'd like to close by saying the principal

1 contaminant of concern according to DOE and Sandia was
2 tritium. And this thing has been sitting there since the
3 Board has been hearing it, half the tritium is gone. One
4 of the good things about radio nuclides is it eventually
5 goes away. And so with that -- I just provided this
6 because I wasn't sure if anybody else would have images,
7 but this is an image of the mixed waste landfill. It
8 shows the monitoring wells and groundwater contours.
9 Thank you. I'm done. Thank you, again.

10 VICE CHAIRMAN GLASS: Hi. I apologize for being
11 late. It's way longer from the westside than I thought it
12 was. And there's a game tonight, so the traffic is
13 horrible -- yeah, it turns out.

14 So anyway, my task is -- I am Steve Glass, and I
15 am recently elected, I guess is the word, or volunteer is
16 the word -- vice chair of the Water Protection Advisory
17 Board. I represent Bernalillo County on that board.
18 There are other members of the Water Protection Advisory
19 Board here tonight. Beth Richards, Tom McHugh, John
20 Derr. Anybody else? I don't see anybody else.

21 But that's a fairly good showing by the Water
22 Protection Advisory Board. And to give you an update --
23 thank you to Rick for giving me these words to say. I'm
24 fairly new on the board and I don't have a huge history
25 with the big space landfill. I haven't really followed it

1 super closely personally, so my update for you is actually
2 drafted by Rick Shean, who has been closely associated.

3 Okay. So we sent a letter -- the Water
4 Protection Advisory Board essentially sent a letter to the
5 Water Utility Authority endorsing that letter that was
6 mailed in 2001 adding -- suggesting the addition of a
7 paragraph that would encourage Sandia National
8 Laboratories and the Department of Energy to be more open
9 and more forthcoming with data and information for the
10 concerned public.

11 We also endorsed -- asked the Water Utility
12 Authority Board to endorse a request for increased funding
13 for the environmental restoration activities that are
14 occurring out there including the mixed waste landfill.
15 And the Water Utility Authority Board voted to include --
16 or include a request for that increased funding in their
17 2013 federal legislative priorities.

18 Okay. So with the recommendation of the Water
19 Protection Advisory Board, the Water Utility Authority has
20 taken some action by establishing -- at least by
21 establishing a legislative priority for 2013.

22 All right. So that's kind of the current --
23 you're right up to speed now on what the Water Protection
24 Advisory Board has done, our level of concern. We have at
25 the request of Councilor Garduno assembled this public

1 forum. As the vice chair, I have been asked to chair the
2 forum. And I have actually a script over there I'm
3 supposed to read regarding the rules and the regulations
4 and what this forum is for. I will try to mention those
5 things.

6 The point I want to make is this is not a public
7 hearing. This is a public forum. This is an opportunity
8 for those concerned citizens who want their voice heard to
9 be able to express those opinions. It's not a trial.
10 It's not an opportunity to grill either DOE, who isn't
11 here, Sandia National Labs, who is not here, or the
12 Department of Environment on their activities.

13 We are here to accept comments on the proposed
14 long-term management plan -- management and monitoring
15 plan for the mixed waste landfill. All right. It's a
16 public forum that will allow those of you with concerns
17 about this to express your opinions for the public record.
18 It is being transcribed. The transcript will be given on
19 to the Environment Department for their consideration as
20 they consider the long-term management and monitoring
21 plan.

22 All right. You need to sign up in order to
23 speak. If you have not done so, the little lady by the
24 door will assist you with that. I'll be using those
25 sign-in lists to call people for their opportunity to

1 present. We need to have your name clearly spelled on
2 there because I'm going to have to read them, and I want
3 to pronounce them correctly, and be able to record who
4 said -- who made which comments. Okay.

5 If you want to have documents or reports
6 submitted to NMED, you have to submit them separately to
7 the NMED. Mr Skibitski is accepting comments on the
8 Long-Term Management and Monitoring Plan as we speak.
9 Documents to be submitted in that comment period should be
10 sent directly to NMED. This is not the venue for
11 presenting those. All right. We mentioned the
12 transcript.

13 I'm not sure how many speakers are signed up.

14 MR. MORRIS: We have 22.

15 VICE CHAIRMAN GLASS: 22.

16 MR. MORRIS: We have allotted 90 minutes for
17 public speaking, so that's four minutes apiece. And then
18 we were going to stipulate that if people wanted to cede
19 their time.

20 VICE CHAIRMAN GLASS: Okay. That's good. Okay.
21 So we have 22 speakers, 90 minutes. That's four and some
22 seconds for each speaker. But, of course, it is
23 permissible for speakers who have signed up to cede their
24 time to another speaker to give that other speaker more
25 time. Those are arrangements that you all will have to

1 make with each other, and announce to me, as the chair --
2 or whatever the heck I am -- for this thing. Yeah.
3 Facilitator, maybe?

4 So again, we need to -- we want to respect the
5 process. Limit your remarks to the subject at hand, and
6 please be civil. I know that this has gone on a long
7 time. I know there's a lot of frustration around this
8 issue. I know that emotions can run high, but we don't
9 accomplish anything by losing control. We need -- this
10 will be civil.

11 I'm going to set out right now that if comments
12 start getting off into the accusatory or if obscenities
13 fly or if angers flare or if voices are raised, I'm going
14 to reserve the right to end your testimony because this is
15 not what this is about. Okay? Any questions?

16 MR. MORRIS: I'll let them know when they have 30
17 seconds.

18 VICE CHAIRMAN GLASS: Okay.

19 MR. MORRIS: And then I'll ring the bell.

20 VICE CHAIRMAN GLASS: Okay. We have a timer. I
21 think David is going to time it.

22 First speaker signed up is Robert Dinwiddie.

23 Do we have a mic in the back?

24 MS. WATSON: This is a wireless mic, so they can
25 come up here or we can --

1 MR. MORRIS: We can take it to them.

2 MS. WATSON: We can take it to them if they
3 can't --

4 VICE CHAIRMAN GLASS: This?

5 MS. WATSON: Yes. We can move it up --

6 MR. MORRIS: We had just intended for them to
7 come up.

8 VICE CHAIRMAN GLASS: Okay.

9 MR. MORRIS: Did you want to read their name?

10 VICE CHAIRMAN GLASS: I did.

11 MR. MORRIS: Oh, good. Great. Sorry.

12 VICE CHAIRMAN GLASS: Robert Dinwiddie.

13 DR. DINWIDDIE: I'm Robert Dinwiddie, middle name
14 is Stewart. Most people call me Stu because --

15 MS. GREENWALD: I'm sorry. I can't hear you.

16 MS. WATSON: Can you move closer to the
17 microphone, or we can move it to you. Here we go. If you
18 want to do that, too. It is wireless, so --

19 Jason, do you want to help?

20 MS. WATSON: There you go.

21 DR. DINWIDDIE: My name is Robert Dinwiddie. My
22 middle name is Stu.

23 MS. GREENWALD: I can't hear you.

24 MS. WATSON: Can you hold the microphone closer
25 to you?

1 DR. DINWIDDIE: Yes.

2 MS. WATSON: There you go.

3 DR. DINWIDDIE: My name is Robert Dinwiddie.

4 MS. GREENWALD: Okay. There you go.

5 MS. WATSON: There you go.

6 DR. DINWIDDIE: My middle name is Stewart. Most
7 people call me Stu. I have a history with this site going
8 back to 1993 when I was with the Hazardous Waste Bureau in
9 Santa Fe. I ended up being promoted to the program
10 manager, and I wrote the nasty NOD declaring it
11 insufficient for their monitoring plan, for their
12 corrective measures study. And I also told them that the
13 unit is a regulated unit under the law because it was in
14 operation in 1982 receiving hazardous waste and continued
15 to operate until December of 1988.

16 In September of '86, it had not filed the
17 necessary paperwork with the U.S. EPA or the New Mexico
18 Environment Department to retain interim status. Interim
19 status is statutory. Once a law or regulation is passed
20 bringing that unit under RCRA, the Resource Conservation
21 and Recovery Act, it is interim status.

22 It has a -- what we call "drop-dead date" that
23 they have to file a Part A declaring hazardous waste
24 operations at that site. Sandia failed to do so, so it
25 lost interim status. Because it lost interim status and

1 was a regulated unit receiving waste after the effective
2 date for landfills, it must then close under 264.

3 And the difference between interim status closure
4 is little or no chance of release from the unit under
5 interim status, or under 264, which is the permitted unit,
6 absolutely no chance of release. I'm sorry. There's been
7 releases from this unit.

8 As to the point of compliance, which is defined
9 as the bottom of the pit and the vertical sides of the
10 pits. We've had tritium releases. We've had cesium
11 releases. We've had metals releases. Therefore, if they
12 go through the solid waste management unit corrective
13 action, they must mediate or remove those releases, and
14 Sandia has been recalcitrant in doing that. NMED has been
15 recalcitrant in ordering them to meet the requirements of
16 the regulations to protect the releases.

17 Granted, it's never going to be clean clothes.
18 It's in the middle of a sewer. But it needs to be
19 addressed, and as much clean-up as possible.

20 I'm being told I have 30 seconds. Thank you.

21 VICE CHAIRMAN GLASS: Next speaker signed up
22 is -- I believe I see arrows switching these two. The
23 second speaker signed up is Jim McKay, but I think David
24 McCoy wants to go before Mr. McKay.

25 MR. MCKAY: Yes.

1 VICE CHAIRMAN GLASS: All right. David McCoy is
2 with Citizen Action.

3 MR. MORRIS: Do you want to state your address
4 for the record?

5 MR. MCCOY: My name is David McCoy. I'm the
6 executive director for Citizen Action. That's P.O. Box
7 4276, Albuquerque, 87196.

8 Citizen Action is requesting that the Long-Term
9 Monitoring and Maintenance Plan be retracted by the New
10 Mexico Environment Department. We request a full
11 evidentiary public hearing for the LTMMMP for the plan in
12 any event. We ask that NMED stay the issuance of the plan
13 until, one, Sandia Labs has corrected the inaccurate
14 record for groundwater monitoring; and two, until there is
15 compliance with the 2005 final order for Sandia to perform
16 a five-year review that was due in 2010, and has now been
17 delayed for three years.

18 We contend that the extension for the performance
19 of the five-year review contained in the Long-Term
20 Monitoring and Maintenance Plan for an additional five
21 years beyond the approval date of the plan is not provided
22 for in the final order. It's the result of secret
23 meetings and e-mails between the New Mexico Environment
24 Department and Sandia Labs that violate the New Mexico
25 Open Meetings Act and violates public participation

1 requirements of the Hazardous Waste Management Act, and
2 requires a Level 3 permit modification proceeding with
3 prior opportunity for public comment and a public
4 hearing.

5 I happen to be an attorney. I understand the
6 public participation laws. All I can tell you is that
7 from the very beginning there has been regulatory issues
8 with this that violate hazardous waste laws.

9 The first thing that I'd like to point out, and
10 Stu Dinwiddie -- Dr. Dinwiddie touched on it, was that the
11 mixed waste landfill is a regulated unit that has a
12 technical meaning that requires a certain type of
13 monitoring network to be imposed. It requires a closure
14 plan and a post closure plan. It requires a clean closure
15 if they don't have the necessary documents in place, which
16 they never did. And it was improperly designated as a
17 solid waste management unit lovingly referred to as
18 "SWMUs" back in '93 by the Environmental Protection
19 Agency.

20 And in 1997, Dr. Dinwiddie, who was in charge of
21 permits, told them it was a regulated unit, and they
22 needed to have a closure plan and a post closure plan that
23 was never done.

24 No reliable groundwater monitoring network has
25 ever been in place to monitor the groundwater beneath the

1 dump. Throughout the 1990's, there were numerous
2 technical reports including from the New Mexico
3 Environment Department, the EPA, Region 6, the oversight
4 bureau run by Mr. Skibitski at one point. There were
5 documents from the Department of Energy that were critical
6 about the groundwater monitoring network. They all knew
7 that the monitoring network wells were put in the wrong
8 locations. They learned that instead of the groundwater
9 flow being to the northwest, it was to the south,
10 southwest. That meant their background well, two of their
11 down gradient wells were all in the wrong place. They
12 knew the wells had corroded screens and were contaminated
13 by bentonite clay.

14 I'm told I have 40 seconds.

15 MR. POWELL: I'd like to give my time to
16 Mr. McCoy.

17 MR. MCCOY: Thank you.

18 VICE CHAIRMAN GLASS: And you are?

19 MR. POWELL: Charles Powell.

20 VICE CHAIRMAN GLASS: All right, Mr. Powell.

21 MR. MCCOY: I'm going to skip over quite a bit of
22 material to get to the year 2007. Robert Gilkeson and
23 Citizen Action have filed a complaint with the EPA
24 Region 6 that the monitoring network was defective.

25 And during this period in time, there were

1 several things going on that were quite important. The
2 dirt cover had not been put in place. There was the
3 lawsuit regarding the cover that was ongoing. The fate
4 and transport model for the mixed waste landfill had not
5 yet been approved, and the corrective measures
6 implementation plan had not been approved.

7 Now, in 2007, the Region 6 EPA took a look at our
8 complaint. We were told they were going to do a technical
9 review. They never did perform -- well, they never did
10 provide that technical review until this year 2012 after
11 Citizen Action filed a lawsuit to obtain those documents.

12 Those documents reveal substantial knowledge that
13 the groundwater monitoring network as of 2007 was quite
14 defective. I want to read to you the kind of nonsense
15 that was going on with the EPA and the Environment
16 Department at that time. This is from one of the
17 interviews of the Inspector General with one of the staff
18 people at the NMED. His name is deleted.

19 He stated that he did not have any prior
20 connection with the site. In fact, he does not report to
21 "name deleted." He also stated that Region 6 had its
22 results preconceived. Region 6 management did not want
23 NMED doing anything wrong. Therefore, management created
24 a structure to ensure the appropriate outcome would
25 result.

1 Furthermore, as the writing and draft comments
2 progressed to a final letter, the team was pushed more and
3 more to agree with NMED's position. He also stated that
4 the team's initial evaluation would have changed the
5 solution at Sandia mixed waste landfill, the solution
6 being the dirt cover. NMED pushed extremely hard for EPA
7 Region 6 not to even question the past results or the
8 viability of past test results, the test results being
9 from the groundwater monitoring network. Finally, he
10 stated that Citizen Action got shortchanged by Region 6.

11 Now, the reason we have to have a public hearing
12 on the Long-Term Monitoring Maintenance Plan is because of
13 these kind of shenanigans that have been going on now for
14 almost two decades. We need an opportunity to put in the
15 record exactly what the regulators knew, when they knew
16 it, and the fact they knew they had a defective
17 groundwater monitoring network, they knew that defective
18 groundwater monitoring was providing fraudulent data,
19 basically, if you were going to use that to make a
20 decision.

21 So the decision they made for the dirt cover was
22 not based on a realistic appraisal of what was in the
23 groundwater and what had been released from the dump.
24 This also goes to the fate and transport model. Now, the
25 fate and transport model was being discussed while NMED

1 and EPA had this information going back and forth, and had
2 know about it going back another 10 years.

3 So all of this information was kept secret from
4 the public. The EPA Inspector General did a report in
5 2010 that addressed the EPA Region 6 conduct. They said
6 Region 6 staff took inappropriate steps to keep the
7 details of the monitoring well assessments from the
8 public. He decided not to provide documentation,
9 sometimes not to document their concerns. The region's
10 actions were a violation of EPA's public involvement
11 policy.

12 MS. DIAZ-D'ORVILLE: My name is Sylviana
13 Diaz-d'Orville, and I wish to cede my time to Mr. McCoy.

14 MR. MCCOY: Thank you.

15 Additionally, the EPA Region 6 placed a
16 confidential stamp on the technical report that they
17 wrote. We just got this about a month ago as a result of
18 the lawsuit. And it agrees with all kinds of concerns
19 that we had, but they kept this from us and the public
20 from 2007. Okay. Five years this was withheld.

21 The Inspector General stated that Region 6
22 withheld information from the public regarding the MWL,
23 monitoring wells, through discontinuation of
24 recordkeeping, misleading communications, and
25 inappropriate classification for national security of that

1 report that I just showed you.

2 In 2004, there was a public hearing, and the
3 public didn't have the information about the defective
4 groundwater monitoring wells. What was presented to the
5 hearing officer was that there was no evidence of
6 contamination to the groundwater. Well, if you had
7 defective groundwater monitoring wells, how could you
8 provide evidence of contamination to the groundwater?
9 They might as well have been monitoring on the far side of
10 the moon for the defective information that they were
11 presenting.

12 Now, it's a violation of federal law not to
13 correct the record when it's wrong at any time during the
14 management of a hazardous-waste type of permit. The
15 record has never been corrected for the mixed waste
16 landfill, including all of these documents that I recently
17 received from the EPA, and the earlier criticisms which
18 were made in notices of deficiencies, notices of
19 disapproval, for over eight years in the early '90's.

20 So I submit that the New Mexico Environment
21 Department needs to reopen this entire matter, allow some
22 honesty and air to come into the process and allow the
23 public to have real participation in the decision making
24 for this matter.

25 Thank you.

1 VICE CHAIRMAN GLASS: The next speaker signed up
2 is Mr. Tim McKay, 4021 Simms Avenue, Southeast.

3 Mr. McKay.

4 MR. MCKAY: I'm Jim.

5 VICE CHAIRMAN GLASS: Oh, sorry, Jim.

6 MR. MCKAY: That's okay. I'd like to cede my
7 time to Eric Nuttall when he speaks. And if he'd like to
8 take my place now, that's fine, and add it to his minutes
9 whenever he is on there -- whenever.

10 VICE CHAIRMAN GLASS: I will call Mr. Nuttall in
11 order.

12 MR. MCKAY: Okay.

13 VICE CHAIRMAN GLASS: Next then would be
14 Mr. Gilkeson, Bob Gilkeson, Citizen Action.

15 When you come to the mic, please state your
16 address for the record.

17 MR. GILKESON: My name is Robert Gilkeson. My
18 address is 7220 Central Avenue, Southeast, Apt 1043,
19 Albuquerque, New Mexico, 87108.

20 I wasn't sure I was going to be in physical
21 condition to make a long presentation to this meeting,
22 which I have prepared a long presentation. So we lined up
23 a set of concerned members of the public to make the
24 presentation.

25 I will start the presentation. I'm not sure how

1 my ability to proceed will continue. I'm getting an onset
2 of allergies, and that affects my vision, unfortunately.
3 And since I didn't even think I was going to be making
4 this presentation, I didn't prepare -- my presentation is
5 a written report that is going to be read into the
6 record. Since I wasn't sure of my ability to present, I
7 didn't print the paper out in huge print that I could
8 comfortably read. So I'm going to have to take my glasses
9 off to even read my own report.

10 MR. MCKAY: Bob, sorry to interrupt.

11 MR. GILKESON: Yes.

12 MR. MCKAY: We have six people lined up to read
13 that in continuity so it's not interrupted. And for
14 continuity, either we add that after you or move you to
15 the beginning of their slot, so the whole thing gets read
16 smoothly. I think it will be a good idea.

17 VICE CHAIRMAN GLASS: Excuse me. Is this a
18 request of the Chair?

19 MR. MCKAY: I'm sorry. Well --

20 VICE CHAIRMAN GLASS: Are you requesting to
21 reschedule Mr. Gilkeson's presentation?

22 MR. MCKAY: I'm just making a suggestion to Bob,
23 and he can if he would like.

24 VICE CHAIRMAN GLASS: Well, Mr. Gilkeson, I think
25 you have about three minutes left to use as you would

1 like.

2 MR. GILKESON: Yeah. Thank you. I am not going
3 to start at the beginning of this presentation, which I
4 thought Mr. McKay would be doing. What I am going to do
5 is go to page 7 in the presentation and start with the
6 notice of deficiency report written by New Mexico
7 Environment Department in 1998 about monitoring well, MWL,
8 MW4. This monitoring well is posted on the map that's up
9 here. The well is here.

10 The Long-Term Monitoring and Maintenance Plan
11 says that this well is not currently to be sampled for
12 contamination in the formal operations. It is for -- they
13 said the vague term, "Information only." Well, there's
14 very important information that's presented on this map.

15 I'm going to read from the 1998 Notice of
16 Disapproval. I have to take my glasses off, so -- the top
17 of the upper screen of well MW4 is located approximately
18 22 feet below the water table. Because of the vertical
19 gradient and the way the well is constructed, well 4 is of
20 no value for determining the elevation of the water table,
21 and therefore, the horizontal direction of groundwater
22 flow and the horizontal gradient continuing from the
23 report.

24 Also, because the top of the upper screen is
25 located 22 feet below the water table, the well is of

1 little value for detecting any groundwater contamination
2 that may be present in the saturated zone just below the
3 water table. The important thing is this map presents the
4 well now to be able to map the water table, when in 1998
5 the water table was 20 feet below the bottom of the
6 screen -- excuse me -- 20 feet above the top of the
7 screen. So the map doesn't make sense to the physical
8 situation.

9 Thank you.

10 VICE CHAIRMAN GLASS: As a reminder, the
11 statement made earlier, written comments such as the one
12 Mr. Gilkeson referenced, can be submitted directly to NMED
13 as part of the public comment period. I would encourage.

14 The next speaker signed up is Mr. Paul Robinson,
15 P.O. Box 4524 in Albuquerque.

16 Mr. Robinson.

17 MR. ROBINSON: Good evening. I appreciate
18 everyone making the effort to be here on both sides of the
19 podium and tables.

20 My name is Paul Robinson. I am at P.O. Box 4524,
21 Albuquerque, 87196. And I want to talk about a slightly
22 different part of the problem at the mixed waste landfill,
23 and that is the lack of monitoring in the vadose zone
24 between the surface and the groundwater table. There is
25 about 450 feet of unsaturated zone between the surface and

1 the groundwater table. And at the mixed waste landfill
2 the deepest soil borings for identification of
3 contaminants are 50 feet. So there's 400 feet of
4 unmonitored area and the Long-Term Monitoring and
5 Maintenance Plan should be expanded to monitor the vadose
6 zone for organics and metals and radionuclides.

7 There's recently been a series of groundwater
8 reports, consolidated reports, prepared by Sandia National
9 Labs and submitted to NMED. And those have included
10 vadose zone monitoring at Sandia sites called "Tech Area
11 5" and "Tijeras Arroyo" groundwater sites. And the Tech
12 Area 5 site, which is about a mile north of the mixed
13 waste landfill. Shows very low organic levels in the
14 first 50 feet below the surface. Down 100 feet they begin
15 to rise, and at 300 feet they're about 1,000 times higher
16 than at 50 feet.

17 So we are using the method of "no data, no
18 problem" to discuss the extent of contamination in the
19 soil column. This is the vadose zone. This is easily
20 remedied by installing the same kind of soil vapor
21 monitoring systems that NMED required at Tech Area 5 and
22 Tijeras Arroyo groundwater -- also, following Notices of
23 Disapproval issued by the agency in its responsibility to
24 enforce the law and the regulations.

25 So expanding the vadose zone monitoring to

1 include the area below the site, which has been shown to
2 be severely contaminated by other nearby sites, other
3 unlined waste sites in the Kirtland and Sandia area. The
4 problem of whether the site has leaked and whether it's
5 worth investigating that first 50 feet is a different
6 problem here where contaminants began leaking in the
7 1950's. It's not a new site.

8 So the contaminants have had almost my lifetime
9 to move. And so looking at only the shallow site was an
10 over simplification that can be remedied with readily
11 available technology and has been implemented at other
12 sites, so I think it's long overdue. There is a review of
13 the groundwater, consolidated groundwater report that's
14 been provided to Mr. Keeling at ED and as well as to the
15 Water Protection Advisory Board and the Water Authority
16 who have made time to address these issues.

17 And I'll send that again to Dr. Keeling, but
18 thank you for your time, and hopefully we'll learn about
19 this very important part of our aquifer and the vadose
20 zone above it with some monitoring at the mixed waste
21 landfill in the next couple of years.

22 Thank you very much.

23 VICE CHAIRMAN GLASS: Our next speaker signed up
24 is Mr. Ron Zuziak. Is Mr. Zuziak here? 1520 Girard
25 Boulevard, 87106.

1 MR. ZUZIAK: Thank you. All right, folks. Ron
2 Zuziak, 1520 Girard, Albuquerque.

3 Just to bore you briefly, my background is I am
4 an educated chemist. I have a B.S. in chemistry. I'm a
5 chemical engineer also. I have a Master's degree
6 biochemistry. For the past 45 years I've been an
7 industrial chemist, and about the last 15 years, I've been
8 in the mining part of this game.

9 And the reason why I bring this up is because if
10 you're in the mining business, I've been a mining
11 consultant for many years, you have to get permitted for
12 any mining operation. One of the biggest parts of any
13 mining operation permit is to make sure you have liners
14 that line a waste part, the landfill part, the water waste
15 part, tailings ponds, tailing parts, to prevent anything
16 from reaching anything in the water system once you are
17 along the water table.

18 It's unconscionable to me that these folks, who
19 claim to be experts, would say the only thing they would
20 need is this bio intrusion layer, which is a dirt layer,
21 and do nothing underneath to protect it. And there are
22 many types of liners that can be put in there even to
23 protect against radioactive waste. So that's an
24 unconscionable thing as far as I'm concerned in my
25 professional opinion, and it should be added that this

1 should be part of the thing is to review, as David McCoy
2 suggests that we look at, and we present in an open public
3 review so that this thing can be properly addressed and
4 covered.

5 Thank you.

6 VICE CHAIRMAN GLASS: Next speaker is Mr. Charles
7 Dickerman. Is Mr. Dickerman here?

8 MR. DICKERMAN: Yes. Here I am.

9 VICE CHAIRMAN GLASS: Yes, Mr. Dickerman. Okay.

10 MR. DICKERMAN: May I cede my time to
11 Mr. Gilkeson, please?

12 VICE CHAIRMAN GLASS: Mr. Gilkeson's time has
13 expired. He's already spoken.

14 MR. DICKERMAN: Yeah. But can he take --

15 VICE CHAIRMAN GLASS: Would you like him to
16 substitute for you?

17 MR. DICKERMAN: Yes.

18 VICE CHAIRMAN GLASS: Okay.

19 MR. DICKERMAN: That's what I meant to do. Thank
20 you.

21 VICE CHAIRMAN GLASS: All right. Mr. Gilkeson.

22 MR. GILKESON: Thank you. I want to finish the
23 important information that's been displayed on this
24 current groundwater flow map for the Sandia mixed waste
25 landfill, which is actually just a dump.

1 The blue lines on this map are the elevations of
2 the water table. This well MW4 in 1998, the water table
3 was greater than 20 feet above the top of the screen. The
4 water level has declined on record over the last 18 years
5 at a rate of approximately a half a foot a year. So that
6 regular decline of the water table would take it down
7 about 8 feet at the location of well MW4. But this map
8 presents that the top of the screen is now above the water
9 table, and they're using this well to map the elevation of
10 the water table. That physically doesn't work.

11 But the report, the Long-Term Monitoring and
12 Maintenance Plan, also says that they are not now doing --
13 collecting of water samples for purposes of detecting
14 contamination at this well 4.

15 So the other important information that's on this
16 flow map that is at the surface of the water table is that
17 the direction of groundwater flow on the map flows down
18 gradient perpendicular to the flow lines. So this map
19 shows -- in fact, we take this flow line and go
20 perpendicular to the gradient. I'm tracking the ground
21 flow line down gradient. This whole area of the landfill
22 is not monitored. All of this groundwater flow is off to
23 the north, and these are the compliance monitoring wells
24 on the westside of the dump, seven, eight and nine.

25 So this is the classified area of the landfill

1 where the early disposal operations occurred. And all
2 parties recognize that the waste disposed of in the
3 classified area are of greatest concerned of being
4 released from the landfill to the groundwater. It's not
5 monitored by their own map. Of course, the other
6 problem --

7 MS. GREENWALD: Bob, could you put it up a little
8 bit closer? Thanks.

9 MR. GILKESON: The other problem is that the flow
10 map is not accurate to the elevation of the water table.
11 These three wells along the western side of the landfill
12 have 30-foot-long screens. And the very bottom of those
13 screens entered into a permeable zone, much higher
14 permeability than the rest of the screen.

15 So the deep water level represented in these new
16 wells is not accurate for the elevation of the water
17 table. More of this will be discussed in the presentation
18 I prepared. Thank you.

19 VICE CHAIRMAN GLASS: All right. The next
20 signed-up speaker is Simon Polakowski. Did I say that
21 right?

22 MR. POLAKOWSKI: Close enough.

23 VICE CHAIRMAN GLASS: Sorry if I didn't get it
24 quite right.

25 MR. POLAKOWSKI: Yes. I'm at 602 Redondo Court,

1 Northwest. I am not an expert. I don't even know if I'm
2 really a concerned citizen. But I'm interested in these
3 problems. And listening tonight to these people, the man,
4 the chemical engineer, the man who was formally with the
5 New Mexico Environment Department, I would like to remind
6 people that Mr. Gilkeson --

7 Is that how you pronounce your name?

8 I asked him what his field of expertise is, and
9 he said that he was a geologist. He worked at the
10 University of Illinois. He's also very familiar with
11 geophysics. So I believe this is a person who is highly
12 educated and experienced in what he's talking about.

13 I'm very disappointed that nobody from Sandia
14 came. I think this is, you know, not right. Everything
15 I've heard today, especially from Mr. McCoy, they were --
16 you know, this information that we've been given is not
17 real information.

18 This reminds me, I drove a truck over the road
19 and I heard the truth twice. One time a trucker said,
20 "The only thing you can believe on an official trucker's
21 log is the date."

22 Everything is suspect. I believe a lot of this
23 material that we've been given with the way that this
24 supposed information has been gathered is not real
25 information and should be disregarded.

1 And it's -- you know, it's shameful. These
2 supposedly highly-educated people, people that have Ph.Ds,
3 you know, from recognized universities -- they're
4 supposedly scientists. I was taught that science was for
5 the enhancement of life, not its enslavement and its
6 poisoning. And again, you know, as the man said, they put
7 a rug over a bunch of dirt, and they said, "Just don't
8 look underneath there. Everything is okay. And if
9 something happens, we'll just -- you know, we'll put
10 another rug over that."

11 I think it's just not right. It's -- you know,
12 this has turned into a sham. I've heard twice -- I've
13 been to three of these meetings. I've heard the truth
14 twice. One time a man went before the Water Authority
15 Board, and he was a representative, I believe, in the Air
16 Force. And he goes, "I'm not a hydrologist. I'm a
17 geologist." But yet he was sent to talk about water.

18 And another time a representative from Sandia
19 came and said, you know, "We're going to clean this up,
20 but this doesn't mean we have to clean it up." And he
21 said basically that the government could walk away from
22 this.

23 So I've heard the truth twice here, but not
24 really about the issue of what's going on with this waste
25 site, what's going on with the spill, which is not being

1 addressed tonight. And I think the public needs to be
2 told the truth. We need real information. It needs to be
3 out in the open, and so people -- and there needs to be
4 more of these meetings. And they should be more
5 pronounced so that more people can come and find out
6 what's going on. This isn't enough people. This really
7 isn't. You know, there should be -- this is a very
8 important issue. Incredible.

9 This concerns -- we live in a very water-poor
10 state, and what is now a long-term drought. And this is
11 not good.

12 Thank you for allowing me to speak.

13 VICE CHAIRMAN GLASS: Ms. Diane Werner is next.

14 MS. WERNER: Good evening. My name is Diane
15 Werner. I reside at 4021 Simms, Southeast, 87108.

16 I've been a resident of New Mexico for 38 years.
17 I'm appalled by what's going on and the history of what's
18 going on, and the cover-up. But I will talk about
19 Mr. Gilkeson.

20 The 2.6-acre Sandia mixed waste disposal site was
21 operated as a dump for 30 years from '59 to '88. That's
22 been said before. The open pits and trenches at the SNL
23 MWL dump do not include the liners and the contaminant
24 detection systems required by landfills. That's been
25 addressed here by other members.

1 An accurate record does not exist of the waste
2 buried in the dump. A large inventory of very dangerous
3 hazardous, toxic and radioactive waste were disposed of
4 into the disposal trenches and pits that stood open for
5 long periods of times to receive large quantities of water
6 from surface rain run-off.

7 It is very important for the public and the Water
8 Authority to understand that the required network for
9 reliable monitoring wells was not installed at the Sandia
10 MWL dump for the first network of four wells installed in
11 1988 and 1989 to the existing network of seven wells in
12 the Sandia March 2012 proposed LTMMP.

13 The fundamental failure over all the time from
14 1988 to the present in 2013 is that monitoring wells were
15 not installed at appropriate locations and depths for the
16 south or southwest direction of groundwater flow at the
17 water table below the Sandia MWL dump. That's according
18 to Mr. Gilkeson.

19 A very serious issue is that the Sandia proposed
20 LTMMP misrepresents the direction of the groundwater flow
21 at the water table below the MWL dump to the northwest.

22 The NMED March 1993 report by technical staff,
23 Mr. Moats and Ms. Winn, describe the south or southwest
24 direction of groundwater flow below the MWL dump, and that
25 the existing network of monitoring wells was inadequate.

1 I read from the 1993 NMED report as follows:

2 "The hydrogeologic conditions at the MWL have not
3 been adequately characterized. Water level data from July
4 1992 indicate south-directed or southwest-directed flow.
5 The detection monitoring system that currently exists at
6 the MWL is inadequate because the direction and the speed
7 of groundwater flow cannot be determined with reasonable
8 certainty."

9 The scientists at Los Alamos National Lab wrote a
10 report in '91 that describe the monitoring wells at the
11 MWL dump is not in compliance with the federal regulations
12 of the Resource and Conservation Recovery Act -- and
13 commonly known as the acronym RCRA.

14 I read from the 1991 Los Alamos National Lab
15 report as follows:

16 "The data from the present monitoring well
17 network indicates that there is only one down gradient and
18 no up gradient wells. This in itself establishes the
19 inadequacy under RCRA of the present well network."

20 The EPA Region 6 issued a Notice of Deficiency
21 report in September 22nd, 1994, that described a network
22 of -- I think I'm out of time.

23 I'm out of time, right?

24 MR. MORRIS: You have 15 seconds.

25 MS. WERNER: 15 seconds. I'll talk fast.

1 "The dump is unable to detect contaminants
2 released from the dump."

3 MR. LOWRIE: Mr. Chairman, I'll cede my time. I
4 believe I'm next on the list. My name is Kevin Lowrie.

5 VICE CHAIRMAN GLASS: Kevin Lowrie. You are not
6 next on the list. I will find you, and you may have four
7 minutes and some seconds.

8 MS. WERNER: I read from the conclusion section
9 in the 1994 EPA Region 6 report as follows:

10 "Based on the southwest gradient flow of
11 groundwater, contaminants emanating from the MWL may not
12 be detected in the monitoring wells."

13 The EPA Region 6 issued an oversight report in
14 December 2007 that documented the direction of groundwater
15 at the water table below the Sandia MWL dump was to the
16 southwest.

17 I read from the 2007 EPA report:

18 "The aquifer flow direction is to the
19 west-southwest based on our review of over 15 years of
20 data."

21 The NMED 1993 report by Moats and Winn described
22 the large quantity of hazardous waste that was disposed of
23 into an open pit known as the Acid Pit at a location in
24 the southeast corner of the Sandia MWL.

25 I read from the 1993 NMED report as follows:

1 "Between '59 and '62, chemical wastes were
2 disposed in Pit 1, also known as the Acid Pit, located in
3 the southeast corner of the MWL."

4 No monitoring wells were installed at any time to
5 investigate groundwater contamination below the south side
6 of the Sandia 2010 MWL dump. The Sandia 2012 proposed
7 LTMMMP does not include the installation of any monitoring
8 wells on the south side of the MWL dump. The failure of
9 the proposed LTMMMP to provide monitoring wells on the
10 south side of the dump is an important reason for the NMED
11 to order Sandia to retract the proposed LTMMMP.

12 An important fact for the public and the Water
13 Authority to understand is that the inadequate networking
14 of monitoring wells described in the 1991 report by the
15 LANL, Los Alamos National Lab, scientists in the 1993
16 report by Moats and Winn, and they in the 1994 EPA Region
17 6 report was not improved with correctly installed
18 monitoring wells at any time up to the present including
19 the monitoring wells in the Sandia 2012 proposed LTMMMP.

20 The first monitoring well network installed at
21 the Sandia MWL dump in '88 and '89, consisted of four
22 monitoring wells installed with an incorrect assumption
23 that the direction of groundwater flow at the water table
24 was to the northwest.

25 Accordingly, contaminant detection wells MW1, MW2

1 were located north of the MWL dump. Contaminant detection
2 well MW3 was located west of the MWL dump, and background
3 groundwater quality well BW1 was located 500 feet south of
4 the MWL dump.

5 In the first network of monitoring wells, MW3 was
6 the only well located west of the MWL dump. There were no
7 wells installed south of the dump.

8 An additional important fact is that the
9 monitoring wells MW2, MW3, BW1 were drilled with the
10 mud-rotary method with well-known properties to conceal
11 knowledge of groundwater contamination. The 1993 Moats
12 and Winn report described the reasons the mud-rotary
13 method prevented the three wells to provide any reliable
14 water quality data and accurate knowledge of the hydraulic
15 properties of the geologic zone where the well screens
16 were installed.

17 I read from the NMED 1993 report: "The use of
18 mud-rotary drilling methods should be avoided in any
19 future monitoring well installation of MWL. Mud-rotary is
20 not a preferred drilling technology due to its potential
21 detrimental impacts to groundwater quality and the
22 hydraulic characteristics of an aquifer."

23 VICE CHAIRMAN GLASS: Henry Misserville.

24 MR. MISSERVILLE: Can you notify me every
25 minute?

1 MR. MORRIS: Yes, sir.

2 MR. MISSERVILLE: Thank you.

3 Hello, my name is Henry Misserville. I reside at
4 24 Matisse Road in Albuquerque. Actually, I live in
5 Massachusetts as well as in Albuquerque. And I'm very
6 interested in this subject.

7 The evidence suggests that critical information
8 that should have compelled NMED to order the removal of
9 radioactive and hazardous waste has not been met.
10 Mr. David McCoy, one of the foremost attorneys on
11 radioactive and hazardous waste in the Southwest, through
12 a private records request has transcripts of secret
13 meetings and e-mails between Sandia Labs and NMED to
14 modify the final order without alerting the public.

15 This is a violation of state and federal law, and
16 they continually do that, Sandia Labs as well as NMED.
17 Sandia Labs and NMED, the EPA, they all conspired to
18 deceive the public by misclassifying the dump from being a
19 regulated unit to a solid waste management unit, SWMUs.
20 And thereby, by doing that, they were able to avoid the
21 strict standards for monitoring and cleanup.

22 MR. MORRIS: One minute.

23 The former chief of the Hazardous Waste Bureau
24 and RCRA permits manager, the esteemed Dr. Robert S.
25 Dinwiddie, who spoke initially, he denied Sandia Labs

1 permission for no cleanup status citing federal RCRA law
2 since the dump received radioactive and toxic waste after
3 July 1982.

4 Coincidentally, Dr. Dinwiddie was summarily
5 replaced after issuing his order by the new chief, John
6 Bearzi, of the Hazardous Waste Bureau. And the unit was
7 named the "Solid Waste Management Unit," which meant that
8 it did not have to comply with strict federal guidelines.
9 That is the current case today.

10 Sandia Labs never planned on removing these toxic
11 and radioactive wastes from the city -- that is one mile
12 from a children's playground and one mile from a planned
13 community, Mesa del Sol, a 35,000 member community.

14 How many minutes?

15 MR. MORRIS: You have two.

16 MR. MISSERVILLE: I have two. Thank you.

17 Because Sandia Labs never removed these
18 contaminants, this is what we have. We have no liner
19 under the landfill to prevent waste from entering the
20 aquifer. We have no way of collecting leaching
21 collection -- these are toxic wastes that leak from the
22 dump. We only have a dirt cover, which they call a "bio
23 intrusion layer" between the groundwater and the dump.

24 We have evidence of contamination 120 feet below
25 the dump that has spread horizontally offsite. Some of

1 these identifiable contaminants: Chromium, nickel,
2 nitrates, cadmium, beryllium, tritium exists. So all of
3 Sandia Labs and all the NMED has done, they have not
4 protected the public at all. They are suspect.

5 Sandia Labs has a very sordid history as a
6 result. William Oates, who is now the geologist for NMED,
7 who was in charge of the approval process, stated that the
8 monitoring of -- Bob Gilkeson indicated to him, who was
9 the chief hydrologist for Los Alamos -- that the wells
10 were misplaced. They had corrosive screens, which hid
11 evidence of contamination, and they used bentonite clay,
12 which absorbs contamination. The evidence is actually
13 bogus, the evidence that the lab has presented. He
14 ignores these facts, and the EPA Region 6, under federal
15 law, also stated that the cover, the dirt cover, was not
16 only inadequate, but was not protecting the public.

17 William Oates -- his wife is also on the payroll
18 of Sandia Labs. So he should remove himself from any
19 decision-making process as a result.

20 Would anyone else like to cede their time? I
21 have more things to say.

22 MS. RODRIGUEZ: I would like to cede my time. My
23 name is Susan Rodriguez.

24 VICE CHAIRMAN GLASS: Okay.

25 MR. MISSERVILLE: Thank you.

1 So since his wife is on the payroll at Sandia
2 Labs, his approval of the dirt cover gives the appearance
3 of a conflict of interest. And his findings in favor of
4 Sandia Labs should be overruled. And yet he remains the
5 main contact person who will advise NMED on the Long-Term
6 Monitoring and Maintenance Plan.

7 Sandia Labs never intended to remove these
8 contaminants, but we must force them and our environmental
9 agencies to honor their mission in protecting the public.
10 And those who lie, those who concealed information, those
11 who violated federal and state law by not holding public
12 hearings must be held accountable.

13 The public trust and safety has been seriously
14 compromised. The public needs a thorough and independent
15 investigation, perhaps with the involvement with the
16 Inspector General of the EPA -- every federal agency has
17 an Inspector General as oversight -- since Sandia Labs,
18 NMED, EPA Region 6 have lost their credibility in
19 protecting the public health and safety of the citizens.

20 The public needs a full evidentiary hearing,
21 which means that we, the public, can present independent,
22 unbiased testimony, professional testimony, on this, so
23 that Sandia Labs is forced to begin the removal process of
24 radioactive and toxic waste before the wells are forever
25 contaminated like the wells in the South Valley

1 contaminated by GE, Chevron, and others. Once they're
2 gone, they're gone.

3 And I also want to thank the members of the
4 Bernalillo County Water Utility Authority Board for
5 hosting this presentation. And I would hope that the
6 Department of the Environment would not allow the approval
7 of this process, but that the public will have the right
8 to have an evidentiary hearing because we have not fully
9 been heard.

10 Thank you.

11 VICE CHAIRMAN GLASS: Joseph Wexler.

12 MR. WEXLER: Good evening. First, I want to --
13 this is the first time I've seen this thing up close, and
14 I can actually interpret it.

15 UNIDENTIFIABLE FEMALE: Keep that close to your
16 mouth, Joe, the microphone.

17 MR. WEXLER: I can actually almost interpret it.
18 It's still a piece of junk. It's not an engineering
19 drawing.

20 MR. MORRIS: Joe, we need you to state your name
21 and address for the record.

22 MR. WEXLER: Okay. My name is Joe Wexler. I
23 live at 610 Ridge Place, Northeast, Albuquerque, 87106.
24 I'm a professional engineer. I work in engineering now,
25 since 1956 when I worked on the radar station in Northern

1 Canada to oppose the Russian assault at the North Pole.

2 Okay. That was 1956.

3 I just want to make the right comments to the New
4 Mexico Environment Department. You must put solid
5 engineering time into review of your existing monitoring
6 well systems. That means professional engineers trained
7 in hydrology and mechanics. Nothing else will do.

8 So it takes several hundreds, maybe thousands of
9 the hours. The next thing is -- you must do -- a cost
10 analysis must be part of the new long-term management
11 plan. I've got a lot of things written down here. The
12 long-term management plan must include a cost analysis of
13 what it would take to remove all the poisonous materials
14 you have dumped since 1942, I think it is -- something
15 like that. So we're talking about how many years?
16 Anyways, you've got to get to work on it.

17 And once again, they need to have some
18 professional people to do a cost analysis on what that
19 would be. Anything short of that is unconscionable. I
20 misspelled it on here, but I think I said it correctly.

21 And further training. You know, people need
22 further training. You have at least enough money to do
23 that. Sandia must train their people in advanced
24 engineering practices. They can no longer do high school
25 work with nuclear waste materials. And in addition, get

1 your older professionals off the job. Put younger people
2 on to do the work that has to be done. The older guys are
3 too contaminated and too corrupted. Anybody above 35
4 cannot be involved in this kind of work. Is that clear?

5 This is directed to the New Mexico Environment
6 Department, and by rote, on to Sandia. A consultant would
7 do, too. A good honest consultant in the Albuquerque area
8 can help you out a lot.

9 Okay. Thank you very much.

10 VICE CHAIRMAN GLASS: Thank you. I'm not sure
11 I'm going to get this name right. Robert Aly.

12 MR. ALY: It's Robert Aly.

13 VICE CHAIRMAN GLASS: Aly. Sorry.

14 MR. ALY: 215 Heartline, Southwest.

15 Oh, wow. This is too much really. We make time
16 for these meetings for 20 years, 30 years. You know,
17 about the DOE and about Sandia, it's the same thing every
18 time. You know, they have these great meetings, everybody
19 comes and expresses what they're feeling, and then, after
20 that everybody can go home. We ain't fixed it, you know.
21 That's what the DOE thinks and Sandia thinks and the
22 Environment Department thinks.

23 I wonder how many experts they have? Somebody
24 said before the meeting, I overheard them, "You know what
25 an expert is." That's somebody that knows how to make

1 love 100 different ways, but they can't find a partner.

2 Well, I don't know how many experts are in
3 Environment Department, the Department of Energy, Sandia
4 Labs. But I do know one thing and that's we're getting
5 screwed. We're getting screwed big time. And this is
6 obvious to anybody, this is an ongoing criminal
7 conspiracy. That's what it is between the Governor's
8 Office, the Environment Department --

9 VICE CHAIRMAN GLASS: Mr. Aly, no accusations,
10 please.

11 MR. ALY: I'm not making accusations. I'm
12 stating a fact.

13 VICE CHAIRMAN GLASS: Sorry.

14 MR. ALY: I don't know. We paid more than -- I
15 don't know -- \$20 billion dollars for WIPP. I don't know
16 what it's at now. 40 billion? 60 billion? That's where
17 they were supposed to put this waste. They were supposed
18 to put it in WIPP. I mean, we spent years trying to get
19 them to put WIPP in the right place that wouldn't affect
20 the environment. This is an illegal conspiracy.

21 They keep doing the same thing over and over
22 again so they can keep charging us tax money instead of
23 solving the problem. Why don't they dig it up and put it
24 in WIPP. We paid for it. That's where it belongs.
25 That's where it might be safe. I don't know because WIPP

1 has its own problems. But I know it's not safe six miles
2 from here.

3 I've just got to say that I would suggest that we
4 all get together and have a Grand Jury investigation of
5 this whole mess because that's what it's going to take to
6 get the politicians and to get the government to find out
7 where these crooks are and ferret them out and put them in
8 jail.

9 Thank you.

10 VICE CHAIRMAN GLASS: Mark Doppke.

11 MR. DOPPKE: My name is Mark Doppke, and I live
12 at 1209 Forrester Avenue, Northwest, Albuquerque, New
13 Mexico, 87104.

14 So I've been coming to meetings about the mixed
15 waste landfill since 2004. And I know a little bit about
16 it. But I'm not going to go into any of the details
17 because there are people here tonight that are so good.
18 But a 10,000-foot view of this is basically Sandia
19 National Labs in 1955 dug a ditch over in the mesa and
20 buried a bunch of stuff. It turns out they don't even
21 know everything that's in there. And it seems like
22 they've been resisting giving us information about it ever
23 since.

24 So going forward, I would recommend, first, that
25 the record be corrected and that the science be examined.

1 The monitoring system definitely needs to be reviewed,
2 preferably by civilian oversight or something of that
3 nature since I no longer trust the labs to monitor
4 themselves. And without accurate information, it's
5 unknown what will happen.

6 Basically, we're talking about the water supply
7 for all of Albuquerque. Anybody who has got kids here,
8 it's certainly going to affect you. I know a lot of
9 people who have died of cancer. And it's a serious
10 problem, and we should be taking it seriously.

11 Thank you.

12 VICE CHAIRMAN GLASS: I'm not sure of this name.
13 Is it Eloy Barrett or Floy Barrett?

14 MS. BARRETT: Floy.

15 VICE CHAIRMAN GLASS: Floy?

16 MS. BARRETT: Yes. My name is Floy Barrett. I
17 live at 316 Washington, Northeast, in Albuquerque, 87108.

18 And I have been coming to these meetings for 20
19 years, and we do the same thing over and over again with
20 the mixed waste landfill. And I really believe we have to
21 have a public hearing.

22 MS. GREENWALD: Floy, hold it closer to your
23 mouth.

24 MS. BARRETT: I thought that's what this was
25 going to be tonight, but this is not. This is just a

1 gathering. But we have to have a public hearing that will
2 give the officials the kind of information that was given
3 here tonight. So I would like to read some of the rest of
4 the paper that Robert Gilkeson prepared because it has
5 additional information that is important.

6 "In October 2001, NMED titled the use of low flow
7 and other non-traditional sampling techniques that were
8 RCRA-compliant. Groundwater monitoring shows that the
9 NMED understood the importance to not install monitoring
10 wells with screens connecting intervals of different
11 hydraulic conductivity.

12 "The screened interval of the monitoring well
13 should be short. Optimal screen length should be less
14 than 10 feet. Wells with screened intervals, connecting
15 intervals of different hydraulic conductivity may act as
16 conduits for vertical flow within the screened interval.

17 "The above statement of NMED's 2001 position
18 paper is an accurate description of the physical setting
19 at wells MW7, MW8 and MW9. And these three monitoring
20 wells produce mixtures of highly-aerated water samples
21 that are not reliable to detect contamination from trace
22 metals, radioactive and solvent waste known to be in the
23 Sandia mixed waste landfill.

24 "In the event of a well failure or if a well is
25 in any way no longer useable for its intended purpose, it

1 must be replaced with an equivalent well."

2 I think until we have a public hearing on this
3 issue that we are not going to get anywhere with any of
4 the needed things. It's obvious that the monitoring wells
5 haven't worked. The monitoring wells have been replaced,
6 and those wells don't work. They aren't put in the
7 correct position, and it's absolutely ridiculous that an
8 operation like Sandia National Laboratory can get by with
9 all of this. We need a public hearing.

10 VICE CHAIRMAN GLASS: Our next speaker is Eric
11 Nuttall with eight minutes having been ceded time by
12 Mr. McKay.

13 MR. NUTTALL: It's my pleasure to be here
14 tonight. I've been involved with this for over 20 years.

15 MR. MORRIS: State your name and address.

16 MR. NUTTALL: Yes. Thank you. I appreciate the
17 reminder. I'm getting old. My name is Eric Nuttall. I
18 live at 1445 Honeysuckle Drive, Northeast, 87122.

19 And I was a professor of chemical and nuclear
20 engineering at the University of New Mexico for 34 years.
21 I've consulted for over 20 years with the national
22 laboratories, both Sandia and Los Alamos, in fate and
23 transport of radioactive nuclear waste and management
24 therein. And I was on the CAB that preceded at least two
25 major reviews that DOE sponsored on the mixed waste

1 landfill. I was on the WERC review, the first review that
2 they had, which involved experts throughout the state.
3 They followed up -- the DOE paid for this.

4 MS. GREENWALD: Eric, could you put the
5 microphone just a little bit closer, please?

6 MR. NUTTALL: Yes. Thank you. That's much
7 better, isn't it?

8 The DOE followed up with a second review in which
9 I participated in, but was not a member of external
10 reviewers from experts from throughout the country.

11 And I think it's important to know and make this
12 point, is in the beginning when we were at the CAB level
13 and talking to Sandia engineers, environmental engineers
14 and so on, it was their full intent that the mixed waste
15 landfill would be excavated.

16 And then in the process over a number of years,
17 not too many, Sandia Corporation management made a
18 decision that they were only going to do what was legally
19 necessary. When we had our public hearing that was
20 documented by the hearing officer, there were more
21 attorneys from Sandia, that they had hired an attorney
22 firm, than there were scientists represented by Sandia.

23 And you ask why they're not removing the waste.
24 It's a decision by Sandia. I spoke to very high officials
25 in DOE in Washington, and they said, "It's up to the State

1 of New Mexico to make that call. It's not a money call on
2 the part of DOE with regard to the removal of that waste."

3 I did want to correct one point, too, and then go
4 on and talk a little bit about the contamination out
5 there. Bruce had mentioned that tritium was an important
6 species, and it is. It's created water, and it's mobile.
7 But there's a slight correction. It does indeed have a
8 12.3 half-life, but today, the concentration of tritium at
9 the mixed waste land site is 10 times what it was a decade
10 ago and down to greater depths. It has not gone away.

11 There are species -- 119 drums containing various
12 levels of plutonium. I think we're all pretty aware of
13 plutonium. It has a 24,000-year half-life, and 119
14 55-gallon drums are placed and documented and
15 photographed as being put into the mixed waste landfill.

16 As part of the review committee, we had access to
17 Sandia's best estimate of the different materials, not so
18 much on how much of the different materials. They didn't
19 know. But just as an example, I think many of you have
20 heard of depleted uranium. It's in the tons of depleted
21 uranium.

22 So there was a list of over 100 radioactive and
23 carcinogenic organics, chlorinated solvents to be
24 specific, on that list. That list is available. I'm sure
25 it's in the WERC report that you can get from one of the

1 repositories. I can assure you of the toxicity of those
2 materials. Definitely, a highly-toxic situation.

3 The argument -- two arguments that Sandia made
4 with regard to discussions with the panel that was doing
5 the review was that there was no location for the mixed
6 waste. It couldn't be put anywhere. There were certain
7 components that could not be put anywhere.

8 I happened to know the director at that time for
9 WIPP. I spoke with her. She's in the headquarters in the
10 DOE. She assured me that there were locations between
11 WIPP and the facility up in Utah in Salt Lake that could
12 handle all of the mixed waste that's out there at the
13 mixed waste land site. So that was a bogus argument.

14 The second argument that they put forth was that
15 the radioactivity and the material out there was too
16 dangerous to be excavated. Bruce referred to that.
17 That's bogus. Up at INEL, up in Idaho, they have removed
18 much higher levels and much more extensive. This is only
19 2.6 acres 20-foot deep of material. And that has been
20 done in a variety of ways. We won't go into the details.
21 Some of it's robotic.

22 We have tremendous instrumentation now and
23 ability to measure radioactivity at very low levels and
24 really no need to expose people to extraordinary levels of
25 radiation. So that's a bogus argument.

1 The arguments that they put forth at that time
2 that there was no place to put the waste and that it was
3 too dangerous to handle are both bogus at this point in
4 time. So the conclusion of the committee in which I wrote
5 some of the words, and some of the words were used here,
6 was the idea of eminent danger.

7 Well, one of the concerns was in using that word,
8 and we had a different interpretation of that, was
9 tomorrow is somebody in Albuquerque going to drink some
10 water that's radioactive, and that's not going to happen.
11 That's not tomorrow, but it is eminent. It definitely is
12 without question going to hit the groundwater.
13 I've worked in the RAD waste business for 20 years. I've
14 looked at the transport -- fate and transport at Los
15 Alamos. I've worked in former East Germany where the USSR
16 extracted half of its uranium. I've worked in Sweden and
17 various locations, and I can assure you that the waste
18 will indeed transport.

19 And as I quoted with the tritium, it is indeed
20 expanding. The concentration is higher. Well, why is it
21 higher? Well, initially Sandia container-rized all of the
22 waste that they put in. Look at the pictures. Go back to
23 the WERC report and you will see that they were put in
24 plastic, metal, et cetera, containers. Those containers
25 are now degrading, and they're now exposing continuously

1 more waste than they did initially.

2 So I guess in conclusion, what I want to say is
3 that the intent of both of those review boards were that
4 there would be a five-year review, and that Sandia would
5 come up with a plan during each of those reviews to
6 excavate and properly dispose of that waste.

7 VICE CHAIRMAN GLASS: Janet Greenwald.

8 MS. GREENWALD: I would first like to -- oh,
9 right. I reside at 215 Heartline, Southwest, Albuquerque,
10 New Mexico, 87105. I'm a co-coordinator of Citizens for
11 Alternatives to Radioactive Dumping, and I'm a working
12 member of our Endangered Aquifer working group, and some
13 other groups that concern quality of water.

14 I was one of the groups that helped negotiate the
15 closure of the Chem Waste landfill at Sandia. And as part
16 of that, we looked at slide after slide after slide of
17 people dressed in a lot of white-something with masks on,
18 and under tents, which -- and layers of plastic, which
19 kept the contaminants down, I guess, to a reasonable level
20 for all of us who are downwind.

21 And the reason that Chem Waste landfill was
22 excavated was because it brought contaminants,
23 carcinogenic contaminants into the aquifer. And once
24 those contaminants hit the aquifer, then everybody started
25 working diligently with the most modern technology, and

1 they dug up the source of contamination.

2 And then we negotiated the closure, which
3 contained quite a bit of monitoring even though the source
4 of the contamination was completely evacuated.

5 So the position of our Endangered Aquifer working
6 group is that we should try to catch contamination before
7 it hits the aquifer. If we can employ hundreds of people
8 in suits and tents and so forth, to dig up contamination
9 after it hits the aquifer, then we can obviously do that
10 before it hits the aquifer.

11 And in Albuquerque, now we have the Kirtland
12 spill. We have -- little known to most people, there are
13 two spills also from Sandia. One, the Tijeras Arroyo
14 spill has carcinogenic contaminants in a plume that's only
15 a quarter mile from the Eubank well field.

16 Now we're looking at the mixed waste landfill.
17 And with the mixed waste landfill we have a chance here --
18 or we might have a chance, because the monitoring is so
19 poor, we're not sure. But we might have a chance to keep
20 contaminants from hitting the aquifer.

21 And I wish that there was the political will at
22 Sandia, and I hope that there is the political will at the
23 New Mexico Environment Department to take this opportunity
24 to begin with an evidentiary hearing where technical
25 experts from all sides can clear the air about what

1 exactly is going on at the mixed waste landfill and then
2 to go on and take this opportunity to make the mixed waste
3 landfill an example of how we can protect our
4 environment. We can turn this around. We can totally
5 turn it around.

6 So I want to -- once again, I want to thank the
7 Water Utility Authority and the Water Protection Advisory
8 Board. I've been working with these boards for a number
9 of years, and through time, they've become more and more
10 proactive in protecting our water, and I want to
11 congratulate them.

12 Thank you for hearing us tonight.

13 VICE CHAIRMAN GLASS: We have two people by the
14 name of Susan Rodriguez signed up. One recorded her
15 residence as Paradise Hills. One recorded her residence
16 as 7224 Carson. Are they different individuals?

17 MS. GREENWALD: I'm sorry. I signed Susan up,
18 and then she signed herself up, so it was my fault.

19 VICE CHAIRMAN GLASS: Okay.

20 MS. RODRIGUEZ: And I ceded my time to Henry.

21 VICE CHAIRMAN GLASS: Yes, you did.

22 We are then finished with the presentations by
23 the signed-up individuals. And at this point, I would
24 like to ask Councilor Garduno to come up and say a few
25 parting words.

1 COUNCILOR GARDUNO: Thank you, Steve. You were a
2 little late, but you did a great job once you got here.
3 Thank you.

4 I wanted to thank you, everyone. And I too am
5 somewhat disappointed that we didn't have a larger group
6 of folks to hear each other about our concerns.

7 But one of the things that we thought about is a
8 public hearing would have taken too long. A comment
9 period was more appropriate because that's what NMED was
10 asking for or that's what it was -- or that's what we
11 decided to do.

12 And I'll take Ms. Barrett's -- not admonition,
13 but at least a suggestion, that in the future we have a
14 more open discussion with officials. And that can happen
15 also, and I'll be talking to -- Mr. Mark Sanchez has also
16 mentioned that, you know, if we want to do some other kind
17 of forum or meeting, that the Water Authority would be
18 happy to host it with maybe other officials, like state
19 senators, representative from the area, or whomever would
20 be interested, so I take that to heart.

21 However, this had to be in before February 11th,
22 so there was a time crunch, if you will. And I wanted to
23 thank everyone that participated. Mr. McCoy, everyone,
24 and I'm going to leave somebody out.

25 But also, I wanted to tell staff how much I

1 appreciate the work that they've done, taking a whole
2 night out. They could have been watching the Lobo game,
3 but they came and staffed this.

4 So Rick, Brian, everyone, thank you so much, and
5 thank you for staying a little longer.

6 So this is not a good-bye. This is a we'll see
7 you sometime soon. But again, thank you for being
8 involved, and that's how we're going to take care of
9 things.

10 Janet, you're right. I think we need to move on
11 it.

12 I'll just say, Mr. NMED -- because I want to get
13 your name right. Is it Skibitski? Thank you for being
14 here. And I know that you're willing to hear what we have
15 to say.

16 And I felt very good that we had a good
17 discourse. We didn't have any kind of rogue statements or
18 anything that was, you know, acrimonious.

19 Mr. Wexler was funny though. He reminded me of
20 the '60's where we shouldn't trust anybody over 35. So
21 Mr. Wexler and I are out of the picture.

22 Thanks again. I've gone on too long. Thank you
23 very much. We'll do this again.

24 VICE CHAIRMAN GLASS: That concludes the public
25 forum. It has been transcribed and will be available

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through the Water Utility Authority if you want a copy.
(The proceedings concluded at 8:48 p.m.)

1 STATE OF NEW MEXICO)
2 COUNTY OF BERNALILLO)

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I, MICHELE NELSON, New Mexico Provisional Reporter, working under the direction and direct supervision of Debra L. Williams, New Mexico CCR License Number 92, hereby certify that I reported the attached proceedings; that pages 1-73, inclusive, are a true and correct transcript of my stenographic notes. On the date I reported these proceedings, I was the holder of Provisional License Number #P-401.

Dated at Albuquerque, New Mexico, this 8th day of February, 2013.

Michele Nelson
Court Reporter #P-401
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