

Kieling, John, NMENV

From: David McCoy <dave@radfreenm.org>
Sent: Tuesday, February 12, 2013 3:17 PM
To: Kieling, John, NMENV
Cc: Robert H Gilkeson, registered geologist
Subject: Request for Extension SNL Hazardous Waste Permit.

February 12, 2013
John Kieling, Chief
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe, New Mexico 87505-6303
john.kieling@state.nm.us

Dear Mr. Kieling,

The parties below request an extension of time for the public comment period for the Sandia National Laboratories (“SNL”) Draft Hazardous Waste Permit (“Permit”) and Granting of Corrective Action Complete Status (“CAC”) for the Solid Waste Management Units/Areas of Concern. We request a public hearing for the Permit and a period for negotiation of issues. We request that a 120-day extension from the February 14, 2013 date for submission of comments be granted.

1. CA is very interested in the substantive requirements of the SNL draft permit and the post-closure care of the hazardous waste units at SNL and for the potential impacts on public health and the environment from the SNL Permits.
2. The volume and complexity and the changes made to both the revised and reissued SNL draft Permit and the LTMMP compound difficulties for review. More time for review is required for both matters. The addition of the Class 3 modification to the KAFB permit imposes an additional burden.
3. One of the problems is that the locations of the various SWMUs for NFA Complete are not provided on a map. No results are provided for groundwater sampling of the SWMUs. Exceedances for COCs are present in the 2012 Annual GWM Report but are not listed in relation to the various SWMUs.
4. The Hazardous Waste Permit submission is incomplete because it lacks a Closure Plan and Post Closure Permit for the Mixed Waste Landfill (MWL). The MWL dump is listed only as SWMU 76. The MWL is a regulated unit because it received waste after July 26, 1982. A Closure Plan and a Post Closure permit are required. The MWL lost interim status on two occasions and that alone required clean closure.
5. Citizen Action requests a public hearing for the SNL Permit but can only provide comments that were furnished previously in 2008 that have not been updated. due to current focus on the SNL MWL LTMMP.
6. NMAC 20.4.1.901. A.(4) provides:
If the Secretary issues a Draft Permit, and a timely written notice of opposition to the Draft Permit and a request for a public hearing is received, the Department, acting in conjunction with the applicant, will respond to the request in an attempt to resolve the issues giving rise to the opposition. If such issues are resolved to the satisfaction of the opponent. the opponent may withdraw the request for a public hearing.

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

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

Thank you for your consideration.

Respectfully submitted,

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