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REQUEST FOR NEGOTIATIONS AND PUBLIC HEARING FOR SANDIA NATIONAL LABORATORIES HAZARDOUS WASTE PERMIT

I, the undersigned, respectfully request a public hearing on the Draft Sandia National Laboratories (Sandia) Hazardous Waste Permit. I also request that prior to any notice being made for a public hearing, NMED, the Permittees, the undersigned, and other parties conduct negotiations to attempt to resolve issues related to the draft permit. NMAC 20.4.1.901.A.(4). I believe that NMED and other parties 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.

1. Further open burning of toxic wastes at Sandia must not take place. Contamination of our breathing air is unacceptable and alternatives exist.
2. Numerous sites at Sandia National Laboratories are Resource Conservation and Recovery Act (RCRA) "regulated units" because they received hazardous waste after July 26, 1982. Many of those sites are currently listed only as Solid Waste Management Units (SWMUs) in the Sandia Draft Permit and must instead be monitored and closed as regulated units.
3. The Mixed Waste Landfill dump is a "regulated unit" that requires a Closure Plan and Post Closure Permit and those requirements are not being met. Groundwater monitoring for the MWL dump must be that prescribed for a regulated unit by the RCRA. The groundwater beneath the dump is contaminated and the dump should be excavated. Plutonium waste is present.
4. The Draft Permit fails to include a definition for "regulated units" that are present at Sandia National Laboratories. These units disposed of billions of gallons of contaminated water contaminating Albuquerque's drinking water aquifer.
5. The Draft Permit must provide the requirement that the permit shall be reviewed by the NMED Secretary five years after the date of the permit issuance and shall be modified as necessary. 40 CFR 270.50.
6. NMED must enforce now the provision of the May 26, 2005 Final Order that Sandia Provide a five-year review of the feasibility of excavation of the MWL dump and the suitability of the dirt cover. The review is 2 ½ years overdue and NMED does not have legal grounds for its planned delay for another 5 years.
7. The change in the 5 year review requirement for the MWL dump is a change to the May 26, 2005 Final Order. The Final Order must be modified with public participation before NMED can delay the 5 year review. Five year reviews are required by law. 40 CFR §270.50.
8. The 5 year review requirement was added to Module 4 of the SNL Permit in August 2005 as a Class 3 Modification. However, the 5-year review requirement is omitted from the SNL Draft Permit. The omission is a violation of the RCRA requirement for public notice.
9. The April 29, 2004 Consent Order is inadequate to be an enforceable document for corrective action at Sandia National Laboratories. The Consent Order must be publicly noticed for modification.

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