

August 20, 2007

By email to: [john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)

John Kieling, Program Manager  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Bldg. 1  
Santa Fe, New Mexico 87505-6303

Re: Comments to the Closure Plan Amendment, Corrective Measures Study  
and draft Post-Closure Care Permit for the Chemical Waste Landfill at  
Sandia National Laboratories  
Public Notice No. 07-12

Dear Mr. Kieling:

Concerned Citizens for Nuclear Safety (CCNS) submits the following comments about the Closure Plan Amendment, Corrective Measures Study and draft Post-Closure Care Permit for the Chemical Waste Landfill (CWL) at Sandia National Laboratories.

CCNS is monitoring the regulatory activities at Sandia in order to determine how the New Mexico Environment Department (NMED or the Department) is implementing the applicable provisions of the Resource Conservation and Recovery Act (RCRA) there. We are interested in the substantive aspects of the draft permit, corrective measures study and post-closure of the CWL and its potential for impacts on public health and the environment. We are interested in how the decision making processes may apply to similar matters at Los Alamos National Laboratory and the Waste Isolation Pilot Plant (WIPP).

**Lack of Access to the Administrative Record, the Need for DOE to Fund the Preparation of the Administrative Record and Request for an Extension of Time to Comment.** In order for CCNS and other members of the public to adequately provide comments for the draft permit, we must have access to the full Administrative Record, which is not currently available. We refer the Department to the July 19, 2007 and August 16, 2007 comments submitted by Citizen Action New Mexico about the problems they have encountered in accessing the CWL Administrative Record.

CCNS requests that the Administrative Record be prepared and that the comment period remain open until 90 days following the preparation of the

Administrative Record. We remind the Department that issues regarding public access to the administrative record were resolved in this way during the “monster modification” for the WIPP permit. The Department issued the WIPP draft permit without making the Administrative Record available. After strong objections from Southwest Research and Information Center, DOE funded the preparation of the Administrative Record. In order for the public to have adequate time to review and provide informed comments, the comment public period was extended and a public hearing was held. The same should happen in the case of the CWL Administrative Record.

**CCNS Requests that the Department Not Issue Any Post-Closure Permit Until a RCRA Compliant Well Monitoring System Has Been Installed at the CWL and an Appropriate Number of Samples Have Been Taken, Analyzed and Reported to NMED.** Under the Post-Closure provisions of 40 CFR §264 Subpart G, the CWL is required to have a 40 CFR §264 Subpart F compliant well monitoring system to furnish reliable and representative water samples for the post-closure period. Monitoring wells CWL-BW4A, MW4, MW5U and MW6U are proposed as meeting the Subpart F compliance requirements. These wells do not meet Subpart F requirements because they were drilled with mud rotary drilling methods which mask the detection of contaminants of interest, including chromium above the MCL in Well CWL-MW4, and may have corroded carbon steel well screens. In order to protect human health and the environment, NMED must order that new wells be drilled and PVC well screens be installed.

Further, no well monitoring network exists for the CWL that is compliant with RCRA long-term groundwater monitoring requirements. For example:

1. Well screen intervals are 20 feet in length at each of the four wells. Both Environmental Protection Agency (EPA) and NMED recommend a maximum length of 10 feet for monitoring well screens because a longer length will dilute the concentrations of contamination in the water produced from the well.
2. The monitoring wells are not positioned at the hydraulically downgradient limit of the waste management area extending into the uppermost aquifer underlying the regulated unit.
3. There are no monitoring wells for the vadose zone beneath the CWL for the early detection of contaminants.
4. The well screens for monitoring wells CWL-BW4A, MW4, MW5U and MW6U should be presented graphically to show the relationship of their well screens to the uppermost aquifer (Ancestral Rio Grande) and the fine-grained sediments of the Alluvial Fan. NMED must determine if there are a sufficient

number of downgradient wells in either strata to determine the direction of flow for the fine-grained sediments and Ancestral Rio Grande Deposits.

5. NMED must require purging of monitoring wells at the CWL to follow the recommended rate of the EPA. "Purging should be accomplished by removing groundwater from the well at low flow rates using a pump. The rate at which groundwater is removed from the well during purging ideally should be less than approximately 0.2 to 0.3 L/min." pp. 7-8 of the RCRA Draft Technical Enforcement Guidance Document, November 1992.

Purge to dry sampling methods are being used at BW4A and other CWL monitoring wells. RCRA Draft Technical Guidance (1992) recommends against these methods. Requirements of the RCRA Technical Guidance are mandatory under the Consent Order and as noted above, wells should be purged at rates below 0.2 to 0.3 L/min. Wells at the CWL are being purged at rates of greater than approximately 1.0 to 2.0 L/min.

In order to protect public health and the environment, CCNS requests that the Department not issue any Post-Closure Permit until a RCRA Compliant Well Monitoring System has been installed at the CWL and an appropriate number of samples have been taken, analyzed and reported to NMED by Sandia.

Thank you for your consideration of our comments. We refer the Department to the comments submitted by Citizen Action New Mexico about other concerns of the public and other technical issues. Please contact us should you have any comments or questions.

Sincerely,

Joni Arends  
Concerned Citizens for Nuclear Safety