

Kieling, John, NMENV

From: Rhgilkeson@aol.com
Sent: Friday, December 07, 2012 8:42 AM
To: Kieling, John, NMENV
Cc: rhgilkeson@aol.com; ccns@nuclearactive.org; david.martin@statenm.us; dave@radfreenm.org; contactus@cardnm.org; jarends@nuclearactive.org; mccoydb01@msn.com; Pullen, Steve, NMENV
Subject: request for extension of time for public comment on the LTMMP for the SNL MWL

December 7, 2012

Dear Mr. Kieling,

I am sending you this email on behalf of Dave McCoy (Citizen Action), Joni Arends (Concerned Citizens for Nuclear Safety) and myself, Robert H. Gilkeson, Registered Geologist. We respectfully request a 60-day extension to the comment period for the March 23, 2012 SNL proposed Long-Term Monitoring and Maintenance Plan (LTMMP) for the SNL MWL.

On November 9, 2012 we requested a 90-day extension for the comment period on the proposed LTMMP which ended on November 13, 2012. Secretary Martin granted a 30-day extension which closes public comment on December 13, 2012. However, we cannot provide fully informed public comment by December 13, 2012 because of the following two reasons.

First reason for extension of time. The first reason for the 60-day extension of time for public comment is that on Thursday, December 06, 2012 we received a very important review report by the technical staff at EPA Region 6 about the Sandia Mixed Waste Landfill (MWL). The EPA Region 6 report was dated December 12, 2007 and titled "Sandia Mixed Waste Landfill Groundwater Monitoring Well System and Program Oversight Review." The EPA Region 6 review report was written in response to a request from Citizen Action and me on March 1, 2007. Nevertheless, EPA Region 6 marked the report "confidential" to prevent us and the public from having access to the report.

We learned of the EPA Region 6 review report because it was described in a report issued on April 14, 2010 by the EPA Office of Inspector General (OIG).

From page 3 in the EPA OIG report:

"Misleading Communications. Region 6's communications with CANM [Citizen Action and Robert H. Gilkeson] did not adequately convey relevant and available information regarding CANM's stated concerns. Early drafts of a letter from Region 6 to CANM initially indicated that the Oversight Review would be provided to CANM. However, when a letter was sent from Region 6 to CANM, the document was not included, and the letter itself gave limited information regarding Region 6 findings and recommendations. The Chief of the Federal Facilities Section informed the OIG that she chose to simplify the Region's response to CANM because including overly technical information when corresponding with the public sometimes creates confusion. In an e-mail to the OIG, the Region explained, "We did not include a big 'report' analyzing all the things [CANM representative] says NMED is doing wrong, as he had requested."

From page 4 in the EPA OIG Report:

“The Region’s response was misleading as it did not inform CANM that it found some of CANM’s concerns valid.”

“In 2007, the Region’s technical review team found several areas of disagreement with NMED decisions regarding the monitoring wells at the MWL.”

We need additional time to study the large amount of technical information in the EPA Region 6 Review Report that we received today. Some examples of where the EPA Region 6 technical staff agrees with our concerns are

- (1) monitoring well MWL-MW4 should be plugged and abandoned and replaced with a new well;
- (2) monitoring wells are needed on the north side of the MWL;
- (3) a new monitoring well with PVC construction should be installed close to the location of the plugged and abandoned well MWL-MW1 to provide conclusive results about the MWL as the source of the high concentrations of nickel repeatedly detected in this well;
- (4) well MWL-MW5 requires replacement because “it is unclear if the grout was fully removed from the screened interval or formation, which could prevent representative sampling;”
- (5) the groundwater samples from the monitoring wells at the MWL should be analyzed with “the Low Level with Electrolytic Enrichment Method [that] has a detection limit of about 0.3 pCi/L. Tritium is a very mobile constituent in groundwater and may be a good tracer for contamination;” and
- (6) the groundwater samples from the monitoring wells at the MWL should be sampled with a low-flow sampling method. The high-flow sampling method that purged the wells to dryness prevented the collection of reliable and representative samples, especially for solvents and metals.

In summary, the EPA Review Report supports our finding about the overall failure of the groundwater monitoring activities at the Sandia MWL and the requirement for the NMED to order DOE/SNL to retract the March 23, 2012 proposed LTMMP.

Second reason for extension of time. The second reason for the 60-day extension of time for public comment is that we were not provided the DOE/SNL calendar year (CY) 2011 annual groundwater report for the Sandia MWL. Based on previous reports, we expected this report to be available for our public comment but it was not provided. For example, the report for CY 2010 was issued on September 30, 2011, the report for CY 2009 was issued in June 2010, the report for CY 2008 was issued on May 27, 2009, and the report for CY 2007 was issued on March 05, 2008.

The annual reports for groundwater sampling at the SNL provide essential information for fully informed public comments. We request for the CY 2011 annual report to be provided soon. Why was the CY 2011 annual report not made available for public comment on the proposed LTMMP?

Please respond by email today that you received our request for extension of time for public comment on the proposed LTMMP.

Please respond soon to our request for a 60-day extension for public comment on the DOE/SNL proposed LTMMP for the SNL MWL. The comment period currently ends on December 13, 2012 but would be extended to February 11, 2013. This request assumes that we will soon be provided the DOE/SNL CY 2011 annual groundwater monitoring report for the SNL MWL.

Sincerely,

Robert H. Gilkeson, Registered Geologist
7220 Central Ave S.E.
Apt. 1043
Albuquerque, NM 87108
505-412-1930
rhgilkeson@aol.com

cc: Secretary Martin, Steve Pullen, Dave McCoy, Joni Arends and Janet Greenwald