

New Mexico Health and Environment Department

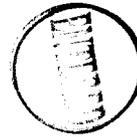
GARREY CARRUTHERS
Governor

DENNIS BOYD
Secretary

MICHAEL J. BURKHART
Deputy Secretary

RICHARD MITZELFELT
Director

October 30, 1990



Colonel David E. Benson
Commander
27th Combat Support Group
Cannon Air Force Base, NM 88103

Re: Permit Modification Request
August 15, 1990

Dear Colonel Benson:

The New Mexico Environmental Improvement Division (EID) has reviewed your August 15, 1990, permit modification request. Under the present New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989), the permit modifications requested qualify as minor and major modifications. The types of modifications are significant because of the procedures and fees. A major modification requires the full permitting process, i.e. review of the permit modification application, draft permit, public comment period, etc. A minor modification does not require this procedure. The Hazardous Waste Fee Regulations (HWFR-1, Part II, Sections 206) require the assessment of a \$10,000 fee for the processing of a major modification and a \$1000 fee for the processing of a minor modification. However, in the near future, the July 1, 1989, edition of the Code of Federal Regulations, Title 40 (40 CFR) will be incorporated by reference into the next edition of HWMR. This edition contains the new classification of permit modifications which categorizes permit modifications under three classes. You are referred to 40 CFR Part 270.42 for the complete regulation.

The three classes of permit modifications require different procedures, with the Class 3 modifications requiring a procedure similar to the current major modification procedure. When this regulation is incorporated into HWMR, the fee for Class 3 modifications will be equivalent to the current major modification fee, and the fees for Class 1 and 2 modifications will be equivalent to the current minor modification fee. We have assessed the types of modification procedures that your request will require based on the current modification regulations. We have also determined that the permit modifications your have requested would be considered Class 1 and 2 modifications under the amended regulations.

Col. David E. Benson
October 30, 1990

The following is our assessment of the types of permit modifications based on the current regulations and additional comments:

1. Several of the proposed modifications address the requirements imposed by the Toxicity Characteristic Leaching Procedure Rule, effective September 25, 1990. This rule amends the Federal regulations. At the present time, the State of New Mexico is not authorized for this amendment and it is not part of the hazardous waste management program implemented by the State. The required permit modifications must be reviewed by the U.S. Environmental Protection Agency (EPA). The permit modifications that you requested specifically affected by this amendment to the Federal regulations include:

- The addition of Methyl Ethyl Ketone (D035) waste code, Module III.B.1 of the permit (request #1 of your letter);
- The replacement of EP Toxicity with TCLP in the Waste Analysis Plan, Permit Attachment A-1 (#3.e.); and
- The replacement of EP Toxicity with TCLP in the "Text Methods for Evaluating Solid Waste", Permit Attachment A-2 (#4.a.).

Please contact EPA Region 6 to determine the appropriate modification procedure.

2. Several of the proposed modifications need to be addressed through the major modification process. The addition of waste codes (#1) is considered a major modification. The major modification procedure will include the other proposed permit changes that are related to the addition of waste codes. These proposed modifications are the following:

- The change in the Waste Analysis Plan, Permit Attachment A-1 (#3.a.);
- The change in the "Test Methods for Evaluating Solid Waste, Permit Attachment A-2 (#4); and
- The change in the description of the containers used to store hazardous waste, Permit Attachment E-2 (#5).

3. The remaining proposed modifications can be addressed through the minor modification process. These proposed modifications include the following:

- The changes in current base operations, Permit Attachment A-1 (#3.b.);

Col. David E. Benson
October 30, 1990

- The addition of language that requires Cannon to comply with the Land Disposal Restrictions, Permit Attachment A-1 (#3.c.); and
 - The change in the analytical laboratory authorized for use, Permit Attachment A-1 (#3.d.).
4. Please provide justification that Warfarin is listed as U248 rather than P001, and Phenol is listed as a "U" waste rather than a "P" waste.
5. The revised page C-4 of Permit Attachment A-1 that is provided with the modification request does not include all of the changes presented in request #3.a. of your letter.
6. The concentrations of constituents listed for each waste by the individual generators included in the Waste Analysis Plan (pp. C-5a - C-5d) should be revised to reflect the addition of wastes and generators and the removal of generators.
7. In regards to your question concerning the analytical method numbers for the new waste codes, the sources for the method numbers are the New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1988), Pt. II, 40 CFR Section 261 and the EPA reference Test Methods for Evaluating Solid Waste, Physical and Chemical Methods, SW-846, 3rd Edition, November, 1986.
8. In regards to the request to revise the Waste Analysis Plan to allow other analytical laboratories to be used, the laboratories which can be used should be based on the practices of the lab. EPA-contract laboratories and State-approved labs are limited. The labs which should be used are those which employ current SW-846 methods and can obtain the detection limits specified in that document.
9. In regards to request #6.a. of your letter, please note Permit Provision III.A.6. which places requirements on the use of overpack drums. Overpack drums can only be used to contain damaged drums. They must be dated and the incident requiring their use recorded and reported.
10. Please discuss the effect the absence of cartridge respirators from the DRMO emergency equipment list will have in the Contingency Plan. The role of DRMO personnel, or other personnel unauthorized for hazard duty, in the event of a release of hazardous waste is unclear. Is the Cannon Fire Department involved in all releases? Please discuss the role of each individual involved in implementing the Contingency Plan, the

Col. David E. Benson
October 30, 1990

safety training that individual has received, the duty that individual is authorized to conduct, and the safety equipment that individual is authorized to use.

11. A waiver cannot be granted for the management of hazardous waste. The storage of hazardous waste is limited to the provisions of the permit until it is amended.

If immediate attention to the requested modifications is required, or if you have any questions regarding the above comments, please contact Maria Daniel at (505) 827-2219 or at the address given above. Please address the information you provide in response to the comments to her attention. If you wish to discuss the permit modification procedures outlined above, please contact Dr. Elizabeth Gordon at (505) 827-2934.

Yours truly,



Kathleen M. Sisneros
Bureau Chief
Hazardous and Radioactive Waste Bureau

cc: Jim Richards
Mickey Flowers, US EPA Region 6
Rich Mayer, US EPA Region 6

KMS/md