



HAFB 2003
DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

MEMORANDUM FOR NEW MEXICO ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
Attn: Mr. John Kieling, Program Manager
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5 AUG 2003

FROM: 49 CES/CD
550 Tabosa Ave
Holloman AFB, NM 88330-8458



SUBJECT: Holloman AFB Draft Permit—Comments

1. Attached are comments from Holloman AFB and Defense Reutilization and Marketing Service (DRMS) to subject permit.
2. Please contact Ms. Deborah Hartell at (505) 572-3931 if you have any questions.

Howard E. Moffitt
HOWARD E. MOFFITT
Deputy Base Civil Engineer

Attachment:
Holloman AFB & DRMS Comments

**HOLLOMAN AFB CONTAINER STORAGE UNIT—COMMENTS TO DRAFT
RCRA PART B PERMIT
15 Aug 2003**

Reference: Parts 1-5, draft Permit

Background: During negotiations with NMED on Holloman AFB's permit application and supplemental information, there seemed to be some misunderstanding as to how the base's hazardous waste management program, which has been protective of human health and the environment over many years, functions. Although base personnel attempted to correct any misconceptions, some confusion appears to be reflected in the draft permit.

General Comments:

"Facility" seems to be used in place of "CSU", i.e., "Facility Operating Record" or "permitted storage unit at the Facility". Although "Facility" has been defined, these words should not be interchanged because the meaning is not the same. At Holloman AFB, "Facility" is the generator, the "CSU" is the permitted hazardous waste storage unit, and both "CSU operating record" and "generator's files" (including records required by regulation) are maintained. Holloman receives no off-site hazardous waste.

This permit draft appears to be a standardized approach to permit writing. It appears that the permit is drafted for a full-blown Treatment, Storage and Disposal Facility. This standardized approach does not always work for a relatively small CSU that only receives waste from sources within the Facility.

References to characterizing waste or determining LDR compliance is often described as being required "at the point of generation". For Holloman, the waste is characterized at the "point of generation" of the waste. The LDR certification is obtained by the CSU operator prior to shipping the waste off-site to a permitted TSDF.

Recommendation: Clarification is requested to distinguish between "Facility" and "CSU" wherever one or the other is meant. Clarification is requested to distinguish Holloman's "CSU" from a full-blown TSDF receiving hazardous waste from off-site. Clarification is requested to allow LDR certification prior to shipping the waste off-site (that is at the "CSU") rather than at the "point of generation".

SPECIFIC COMMENTS:

1. Reference: Part 1, Page 1 of 13, I.C. Definitions.

Background: The draft permit defines the terms "container storage unit" essentially as building 118 and defines the term "facility" as the entire Holloman AFB property. It then refers to CSU within the context of the definition of "Area of Concern" which is defined as "any discernable area at the container storage unit, or an area off-site impacted by migration of contamination from the CSU..."

Comment: The definition of AOC should be defined with respect to "any discernable unit at the facility rather than any discernable unit at the CSU. This change would be consistent with the manner in which EPA defines an AOC. Per OSWER Directive 9902.5A, Final RCRA Section 3008 (h) Model Consent Order, Dec 15, 1993, EPA

defines AOC as, "any area of the Facility under the control or ownership of the owner or operator where a release to the environment of hazardous waste(s) or hazardous constituents has occurred, is suspected to have occurred, or may occur, regardless of the frequency or duration of the release."

Recommendation: Modification of the definition of AOC is requested to delete reference to "CSU" and replace with "facility".

2. Reference: Part 1, Page 1 of 13, Section I.C. Definitions.

Background: The draft permit defines "Area of Concern" as "any discernable area at the container storage unit (CSU), or an area off-site impacted by migration of contamination from the CSU, where the Secretary determines may have a probable release of hazardous waste or hazardous constituents not from a solid waste management unit (SWMU) and may cause a current or potential threat to human health or the environment. An area of concern (AOC) may require investigation and remediation under Section 74 -4-4.2.B of the HWA or 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)), in order to ensure adequate protection of human health and the environment."

Comment: As written, this implies that the CSU is considered an AOC subject to corrective action. As an operating permitted unit, contamination at the CSU should be addressed via implementation of the closure plan at the end of CSU's useful life rather than as an AOC while it is still in active operation.

Recommendation: Modification of the definition of "Area of Concern" is requested, consistent with the previous comment, such that the CSU is not considered an AOC and is addressed via the closure plan rather than the corrective action process for AOCs.

3. Reference: Part 1, Page 3 of 13, Section I.C. Definitions.

Background: The definition of Solid Waste Management Unit includes the statement "Placement of solid waste includes one-time and accidental events that were not remediated."

Comment: This is not consistent with definitions used by EPA as specified in OSWER Directive 9902.5A, Final RCRA Section 3008 (h) Model Consent Order, Dec 15, 1993. Per EPA guidance one time spills are not SWMUs, but would be classified as an AOC. Also, defining one-time spills as SWMUs, makes it difficult to implement requirements of the Permit in Part 4, IV.B, entitled "Notification and Assessment Requirements for Newly Identified SWMUs and AOC". Under the corrective action section, AOCs are reported and confirmation sampling is conducted before determining whether an RFI is needed, but SWMUs are required to prepare a SWMU Assessment Report (SAR). The information required to be included in the SAR (type and function of unit, dimensions and capacities of unit, date unit was operated, etc.) are not applicable to one-time spill areas. This supports that one time spills should be addressed as AOCs rather than as SWMUs. Also, Table A in Part 4 of the draft permit lists spill areas as AOCs thus further supporting the need to modify the definition of to include one-time spill areas as AOCs rather than SWMUs.

Recommendation: It is requested that the definition of Solid Waste Management Unit be modified to delete the portion "Placement of solid waste includes one time and accidental events that were not remediated" so as not to include one-time spill areas within the definition of SWMU. Address one-time spill areas as AOCs.

4. Reference: Part 1, Page 6 of 13, Duty to Comply

Background: The draft permit states, "Any Permit non-compliance, except under the terms of an Emergency Permit, constitutes a violation of HWA and/or RCRA and may be subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to an administrative or civil enforcement action, including civil penalties and injunctive relief... or to criminal fines or imprisonment under HWS... or a combination of the forgoing."

Comment: This paragraph appears to be drafted for the private sector as opposed to a Federal Facility. According to the Federal Facilities Compliance Act of 1992, which is an amendment to RCRA, employees or officers of the United States are not liable for civil penalties with respect to any act or omission within the scope of their official duties. Thus it is the agency, rather than the individual employee that is responsible for civil penalties associated with non-compliance. Criminal penalties, on the other hand, including fine and imprisonment, would be applicable to the Federal employee/officer.

Recommendation: It is requested that text be modified to be consistent with the Federal Facilities Compliance Act. With respect to civil penalties, replace reference to liability of the "Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries" with reference to "the Federal Government."

5. Reference: Part 1, Page 9 of 13, I.F.8.c. Monitoring record contents.

Background: The draft permit states, "In accordance with 20.4.1.900, incorporating 40 CFR 270.30(j)(3), records of monitoring shall include:... ii. the names and qualifications of the individuals who performed the sampling or measurements;...v. the names and qualifications of the individuals who performed the analyses;..."

Comment: Neither 20.4.1.900 nor 40 CFR 270.30(j)(3) require monitoring records to contain "qualifications of individuals", and this will likely be an administrative burden on the Facility to obtain and maintain such information from the laboratory for each test performed and each sample collected. Use of appropriate methods and techniques by reputable laboratories should be adequate to ensure sampling and analysis is performed correctly without the additional burden of tracking individual qualifications.

Recommendation: It is requested that monitoring record requirements be consistent with regulatory requirements and that the permit condition requiring documentation of qualification of individuals performing sampling and analysis be deleted.

6. Reference: Part I, Page 10 of 13, I.F.12.a. Oral Report

Background: Paragraph ii of the draft permit, regarding reporting as required by 20.4.1.900 NMAC, incorporation 40 CFR 270.30(l)(6)(i), states that the report shall include, "any information of a release or discharge of hazardous waste, or hazardous constituents, or of a fire or explosion at the CSU, which could threaten the environment or human health outside of the CSU."

Comment: The regulations require reporting of releases at the CSU that could threaten the environment or human health outside of the facility (as opposed to the CSU).

Recommendation: It is requested that the draft permit be modified to replace "CSU" with "facility" such that it reads as follows: "... any information of a release or discharge of hazardous waste, or hazardous constituents, or of a fire or explosion at the CSU, which

could threaten the environment or human health outside of the facility."

7. Reference: Part I, Page 12 of 13, I.H. Reports, Notifications, and Submissions to the NMED

Background: This section requires reports, notifications, and other submissions to be submitted via certified mail or hand delivery.

Comment: Over the ten-year life of this permit, there may be a transition to preferring electronic information as opposed to hard copies. This is supported by EPA rulemaking activities, such as the proposed revisions to the manifest system which includes electronic manifesting provisions, 66 Federal Register 28240, May 22, 2001.

Recommendation: It is requested that consideration be given to incorporating provisions for electronic submission in addition to certified mail and hand delivery. This could avoid the need for a permit modification at a later date to enable electronic submission.

8. Reference: Part 1, Page 13 of 13, I.J. Documents To Be Maintained Until Completion of Closure

Background: The draft permit lists records to be maintained until closure as including "Operating Record, contained in Attachment I, as required by 20.4.1.500 NMAC, incorporating 40 CFR 264.73."

Comment: EPA's RCRA Burden Reduction Initiative, 67 Federal Register 2517, (Jan 17, 2002) proposes to adjust some record retention requirements in 40 CFR 264.73 from the current requirement to maintain records until facility closure to just three years.

Recommendation: Address within the context of the permit whether record retention requirements specified in this permit will remain standing if a less stringent requirement is adopted by EPA into 40 CFR 264.73 as proposed or whether the permit condition automatically change to be consistent with the Federal Regulation since the permit references the Federal regulation and the state adopts this regulation by reference.

9. Reference: Part 2, Page 1 of 20, II.B.4 Specific Waste Ban

Background: The draft permit states, "The Permittee is prohibited from managing or storing liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than 50 parts per million. Hazardous waste with PCB concentrations greater than 50 ppm must be regulated by a TSCA permit from the EPA and must be stored at the CSU in compliance with all requirements of 40 CFR 761.65(b)."

Comment: This imposes restrictions beyond TSCA requirements. TSCA does not ban storage of PCBs, but requires certain conditions to be met. Specifically, 40 CFR 761.65(b) requires the storage area to have adequate roof and walls, continuous 6 inch curbing, no drains, and that it be located outside of the 100 year floodplain. These standards could conceivably be met by RCRA storage building. Also, not all storage activities require a TSCA permit. For example, 40 CFR 761.65(b)(2)(iii) allows storage without a TSCA permit where permitted by a State authorized under section 3006 of RCRA to manage hazardous waste in containers.

Recommendation: To allow maximum flexibility in compliance options, it is requested that the prohibition and statement regarding the TSCA permits be removed from the draft

permit and replaced with a statement that hazardous waste containing PCBs can not be managed at the CSU unless in full compliance with both RCRA and TSCA requirements.

10. Reference: Part 2, Page 2 of 20, II.B.5. Additional Waste Ban Requirements

Background: This section of the draft permit states, "The Permittee shall not land dispose any hazardous waste restricted by 20.4.1.800 NMAC, incorporating 40 CFR 268 unless a) The waste meets treatment standards specified in 20.4.1.800 NMAC, incorporation 40 CFR 268.40, .41, .42, or .43."

Comment: Since the permit is for storage, not land disposal, it is assumed that this section is included in this permit in the event land disposal of hazardous waste occurs as an outcome of RCRA corrective action activities. To ensure all regulatory options remain available, alternative treatment standard for hazardous debris, 40 CFR 268.45, and alternative treatment standards for soil, 40 CFR 268.49, should be included. Also because modifications to Federal LDR standards have transferred LDRs that previously existed within 40 CFR 268.41 and 40 CFR 268.43 to 40 CFR 268.40, reference to 268.41 and 268.43 is not necessary.

Recommendation: It is requested that text be modified as follows: "The Permittee shall not land dispose any hazardous waste restricted by 20.4.1.800 NMAC, incorporating 40 CFR 268 unless a) The waste meets treatment standards specified in 20.4.1.800 NMAC, incorporation 40 CFR 268.40, .42, .45, and .49."

11. Reference: Part 2, Page 2 of 20, II.B.5. Additional Waste Ban Requirements

Background: This section of the draft permit states, "The Permittee shall not land dispose any hazardous waste restricted by 20.4.1.800 NMAC, incorporating 40 CFR 268 unless ...". This is followed by conditions in paragraphs (a) through (e).

Comment: Again, since the permit is for storage, not land disposal, it is assumed that this section is included in the event land disposal of hazardous waste occurs as an outcome of RCRA corrective action activities. To ensure all regulatory options remain available, provisions should be added to which allow land disposal if the State designates a corrective action management unit (CAMU) or staging pile.

Recommendation: It is requested that text be added as follows:
"(f) a CAMU has been designated pursuant to 40 CFR 264.552; or
(g) a staging pile has been designated pursuant to 40 CFR 264.554."

12. Reference: Part 2, Page 3 of 20, II.C.1 General Requirements

Background: The draft permit states, "The Permittee shall obtain the following hazardous waste characterization information at the waste's point of generation in compliance with 20.4.1.800 NMAC, incorporating 40 CFR 268.9(c) and 20.4.1.500 NMAC, incorporating 40 CFR 264, Subparts BB and CC..." The information to be obtained is listed as including waste codes, whether waste meets LDRs, treatability categories, and subcategories.

Comment: This is drafted from the perspective of a permittee receiving waste from offsite rather than from the perspective of a permittee that is also the waste generator as is the case for Holloman AFB. By using the term "point of generation" the effect is to impose a requirement for the CSU to obtain LDR notifications prior to accepting waste

into the CSU when the regulatory requirement is for the generator to provide LDR notification when waste is shipped offsite.

Recommendation: Deletion is requested of paragraph 2 regarding land disposal restriction treatment standards including subparagraphs a, b, c, d, and e.

13. Reference: Part 2, Page 4 of 20, II.C. 1, paragraph d

Background: With respect to characterizing hazardous waste, the permit states in paragraph d "Whether the waste contains free liquids, as defined at 20.4.1.500 NMAC incorporating 40 CFR 260.10 and 261.7(b)(1)."

Comment: This appears to contain a typographical error. Free liquids are defined in 40 CFR 260.10 but is adopted via 20.4.1.100 NMAC rather than 20.4.1.500. Also, 40 CFR 261.7(b)(1) relates to determining whether a container is empty and does not appear relevant to the free-liquid determination.

Recommendation: Replace 20.4.1.500 with 20.4.1.100 and delete reference to 261.7(b)(1) or clarify intent of the latter reference.

14. Reference: Part 2, Page 5 of 20, II.C.2

Background: This states, "The Permittee shall obtain the waste characterization information required under Permit Condition 2.3.1 above..."

Comment: There appears to be a typographical error as there is no permit condition identified as 2.3.1.

Recommendation: Correct reference.

15. Reference: Part 2, Page 5 of 20, II.C.2.a

Background: The section lists in detail what is required to support acceptable knowledge.

Comment: Acceptable knowledge information detailed in numbers 1-4 is not required by regulation in either 40 CFR 268.7(a)(6) or 264.73(b)(3). The regulations do not dictate what information needs to be maintained in the operating record, just that supporting data used to make the determination must be maintained in the generator's files. Required operating record data is limited to records and results of waste analyses and waste determinations. Holloman AFB is not a full-blown Treatment, Storage and Disposal Facility, but only stores on-site generated hazardous waste in containers for a limited amount of time. The documentation required in this section is not supported by regulation and is excessive for a hazardous waste storage facility.

Recommendation: The permit should reflect what is required by regulation. A wording change is requested that states documentation to support waste characterization by AK be maintained in the generator's files (as required by regulation).

16. Reference: Part 2 page 5 of 20, II.C.3

Background: This section states that the Permittee shall establish a SAP for each waste stream undergoing sampling, shall maintain the SAP in the specific waste's characterization documentation, and shall document SAP compliance in the Facility's Operating Record.

Comment: Identifying sample containers, preservation techniques and holding times for each waste sampled seems excessive. Holloman AFB is not a full-blown Treatment,

Storage and Disposal Facility, but only stores on-site generated hazardous waste in containers for a limited amount of time. The requirements at II.C.3 are not supported by regulation and are excessive for a hazardous waste storage facility.

Recommendation: Use of the SAP in permit attachment D to satisfy requirements for a SAP is requested. Also, a change to indicate the SAP will be maintained in the generator's files, not the Facility's Operating Record is requested.

17. Reference: Part 2, Page 6 of 20, III.C.4 Laboratory Analysis

Background: The draft permit states, "When using laboratory analysis as part of the hazardous waste determination, the Permittee shall require the laboratory to report concentrations for all hazardous constituents listed at 40 CFR 268.48, Table of Universal Treatment Standards, that the analytical test method is capable of measuring."

Comment: This could add unnecessary cost since not all wastes are subject to treatment for underlying hazardous constituents and by definition (40 CFR 268.2) underlying hazardous constituents are limited to constituents listed in 268.48 that "can reasonably be expected to be present" as opposed to the whole list of over 200 chemicals. Thus it does not appear appropriate to require the lab to report all hazardous constituents for all waste streams tested. For example, if listed waste is being analyzed, there is no requirement to identify all hazardous constituents.

Recommendation: It is requested that laboratory reporting of hazardous constituents be limited to those waste streams subject to treatment for underlying hazardous constituents and that reporting be limited to constituents reasonably expected to be present.

18. Reference: Part 2, Page 8 of 20, II.C.6.a Wastes Managed in Equipment

Background: This section addresses management of hazardous waste in equipment at the Facility.

Comment: Holloman AFB does not manage hazardous waste in equipment at the CSU. Does Facility as used here mean the CSU or all of Holloman AFB, as defined?

Recommendation: Removal of this paragraph is requested. In lieu of removal, clarify what is meant by Facility.

19. Reference: Part 2, Page 8 of 20, II.C.6.b Air Emissions from Tanks and Containers

Background: The section details what is required in 40 CFR 264 Part CC.

Comment: The permit should not have to restate regulatory requirements, but merely incorporate requirements by reference.

Recommendation: Incorporation of requirements by regulatory reference is requested.

20. Reference: Part 2, Page 10 of 20, II.C.12 Notification and Certification

Background: An excerpt from this section states "...statements associated with the treatment and storage of hazardous wastes..."

Comment: The draft permit periodically refers to "treatment and storage" of hazardous waste. Holloman AFB's hazardous waste management consists of container storage of on-site generated wastes only. There is no treatment. Referring to "treatment" implies that Holloman maintains a full-blown TSDF and accepts off-site wastes.

Recommendation: Removal of any reference to "treatment" in the permit is requested.

21. Reference: Part 2, Page 12 of 20, II.D. Waste Minimization

Background: The draft permit describes in great detail what constitutes a certified waste minimization plan.

Comment: There is no regulatory citation or basis for this detailed requirement, although 40 CFR 264.73(b)(9) requires that the operating record include a certification that a waste minimization program exists. The permit should not prescribe how a permittee of a hazardous waste storage facility demonstrates waste minimization.

Recommendation: Replacing the section with “A waste minimization program certification, as required by 40 CFR 273(b)(9), will be maintained in the CSU operating record” is requested.

22. Reference: Part 2, Page 13 of 20, II.F.1 Liquid Hazardous Waste Containing Polychlorinated Biphenyl

Comment: Same as above for Reference: Part II, Page 1 of 20, II.B.4 Specific Waste Ban

Recommendation: Same as above for Reference: Part II, Page 1 of 20, II.B.4 Specific Waste Ban

23. Reference: Part 2, Page 16 of 20, II.K.5 Arrangements with Local Authorities

Background: The last sentence states that “Copies and descriptions of these MOUs and agreements shall be maintained at the CSU office, in the operating record,…”

Comment: The reference does not require that copies be maintained in the CSU operating record. Holloman AFB maintains copies of these agreements on the Facility, but not specifically the CSU, because the agreement is between those organizations and Holloman AFB (not DRMO).

Recommendation: Rewording the last sentence to say “…shall be maintained at the Facility…” in lieu of the existing language is requested.

24. Reference: Part 2, Page 17 of 20, II.M. Manifest System

Background: The draft permit states, "The Permittee shall not accept for management or storage any hazardous waste from an off-site source without the accompanying manifest."

Comment: This could be construed as allowing acceptance of waste from offsite, when other portions of the permit prohibit acceptance of offsite waste.

Recommendation: Deletion of the above quoted sentence is recommended.

25. Reference: Part 2, Page 18 of 20, II.N.1 Operating Record

Background: This section states that the Permittee shall maintain a written Operating Record at the Facility.

Comment: As mentioned in the general comments, confusion seems to exist between the use of the words “Facility” and “CSU”. It appears that the intent is to require an Operating Record at the CSU, something that is required in 40 CFR 264.73.

Recommendation: Replacement of “Facility” with “CSU” is requested.

26. Reference: Part 2, Page 18 of 20, II.N.3 Personnel and Telephone Number Changes

Background: The permit states that the permittee must inform the Secretary of changes in management personnel.

Comment: Does this mean management at the "CSU" or at the "Facility"? It appears the intent is to require changes in management at the "CSU" be reported. A requirement to report changes in management of the "Facility" would be excessive.

Recommendation: Changing the word "Facility" to "CSU" is recommended.

27. Reference: Part 2, Page 19 of 20, II.O.6. Sampling for Metals, Organics and Halogenated Organics in the Container Storage Unit Building

Comment: Paragraph appears to have typographical errors and does not read clearly.

Recommendation: Checking the paragraph for clarity and typographical errors is recommended.

28. Reference: Part 2, Page 20 of 20, II.S. Establishment of Baseline

Background: The draft permit states, "The Permittee shall conduct background soil sampling at the CSU in areas not impacted by waste management within 180 for the effective date of this Permit... The results of this initial sampling event will assist the Permittee in characterizing the soil at the CSU and its proximity, and shall be used for reference during closure of the CSU."

Comment: This appears to be written from the perspective of a newly permitted facility rather than a facility with an existing permit that is up for renewal. Background should have been established prior to the original permit or could reasonably be delayed until facility closure.

Recommendation: Deletion of section II.S. is requested.

29. Reference: Part 3, Page 3 of 5, III.C.1. Acceptable Storage Containers

Background: The permit conditions states, "The following is a description of the type of containers that the Permittee shall use at the CSU: Standard 55- gallon (208-liter) drums - with a gross internal volume of 7.3 ft³ (0.21m³), as well as 10 gallon/1.23 ft³ (0.04m³), and 35 gallon/4.64ft³ (0.13 m³) drums as necessary."

Comment: This is not consistent with the description in Permit Application Section D (page D-1) that states, "The majority of wastes accepted by DRMO are contained in 55-gallon containers. Occasionally, wastes are contained in larger containers such as 85-gallon salvage drums or self-contained packaging including lead-acid batteries or transformers."

Recommendation: To allow maximum flexibility, it is requested that the permit not require specific container sizes to be utilized and that the permit acknowledge that sometimes the article itself may constitute the packaging.

30. Reference: Part 4, Page 1 of 57, Part Highlights

Background: The draft permit states, "This Part sets forth the requirements for the Permittee to conduct corrective action for all releases of hazardous waste or hazardous constituents at the container storage unit as required by ..."

Comment: Corrective action requirements apply to the "facility" as opposed to the "container storage unit".

Recommendation: Change to "...for all releases of hazardous waste or hazardous constituents at the facility as required by..."

31. Reference: Part 4, Page 2 of 57, IV.A.3.

Background: The draft permit states, "Contamination which has migrated beyond the CSU boundary, if applicable. The Permittee shall implement corrective actions beyond the CSU boundary..."

Comment: The term CSU is used where it appears to mean facility.

Recommendation: Replace reference to "CSU" with the term "facility".

32. Reference: Part 4, Page 4 of 57, IV.D.1. and IV.D.2

Background: The draft permit states, "IV.D.1. - The Permittee shall prepare and submit a Confirmation Sampling (CS) Work Plan for each additional SWMU...The CS Work Plan shall be submitted within forty-five (45) calendar days from the discovery of the SWMU." And "IV.D.2 – The CS Work Plan shall be submitted within forty-five (45) calendar days from discovery of the SWMU."

Comment: This imposes time restrictions for the preparation of a CS Work Plan which are unworkable. Within the Air Force, when a requirement is identified (i.e., CS Work Plan) the project is programmed at the installation (Holloman). Because resources within the Air Force and DOD are constrained, the projects are prioritized and funded at the MAJCOM or headquarters. As such, the earliest a project can be funded from the year it is programmed is one to two years out, depending on what time of year the project is programmed. Also, there is no guarantee that a project will be funded at the earliest time, it is dependent on requirements throughout the Air Force and how the project is prioritized - it could take several years to get funding.

Recommendation: Eliminate the time requirements.

33. Reference: Part 4, Page 5 of 57, IV.E.1.a and IV.E.1.b

Background: The draft permit states, "IV.E.1.a. - The Permittee shall prepare and submit to the Secretary, within ninety (90) calendar days of the effective date of this permit, a RCRA Facility Investigation Work Plan for those units identified in IV.A.1, i.e., the sites listed in Table A, as requiring corrective action at this time. This work plan shall be developed to meet the requirements of Condition IV.E.1.c." and "IV.E.1.b. – The Permittee shall prepare and submit to the Secretary, within ninety (90) calendar days of notification by the Secretary, an RFI Work Plan for those units identified under IV.B.4, Condition IV.C.2, or Condition IV.D.6.

Comment: This imposes time restrictions for the preparation of an RFI Work Plan (which also starts the clock for all subsequent corrective action activities) which are unworkable. Within the Air Force, when a requirement is identified (i.e., RFI Work Plan) the project is programmed at the installation (Holloman). Because resources within the Air Force and DOD are constrained, the projects are prioritized and funded at the MAJCOM or headquarters. As such, the earliest a project can be funded from the year it is programmed is one to two years out, depending on what time of year the project is programmed. Also, there is no guarantee that a project will be funded at the earliest time,

it is dependent on requirements throughout the Air Force and how the project is prioritized - it could take several years to get funding.

Recommendation: Eliminate the time requirements.

34. Reference: Part 4, Page 7 of 57, IV.E.3.b

Background: The draft permit states, "Action levels shall be calculated as specified in Appendix E of this permit."

Comment: Action levels are addressed in Appendix F rather E.

Recommendation: Change reference from Appendix E to Appendix F.

35. Reference: Page 7 of 57, Section IV,E.3.b, Line 4

Comment: The reference to Appendix E is not correct.

Recommendation: Change reference to Appendix 4-F.

36. Reference: Part 4, Page 8 of 57, IV.F.1.b.

Background: The draft permit states, "The Permittee may initiate IM at a SWMU or AOC by submitting the appropriate notification pursuant to Condition I.G.10."

Comment: There is no paragraph I.G.10.

Recommendation: Replace I.G.10 with corrected reference.

37. Reference: Part 4, Page 8 of 57, IV.F.1.a

Background: The draft permit states, "IV.F.1.a. – Upon notification by the Secretary, the Permittee shall prepare and submit an Interim Measures (IM) Work Plan for any SWMU or AOC, which the Secretary determines is necessary" it goes on to say " The IM Work Plan shall be submitted within thirty (30) calendar days of such notification"

Comment: This imposes time restrictions for the preparation of an IM Work Plan which are unworkable. Within the Air Force, when a requirement is identified (i.e., IM Work Plan) the project is programmed at the installation (Holloman). Because resources within the Air Force and DOD are constrained, the projects are prioritized and funded at the MAJCOM or headquarters. As such, the earliest a project can be funded from the year it is programmed is one to two years out, depending on what time of year the project is programmed. Also, there is no guarantee that a project will be funded at the earliest time, it is dependent on requirements throughout the Air Force and how the project is prioritized - it could take several years to get funding.

Recommendation: Eliminate the time requirements.

38. Reference: Part 4, Page 10 of 57, IV.G.1.a

Background: The draft permit states, "IV.G.1.a. – The Permittee shall prepare and submit a CMS Work Plan for additional SWMU's requiring a CMS within ninety (90) calendar days of notification by the Secretary that a CMS is required."

Comment: This imposes time restrictions for the preparation of an CMS Work Plan which are unworkable. Within the Air Force, when a requirement is identified (i.e., CMS Work Plan) the project is programmed at the installation (Holloman). Because resources within the Air Force and DOD are constrained, the projects are prioritized and funded at the MAJCOM or headquarters. As such, the earliest a project can be funded from the year it is programmed is one to two years out, depending on what time of year the project is

programmed. Also, there is no guarantee that a project will be funded at the earliest time, it is dependent on requirements throughout the Air Force and how the project is prioritized - it could take several years to get funding.

Recommendation: Eliminate the time requirements.

39. Reference: Part 4, Page 12 of 57, IV.H.3.

Background: The draft permit states, "Within one hundred and twenty (120) calendar days after this Permit has been modified for remedy selection, the Permittee shall demonstrate financial assurance for completing the approved remedy."

Comment: The Federal government is exempt from financial assurance requirements.

Recommendation: Deletion of paragraph IV.H.3 is requested.

40. Reference: Part 4, after page 49 of 57.

Background: Pages appear misplaced in document.

Comment: In Part 4 between pages 49 and 50 there are two unnumbered pages out of place. One page states, "Attachment A Authorized Wastes" and the other page indicates following pages should be the Part A application list of wastes Holloman is allowed to store. These appear to belong after Part 5 of the document.

Recommendation: Check page placement for final permit.

40. Reference: Part 4, Appendix 4-A and Appendix 4-E (beginning on pages 16 of 57 and 51 of 57 respectively.)

Background: Appendix 4-A lists sites requiring corrective action. Appendix 4-E lists these same sites and states, "The following is the list of Solid Waste Management Units and Areas of Concern Requiring Corrective Action and The Dates For Which NFA Must Be Petitioned."

Comment: Using the term "must be petitioned" does not provide flexibility.

Recommendation: To maintain flexibility, it is requested that Appendix 4-E be changed to read as follows: "The following is the list of SWMUs and AOCs requiring corrective action and the anticipated dates for petitioning for NFA."

41. Reference: Part 4, page 53 of 57, Appendix 4-F

Background: Part I, states, "Action levels are conservative health-based concentrations of hazardous waste and/or hazardous constituents determined to be indicators for the protection of human health or the environment. The Permittee shall establish action levels for all hazardous wastes and hazardous constituents identified in the RFI Report...". Per Part I.1, the draft permit states "For hazardous waste and/or hazardous constituents detected in ground water, air, surface water, or soils, for which a concentration level that meets the criteria specified above is not available or possible, the action level for the hazardous waste and/or hazardous constituents shall be the background concentration of the hazardous waste and/or hazardous constituent."

Comment: The purpose of identifying action levels is to support no further action determinations or justify progressing to the CMS phase. However, it is not clear how the Permittee is expected to establish other than background concentrations of contaminants. It would seem that a promulgated, non-health based concentration, such as a safe drinking water action maximum contaminant level (MCL), as opposed to a health-based

maximum contaminant level goal (MCLG), could reasonably be used to evaluate the need for further action even though it does not meet the definition of an action level as described in Part I since it is not health based.

Recommendation: It is requested that the permit be modified to require the RFI prepared by the Permittee to identify either action levels or cleanup levels as appropriate for all hazardous wastes and hazardous constituents. Thus in the event that an action level is lower than a cleanup level, such as if water meets MCLs, but not MCLGs, then a NFA decision could be made at the RFI stage rather than requiring progression through the CMS stage before determining NFA.

42. Reference: Page 53 of 57, Sections I. ACTION LEVELS OVERVIEW and Section I.1 Action levels based on the background concentrations of the constituent(s)

Background: Section I discusses the concept of action levels. These are defined as *“Action levels are conservative health-based concentrations of hazardous waste and/or hazardous constituents determined to be indicators for the protection of human health or the environment.”*

Comment: This section also requires the Permittee to develop action levels for site related hazardous waste constituents.

Section I.1 implies that if action levels for certain constituents are not available, they *“shall be the background concentration of the hazardous waste and/or hazardous constituents.”* The above two statements are contradictory.

If action levels are conservative health based concentrations they should be calculated based on the toxicity and fate and transport characteristics of the chemicals and should not be the background levels.

NMED (2000) states the following:

Page 1, paragraph 2 – *“The SSG provides site managers with a framework for developing and applying the SSLs, and is likely to be most useful for determining whether areas or entire sites are contaminated to an extent that warrants further investigation.”*

Page 1, paragraph 3 – *“It is important to note that SSLs do not in themselves represent cleanup standards, and the SSLs alone do not trigger the need for a response action or define “unacceptable” levels of contamination in soil. Screening levels such as SSLs identify the lower end of this spectrum – levels below which there is generally no need for further concern – provided the conditions associated with the development of the SSLs are consistent.”* Based on the above considerations we provide the following recommendations.

Recommendation 1: (Regarding definition of action levels)

Revise Sections I. and I.1 to clearly state that action levels are media specific (soil, groundwater, air, etc.) concentrations protective of human health based on conservative assumptions. Action levels shall be the higher of the naturally occurring background concentration and the risk based target levels for unrestricted (residential) land use

provided in the NMED (2000) Table A-1. Note, during the course of this permit, the action levels will be revised if NMED modifies Table A-1.

Recommendation 2: (Regarding use of the action levels)

If at a site the maximum site-specific measured concentrations are below the action levels as defined above, no further investigation or corrective measures will be required. At sites where the maximum concentrations exceed the action levels, the Permittee shall conduct site assessment/characterization activities that may include:

- Development of a preliminary conceptual model,
- Development of data quality objectives,
- Conducting site sampling, and
- Identification of constituents of potential concern.

Upon completion of the above, the Permittee shall use the guidance provided in NMED (2000). These cleanup levels may be the generic levels presented in NMED (2000) or the Permittee may use site-specific data to develop cleanup levels as provided for in NMED (2000). If the representative concentration of a hazardous constituent exceeds the cleanup level, NMED may require the Permittee to conduct a Corrective Action Measure Study (CMS).

43. Reference: Page 53 of 57, Section II CLEANUP LEVELS OVERVIEW

Background: The section states “*NMED has generally selected a target hazardous quotient of one (1.0) for individual noncarcinogenic chemicals of concern and a target hazard quotient of 0.1 for contamination involving two or more noncarcinogenic hazardous waste and/or hazardous constituents.*”

Comment: The NMED document uses a HQ of 1.0 and requires that the additivity of risk from different COCs and pathways be considered but to the best of our knowledge it does not include a hazard index of 0.1.

Recommendation: Revise the above sentence as “*NMED has generally selected a target hazardous quotient of one (1.0) for individual noncarcinogenic chemicals of concern.*” In developing soil target levels at sites involving two or more noncarcinogenic hazardous waste and/or hazardous constituents the Permittee shall consider the additive effects of exposure to multiple chemicals and multiple routes of exposure that have the same toxic end points and or mechanism of action as specified in NMED (2000).

44. Reference: Page 54 of 57, Section III GROUND WATER

Comment: The section states “*If both WQCC groundwater standard and an MCL have been established for an individual hazardous waste and/or hazardous constituents, then the lower of the two levels will be the cleanup level for that hazardous waste and/or hazardous constituents.*” The document does not state where these levels have to be met, e.g., below the source, at property boundary, throughout the aquifer, etc.

Recommendation: The Permittee shall use site-specific information related to land use, current and likely future use of groundwater, the aquifer yield and natural background quality of the aquifer to identify the most likely current and potential future point of exposure (POE) for groundwater. Note POE is the location where a receptor may come in contact with the water and hence be exposed to constituents in water.

After establishing the most critical POE the Permittee shall demonstrate, using site monitoring data or a fate and transport model acceptable to NMED, that concentrations at the POE do not exceed the lower of the WQCC groundwater standards or the MCLs. Further, if the POE is established away from the source, the Permittee must demonstrate (i) that the groundwater plume is shrinking so that in the future concentrations throughout the aquifer will reach the lower of WQCC groundwater standards or the MCLs, and (ii) during this time period the permittee has reasonable control over the groundwater so that no drinking water exposure will occur where the constituent concentrations exceed these levels.

45. Reference: Page 4, Page 54 of 57, III.1 Ground Water Cleanup Levels

Background: The draft permit states, "NMED also uses the most recent version of the EPA Region VI "Human Health Medium Specific Screening Level" for tap water as the target cleanup level if a WQCC ground water standard or MCL has not been established for a specific hazardous waste and/or hazardous constituents."

Comment: Screening values are conservatively low and are used to determine whether further investigation is warranted (used as action levels), and should not be used as default cleanup levels. In the absence of promulgated standards, site-specific risk assessment calculations should be used for determining cleanup values, not screening values.

Recommendation: Deletion of the above quoted sentence is requested.

46. Reference: Part 4, Page 54 of 57, III.1.1 Ground Water Radionuclide Reporting Levels

Background: The draft permit refers to proposed EPA standards for radionuclides.

Comment: The proposed standards for radionuclides were finalized via the December 7, 2000 Federal Register, 65 FR 76707.

Recommendation: This section should be updated to reflect current state of radionuclide regulations.

47. Reference: Part 4, Page 54 of 57, III.1.2 Ground Water Perchlorate Cleanup Level

Background: The draft permit refers to EPA's provisional reference dose of 4 to 18 ug/L for perchlorate as an interim ground water cleanup level.

Comment: In the absence of a promulgated standard and in the absence of a pathway, remediation of perchlorate may not always be indicated.

Recommendation: Modification is requested to allow flexibility to establish a cleanup level for perchlorate in ground water using either the provisional range or calculated, site-specific cleanup values based on reasonable maximum exposures.

48. Reference: Page 54 of 57, Section III.1.2 Groundwater Perchlorate Cleanup Levels

Background: The term reference dose in the first sentence is confusing.

Comment: As per EPA (RAGS, 1989), reference dose is defined as an estimate (with uncertainty spanning perhaps an order of magnitude or greater) of a daily exposure level

for the human population, including sensitive subpopulations, that is likely to be without an appreciable risk or deleterious effects during a lifetime.

Recommendation: Replace the term “reference dose” with “concentration”.

49. Reference: Page 54 of 57, Section III.1.2 Groundwater Perchlorate Cleanup Levels

Comment: This section does not refer to the location in the aquifer where the concentration has to be met.

Recommendation: Please refer to our comment and recommendation above (Reference pp 54 of 57, Section III GROUND WATER) related to the location of the point of exposure.

50. Reference: Part 4, Page 55 of 57, IV.1.2 Surface Water Perchlorate Cleanup Levels

Background: The draft permit refers to EPA's provisional reference dose of 4 to 18 ug/L for perchlorate as an interim cleanup level.

Comment: In the absence of a promulgated standard applicable to surface water and in the absence of a pathway, remediation of perchlorate may not always be indicated.

Recommendation: Modification is requested to allow flexibility to establish a cleanup level for perchlorate in surface water using site-specific risk calculations based on reasonable maximum exposures.

51. Reference: Page 55 of 57, Section V.1 Soil Cleanup Levels

Background: This section states “*For hazardous waste and/or hazardous constituents that NMED has not specified a cleanup level, the Permittee shall use EPA Region VI’s HHMSSLs for non-carcinogens and 10x the concentration for carcinogens.*”

Comment: Note some of the default assumptions and factors related to fate and transport modeling and exposure factors used in the derivation of EPA Region VI HHMSSLs are likely different than the default factors used by NMED. Thus the use of NMED values and Region VI values may therefore be inappropriate.

Recommendation: Hazardous waste constituents for which screening levels are not included in NMED (2000). The permittee shall use the process described in NMED (2000) to develop screening levels. In developing these levels the Permittee shall follow the same assumptions and default values used by NMED (2000)

52. Reference: pp 57 of 57, Section VII RISK-BASED VARIANCE FROM CLEANUP STANDARDS OR LEVELS

Comment: The section states “*The Permittee’s risk-based evaluation must be conducted in accordance with the NMED HWB Guidance “Assessing Human Health Risks Posed by Chemicals: Screening Level Risk Assessment” (March 2000) and using the equations in the NMED HWG Ecological Risk (December 2000).*” Note, from time to time NMED may revise this document.

Recommendation: We suggest that the above referenced sentence be revised to “The Permittee’s risk-based evaluation must be conducted in accordance with the NMED HWB Guidance “Assessing Human Health Risks Posed by Chemicals: Screening Level

Risk Assessment” (March 2000) and using the equations in the NMED HWG Ecological Risk (December 2000) or any modifications of the document made by NMED.”

53. Reference: APPENDIX 4-E, NFA COMPLIANCE SCHEDULE FOR SITES LISTED IN TABLE A, Page 51 of 57, Serial No. 65, AOC-U.

Background: The draft permit states that AOC-U will be petitioned for NFA by September 30, 2007.

Comment: Holloman would like to push the NFA petition date out to September 30, 2009.

Recommendation: Change the NFA petition date from September 30, 2007 to September 30, 2009.

54. Reference: Attachment C page 7 of 9 Subpart CC

Background: Last line on page appears to have typographical errors in the form of symbols.

Recommendation: Please correct.

55. Reference: Attachment D page 24 of 25 and page 25 of 25

Background: The last sentence statement at the end of section D-4.5 on page 24 and at the end of section D-4.6 is almost identical and appears to be in error.

Recommendation: Please correct if appropriate.

56. Reference: Attachment E, Last paragraph page 2 of 2

Background: The last paragraph appears to have typographical errors in the form of symbols.

Recommendation: Please correct.

57. Reference: Attachment H pages 5 of 8 and 6 of 8

Background: There are several changes to names and organizations since Holloman AFB submitted this Part B application in 1997. Also, the phone number has changed. Recommended changes to this section are:

Primary ECs: 49th Mission Support Group Commander
Colonel Raymond Dinsmore, or current person in position

1st Alternate ECs: Fire Chief
Mr. Mark Giuliano, or current person in position

2nd Alternate ECs: Senior Fire Officials (i.e., Shift Managers)
Mr. Ronald Weatheley, or current person in position, and
Mr. Preston Perry, or current person in position

Phone (505) 572-7575

Recommendation: Please make corrections, if appropriate.

58. Reference: Attachment H page 5 of 8

Background: Holloman AFB provided the latest version of the *Holloman Air Force Base Disaster Preparedness and Readiness Plan 32-1*, dated 1 July 2001, by certified mail on 19 Aug 2002 to NMED. The attachment includes the 1997 version of the 32-1 Plan.

Recommendation: Please include the 1 July 2001 version of the 32-1 Plan in the permit attachment.

59. Reference: Attachment to RCRA Part A

Background: Name of Operator has changed.

Recommendation: Change name to Ms. Nancy Rheame, Deputy Commander, DRMS.

REFERENCE

1. EPA, 1989. *Risk Assessment Guidance for Superfund (RAGS)*, Volume I, Human Health Evaluation Manual (Part A).
2. New Mexico Environment Department, Hazardous Waste Bureau and Groundwater Quality Bureau Voluntary Remediation Program, December 2000. *Technical Background Document for Development of Soil Screening Levels*.
3. 40 CFR 264

COMMENTS FROM DRMS

Acceptable Knowledge Documentation: Disagree that the DRMO would have to maintain the information listed in paragraph II.C.2.a. Generator is already required to submit and/or maintain copies of MSDSs, published data on the waste stream, and waste profile sheets.

2, II.B.4 Specific Waste Ban: Does the DRMO intend to store PCBs with concentrations greater than 50 ppm? If so, 40 CFR 761.65(b)(2)(iii) allows storage in facilities permitted by a state authorized under section 3006 of RCRA to manage hazardous wastes in containers, and ...” Storage of PCBs in the CSU would not require a TSCA permit (see also II.F, Required Notices requiring a copy of the TSCA permit for PCB storage).

Permit Attach K, Decontamination of Soil, Equipment and Structures: DRMS/Operations West is no longer in existence. DRMS/Battle Creek will be the focal point for closures.

The original Part A Permit was submitted with Holloman AFB identified as the “owner” of the permit and the DRMO identified as the “operator.” The Part A Permit was signed by DRMS as operator. Although there are references to DRMS in the Permit, identifying DRMS personnel as operators of the storage facility, the actual permit itself, on the first page, specifically states that the permit is issued to Holloman AFB “to operate a Subtitle C Hazardous Waste Container Storage Unit comprised of two rooms.” There is an inconsistency between the Part A permit application and the Part B permit that needs to be resolved. The Air Force was expecting the DRMO to be identified as the “operator.”

In paragraph II.B.3. it prohibits receiving hazardous waste from an off-site source. However, in paragraph II.M., it states “the permittee shall not accept for management or storage any hazardous waste from an off-site source without the accompanying manifest.” This issue must be clarified.

The Permit appears to be legally sufficient except it is important to resolve the owner/operator issue.