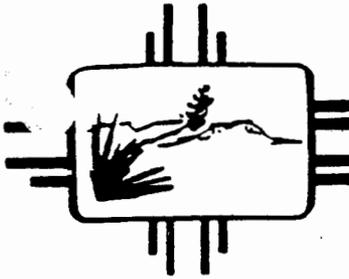


ENTERED



New Mexico Health and Environment Department

GARREY CARRUTHERS
Governor

DENNIS BOYD
Secretary

MICHAEL J. BURKHART
Deputy Secretary

RICHARD MITZELFELT
Director

July 27, 1990

Dear Concerned Citizen:

The Environmental Improvement Division (EID) issued the hazardous waste operating permit for container storage to Kirtland Air Force Base (KAFB) on July 24, 1990. Copies of the permit are at the Albuquerque Main Library at 5th Street and Copper and the headquarters of the Southwest Organizing Project at 1114 7th Street, NW.

EID received many comments on the draft permit from the public, the Defense Reutilization and Marketing Office (DRMO), the Environmental Protection Agency (EPA) and KAFB and its responses to these comments are enclosed. The changes made in the draft permit due to public comments are covered in the following responses (the page numbers referenced in these comments are to the pages in the transcript of the public hearing held October 24, 1989): 4, off-site wastes; 7, location; 19, volume limits for specific types of waste; 20, materials vs. waste; 26, closure plans. Changes made in response to comments from KAFB are on pages 9-16; from the DRMO, pages 16-17; from the EPA, pages 17-18, from EID, page 18.

You have a right to appeal this decision in accordance with the New Mexico Hazardous Waste Act, Section 74-4-4.2.G. which reads as follows: "Any person adversely affected by a decision of the director concerning the issuance, modification, suspension or revocation of a permit may appeal the decision by filing a notice of appeal with the court of appeals within thirty days after the date the decision is made. The appeal shall be on the record made at the hearing. The appellant shall certify in his notice of appeal that arrangements have been made with the division for a sufficient number of transcripts of the record of the hearing on which the appeal (sic.) depends to support his appeal to the court, at the expense of the appellant, including one copy which he shall furnish to the division."

The corrective action portion of the permit required by the 1984 Hazardous and Solid Waste Amendments will be issued shortly by EPA-Region 6.



**Response to Comments on the Draft Hazardous Waste Permit for
Kirtland Air Force Base**

Comments from the Public

Off-site Waste

Comment 1: Several commenters (pp. 30, 45-48, 61, 77, 83) suggested that KAFB should be prohibited from accepting waste from off-site to reduce the risks associated with increased transportation, handling and storage of hazardous waste. One commenter (p. 47) suggested this increased activity does not comply with the requirement in Permit Condition II.A. to operate the facility to minimize the possibility of sudden or non sudden release of hazardous constituents to air, soil or surface water. **Response:** EID does not agree handling waste from off-site, in and of itself, increases the risks associated with the proposed storage units. The units should actually improve hazardous waste management for the state as a whole by providing state of the art storage, packaging and manifesting for DOD hazardous waste shipments that would otherwise be stored and shipped by small generators that are not well trained in waste handling procedures. Once accepted at the storage units, off-site waste will be handled in a manner identical to on-site waste, and will be counted in the overall storage limits for the building. EID also does not believe Permit Condition II.A. and the regulations from which it is derived necessarily envision a reduction in activity in order to minimize risk. Under such an interpretation, activity could theoretically be reduced to zero to provide the maximum minimization of risk. Transportation impacts are discussed in the response to Comments 8-12. **Permit Modification:** None.

Comment 2: One commenter (p. 46) suggested storage of off-site waste be limited to no more than 10% of the volume allowed in the storage permit. **Response:** EID does not believe such a provision would be the intended effect of limiting shipments of off-site waste to the storage units. Because EID can limit the total volume of waste stored at any one time, but not the annual volume of waste moved through the units, such a provision would encourage generators to break up a large shipment of waste into several small shipments to remain under the 10% limit at any one time. **Permit Modification:** None.

Comment 3: One commenter (p. 62) stated the permit does not require off-site hazardous waste generators to comply with the waste characterization, waste storage or waste minimization requirements outlined in the permit. **Response:** In the draft permit, KAFB is required by Permit Condition II.C and Permit Attachment II-2 to obtain all information necessary to safely store

III.N. Notification of the Albuquerque Fire Department and Medical, Retirement and Convalescent Facilities

The Permittee will immediately advise by phone the Albuquerque Fire Department and all hospitals, retirement and convalescent facilities within one-quarter mile of the container storage building of any massive release or fire at Building 1024. The list of facilities to be contacted shall be kept with the contingency plan as part of the operating record. (Permit Condition I.J.7.)

Transportation

Comment 8: Several commenters (pp. 26, 49, 60-61, 71, 77, 83) raised concerns about the risks of transportation of hazardous waste along public highways. **Response:** Transportation of hazardous waste outside the facility (i.e., on public highways) is regulated under HWMR-5 (as amended 1989), Part IV, 40 CFR sec. 263, and by the U.S. Department of Transportation, and is therefore outside the scope of the permit. In addition, transportation of hazardous waste from KAFB will occur regardless of whether or not the permit is granted. If the permit is denied, KAFB will be required to remove all waste within 90 days of its generation, possibly increasing the frequency of shipments. **Permit Modification:** None.

Comment 9: One commenter (p. 26) inquired if EID has analyzed transportation-related accident scenarios postulating other locations for the storage building. **Response:** No. In the permit process, the site submitted by the applicant is reviewed and, if it is found to meet the regulations, no other sites are reviewed. **Permit Modification:** None.

Comment 10: One commenter (p. 29) asked if alternative routes of transportation entering and exiting the base had been considered and suggested an alternate route leading out the south gate to Los Pichachos Road. **Response:** As with the site location, EID normally reviews the transportation routes identified by the applicant and, if no problems are identified, does not review possible alternate routes. After the public hearing, a representative of EID drove the route suggested by the commenter and as a result EID believes the suggested route is not an improvement. The road is narrow and winding, without a true shoulder in many areas. It is heavily traveled in the morning and afternoon by traffic from the southern metropolitan and outlying areas. Water for fire control in the event of an accident is limited to that available by tanker truck, and overall response time would be increased. Finally, wastes

being transported to or from areas north, east or west of Albuquerque would be required to cross I-25, travel on Broadway through the Mountainview neighborhood and enter the freeway via the Rio Bravo interchange. The Mountainview community has expressed concerns about impact of hazardous waste management activities on their neighborhood, and the suggested route appears to transfer the transportation concern to their neighborhood for the sake of achieving a less-populated transportation corridor. Most wastes will still be transported through the center of Albuquerque along Interstates 25 and 40. **Permit Modification:** None.

Comment 11: One commenter (p. 39-40) also suggested EID consider limiting transportation of waste into the base to movement via ground transportation. **Response:** The vast majority, if not all shipments, come to KAFB by ground transportation, and EID believes that such air transportation as may occur is adequately controlled by DOT regulations. **Permit Modification:** None.

Comment 12: One commenter (p. 61) suggested KAFB should publicly identify the transportation routes, frequency and contents of shipments of hazardous materials from the base. **Response:** EID cannot regulate the transportation of hazardous materials, but the proposed transportation routes for hazardous waste were identified in the permit application and consist of the most direct routes from the storage units to the Truman Gate. New Mexico does not require copies of manifests be sent to EID at this time, however KAFB is required to keep copies of manifests and they are thus part of the public record. KAFB could voluntarily agree to provide copies of manifests to the state or an interested party, and such a procedure could be a topic for negotiation by the Technical Review Committee mentioned below. **Permit Modification:** None.

Waste Minimization

Comment 13: Several commenters (pp. 35-36, 51-52, 62, 72) suggested that more specific waste minimization requirements should be placed in the permit. **Response:** Additional requirements for waste minimization were imposed by the 1984 Hazardous and Solid Waste Amendments (HSWA) and the topic is therefore addressed largely under the EPA portion of the permit, Module IV. In the EID portion of the draft permit, Permit Condition II.J.2. requires submission of a biennial report by March 1 of each even-numbered year. In this report, KAFB must include a description of the efforts taken during the year to reduce the volume and toxicity of waste generated, and a description of the changes in volume and toxicity achieved during the year in comparison to previous years. This is the extent of the effort that can be required under current law. Imposition of more stringent requirements, including numerical goals for waste reduction, must await further action by Congress or the state legislature. **Permit Modification:** None.

Comment 14: One commenter (pp. 36-37) suggested KAFB could

accomplish waste reduction at the storage units by identifying wastes that could be exchanged or reused at other locations. **Response:** This process is already in place at the DRMO, which attempts to find a user through transfer, donation or sale to other military installations, federal agencies or the general public prior to declaring an item a waste. This process cannot actually be required by the permit because these materials do not come under regulation until all alternatives to disposal are exhausted. **Permit Modification:** None.

Public Participation

Comment 15: Several commenters (pp. 60, 62, 67-70, 77, 83, 85) criticized EID for inadequate efforts to involve the public in the permitting process. **Response:** EID did hold three informal meetings prior to the public hearing and contacted representatives of neighborhood organizations for neighborhoods surrounding the base; however, EID accepts the criticism that its public involvement program, while meeting the requirements of the regulations, did not meet the needs of the community. The Division acknowledges outreach and education efforts need to begin earlier in the permitting process and is committed to a more thorough public involvement program for future permits. **Permit Modification:** None.

Comment 16: Two commenters (pp. 63, 70) noted the importance of making permitting documents available in a timely manner to interested citizens and groups. **Response:** EID and EPA maintain largely the same files on individual facilities. Since EPA has both the resources and the mandate under the Freedom of Information Act to provide copies of information in its files to the public, EID will continue to rely on EPA to provide copies of material the two agencies share. EID will, however, make available copies of material held only in state files. At the present time there is no alternative to charging the requester to cover the cost of copying the material. **Permit Modification:** None.

Comment 17: One commenter (p. 62) suggested the establishment of a committee of citizens to oversee the present and future handling of waste at KAFB. **Response:** A Technical Review Committee (TRC) has been formed to oversee the progress of the base's Installation Restoration Program (IRP). **Permit Modification:** None.

Evacuation Plans for Surrounding Communities

Comment 18: Three commenters (pp. 60, 77, 80) suggested the permit should include evacuation plans for communities surrounding the base. **Response:** HWMR-5, Pt. V, sec. 264.52(f) requires an evacuation plan for facility personnel. Where Congress and EPA have delineated explicit requirements for a specified group, permit writers cannot use their discretionary authority to expand the scope of the requirement unless extraordinary circumstances exist

requiring additional protection of human health and environment. Congress determined that requiring evacuation plans for the surrounding community was not appropriate and the state cannot override that decision without specific regulations of its own. **Permit Modification:** None.

Volume Limits for Specific Types of Wastes

Comment 19: Three commenters (pp. 61, 72, 77) suggested EID should impose volume limits on each type of waste to be stored in the facility rather than only a total volume limit. **Response:** EID does not have the authority to impose volume limits for specific types of wastes unless it can demonstrate a specific hazard associated with exceeding a proposed limit. For example, the state has limited the stacking height and hence the amount of ignitables that can be stored in each bay based on the recommendations of the National Fire Protection Association. **Permit Modification:** The following condition has been added to the permit:

III.J.3 Ignitable wastes shall be stored in a separate bay or bays from non-ignitable waste. Wastes will be stacked only two high in bays containing ignitable wastes.

Materials vs. Waste

Comment 20: On commenter (p. 61) stated the definition of when a hazardous material becomes a waste was sufficiently unclear as to allow KAFB to avoid regulation by designating a waste as a material. **Response:** EID has considered this issue at length throughout the permitting process. KAFB has indicated it intends to store hazardous material in the building as space allows. To avoid the problems cited by the commenter, EID included the special provisions of Permit Condition III.L, which requires KAFB to handle materials as if they were wastes and to include them in calculating the available storage capacity in the building. To provide further assurance the designation of a particular item in storage is not in dispute, EID has added the permit condition outlined below. **Permit Modification:** The following sentences have been added between paragraphs 1 and 2 of Attachment II-2:

Upon receiving a hazardous material turn-in from a generator, DRMO attempts to find a user for the material through transfer, donation or sale. If these attempts are unsuccessful, the material is designated a waste and enters the hazardous waste management system. Any hazardous material held by DRMO for more than 90 days after turn-in will automatically be classified as a hazardous waste.

Major vs. Minor Modification

Comment 21: Three commenters (p. 61, 68, 73, 78) suggested the distinction between what constitutes a major modification and a minor modification is unclear and could allow KAFB to make significant changes without public review. **Response:** EID disagrees with this comment. The definitions of major and minor modification in HWMR-5, Pt. IX, sec. 270.41 and 270.42, though difficult to follow, are nevertheless extremely explicit about the types of changes that fall under each category. As the regulations stand, virtually no significant changes in the facility can occur without a major modification, triggering the entire draft permit and public comment process again. However, interested citizens should note that a new set of regulations governing permit modifications has been adopted by EPA and is scheduled for adoption by the state in mid 1990. **Permit Modification:** None.

Hazardous Waste in Minority Neighborhoods

Comment 22: One commenter (p. 84) asked why the new storage unit was being located in his neighborhood, which he referred to as a minority neighborhood. **Response:** EID does not consider the racial, ethnic or economic makeup of surrounding communities when reviewing a permit application. The new unit is located on a large military base surrounded by neighborhoods of varying composition. Many of these communities have grown up after the establishment of the base. Anecdotal evidence suggests that neighborhoods in the immediate vicinity of the new building are of a similarly varying character. While EID recognizes the commenter's concern that past siting practices have imposed disproportionate burden of impacts on minority communities, the Division feels such concerns are misplaced in this instance. **Permit Modification:** None.

Radioactive and Mixed Waste

Comment 23: One commenter (p. 39) asked if KAFB would store radioactive or mixed waste at the storage units. **Response:** The negative answer given at the public hearing was only partially correct. KAFB has not indicated an intention to store radioactive or mixed waste in the storage facilities. Radioactive waste is regulated by the Department of Energy, if generated in defense-related activities, and by the Nuclear Regulatory Commission and the Special Waste Branch of EID, if generated by commercial activities. Radioactive waste is thus outside the scope of the permit. New Mexico has state authority but not federal RCRA authority to regulate mixed waste. When the state receives RCRA authority on July 25, 1990, a modification to the permit may be required to incorporate mixed waste provisions. **Permit Modification:** None.

Accident Scenarios

Comment 24: One commenter (pp. 25-26) asked what accident or

release scenarios EID had considered in analyzing the permit application. **Response:** The regulations require the facility to minimize the possibility of a fire, explosion, and any unplanned sudden or nonsudden release (such as a spill or leak) of hazardous waste. These are the scenarios considered in the application review. **Permit Modification:** None.

Disposal of Waste on Base

Comment 25: One commenter asked if the permit allowed disposal of hazardous waste on the base. **Response:** No. **Permit Modification:** None.

Closure Plans

Comment 26: One commenter (p. 41) asked what the decommissioning plans were for buildings 615 and 28009. **Response:** The closure plans are described in Attachment II-8. After all waste is removed, the building will be steam cleaned and the washwater collected. The washwater will be tested to determine if it contains any of the hazardous constituents managed over the life of the facility. In addition, soil samples will be taken from various locations around the buildings. If soil contamination is detected, additional cleanup measures must be proposed by KAFB and approved by EID. As noted in the response to comments submitted by KAFB, Permit Attachment II-8 contained an error indicating buildings 28009 and 615 would be closed if the permit for the building is issued. This sentence was inadvertently retained from an earlier version of the closure plan submitted by KAFB. In the corrected version of the closure plan, no prospective date for closure is indicated. **Permit Modification:** The sentence referring to the closure of buildings 28009 and 615 after permit issuance has been deleted in Attachment II-8, page 3, M-1d(1).

Comments from Kirtland Air Force Base (KAFB)

Comment 1: II.C. paragraph 2, 1st sentence - Request omission of word "annually" and substitute the requirements of 40 CFR 265.13(a)(3)(1). This change meets the intent of EID's requirement without unduly burdening the resources available here. The majority of the waste streams are fairly constant and so sampling when it is known to change or suspected of changing as required by the above CFR provides adequate protection. Currently, there is not sufficient manpower to accomplish annual waste stream testing given the large number of sources on base. **Response:** The New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989), Part V, 40 CFR section 264.13(a)(3) requires waste analysis to be repeated **as necessary** to ensure the analysis is up to date. HWMR-5, Pt. V, sec. 264.13(a)(3)(1) sets forth the minimum requirement for all facilities, but discretion is left to the permitting authority to determine the frequency deemed sufficient to ensure accuracy at a specific facility. It is EID's conclusion,

given the rate of turnover of base personnel, the rate of change in processes and products used by the base generators, and the infancy of Kirtland's waste stream identification program, an annual reverification is appropriate. **Permit Modification:** None.

Comment 2: Attachment II-1, Page 2, H-1b, paragraph 4 - Due to the physical limitations of Building 1024 as to side loading, request the substitution of the attached paragraph submitted by DRMO. (Atch 1). **Response and Permit Modification:** The following language has been substituted in the permit (Attachment II-1, Page 2 of the operating permit, paragraph 4) to describe loading/unloading procedures.

Kirtland will load/unload rear loading vehicles inside the building. Side-loading vehicles will be loaded/unloaded on the loading ramp. No outdoor loading/unloading will take place during precipitation events. The gate valve for the loading dock sump will be closed during loading/unloading. The dock area will be swept prior to any washdown. Ordinary washdowns (when no known, unrecovered spills have occurred) may be conducted with the gate valve open. After a spill, spilled material will be recovered as much as possible prior to a washdown. Storage facility personnel will then wash down the loading dock with technology capable of removing any spill residue. This post-spill washdown will be conducted with the gate valve closed and the washwater will be collected and disposed of as hazardous waste. Alternatively, the washwater may be analyzed for the parameters listed in Table C-3 of Attachment II-2 and discharged to the sewer if shown to be nonhazardous. KAFB will sample the soil beneath the loading dock sump outfall at least annually for pH, all EP Toxicity metals and all organics via GC-MS analysis.

Comment 3: Attachment II-1, Page 3, H-1e. 1st and 2nd sentences - The references to Section G and H should be replaced with Atchs II-7 and II-5 respectively as this is more accurate. **Response:** these corrections have been made. **Permit Modification:** The references to Sections G and H have been replaced with reference to Atchs II-7 and II-5. (Attachment II-1, Page 5, H-1e of the operating permit)

Comment 4: Attachment II-2, Page 1, 2nd paragraph - Request the definition of Group I and II wastes be part of the permit regulations, much of what Kirtland takes to DRMO is material, not waste. DRMO has an obligation to find a user or buyer and if they are unsuccessful, then the material becomes a waste per 40 CFR 261.2(b) and 261.3. The intent of your definition may presume this process has already taken place and you are referring only to what was initially or has become waste. However, to avoid any confusion, we request all references to Group I or II waste be amended to read Group I or II material or waste. The generator determines whether it is material or waste at the time of turn-in.

It then becomes Group I or II waste only after DRMO cannot find a buyer and must dispose of it. However, the requirements of the permit should apply only to waste. **Response:** KAFB is correct. The permit presumes all attempts to find a use for an item have been exhausted. It is EID's opinion the change recommended by KAFB would confuse the issue by appearing to subject hazardous materials to all permitting requirements. However, we have inserted the following paragraph between paragraphs 1 and 2: **Permit Modification:**

Upon receiving a hazardous material turn-in from a generator, DRMO attempts to find a user for the material through transfer, donation or sale. If these attempts are unsuccessful, the material is designated a waste and enters the hazardous waste management system. Any hazardous material held by DRMO for more than 90 days after turn-in will automatically be classified as a hazardous waste.

Comment 5: Attachment II-2, Page 3, C-2, 1st full paragraph - Reference above comments about Group I and II wastes and the generator determining if material or waste upon turn-in. **Response:** See response to Comment 4. **Permit Modification:** None.

Comment 6: Attachment II-2, Page 3 - Definition of characteristics of Group I and II wastes requested to read, "After an item has been determined to be a waste and not a material, the following information on the chemical and physical characteristics of Group I wastes is provided." **Response:** See response to Comment 4. **Permit Modification:** None.

Comment 7: Attachment II-2, Page 3, last paragraph, 1st sentence, continuing on page 4 - See comment above under Module II concerning annual testing. The same request and rationale apply here. Also we request the substitution of the attached profile sheet which is currently in use and acceptable to DRMO, whereas the sample provided is geared for DRMO use with transporters. (Atch 2) **Response:** See response to Comment 1. **Permit Modification:** Substitution of the profile sheet has been made.

Comment 8: Attachment II-2, Page 4, 1st paragraph, 2nd line - Request the word "appropriate" be inserted before "tests". It is unclear if the intent is to require all tests in Table C-2 for all samples. However, our interpretation of standard practice is to run those tests that are necessary given the user knowledge and, if there is any doubt, additional tests should be run. **Response and Permit Modification:** The paragraph will be amended to read as follows (Attachment II-2, Page 5, 2nd paragraph of operating permit):

...using the appropriate tests listed in Table C-2. Flashpoint and EP toxicity tests will be run on all wastes. pH will be run on all aqueous wastes and wastes having a

aqueous phase. An IR screen will be run to verify the absence of organics in wastes identified as inorganic only. Total organic halogens will be run on all wastes not identified as containing halogens.

Comment 9: Attachment II-2, Page 4, 2nd paragraph, last sentence - Request the deletion of "state recognized EPA certified laboratories" and substitution of "or other lab following EPA approved methods for hazardous waste testing". We have been unable to find any reference to "EPA certified". In fact, the OEHL meets the requirements of the new language which more accurately reflects how EPA characterizes labs. **Response:** The following language has been substituted. **Permit Modification:** (Attachment II-2, Page 5, 3rd paragraph of operating permit)

Samples taken for waste characterization will be forwarded to OEHL or any laboratory following EPA approved methods for RCRA testing (SW-846, current edition) or equivalent approved by EID. Samples taken to determine the presence of contamination at a spill site or at closure must be analyzed by a laboratory participating in EPA's performance evaluation program and holding a current passing rating for the method or methods requested.

Comment 10: Attachment II-2, page 4, 4th paragraph - Request the above comments under page 1 concerning Group I and II wastes be incorporated here to include "material". **Response:** See response to Comment 4. **Permit Modification:** None.

Comment 11: Attachment II-2, page 4, C-3a, line 11 - Request the "annual" be changed to be consistent with the above comment under Module II for the same reasons. **Response:** See response to Comment 1. **Permit Modification:** None.

Comment 12: Attachment II-2, Page 5, 2nd paragraph - Request the above comments under Page 1 concerning Group I and II wastes be incorporated here to include "material". **Response:** See response to Comment 4. **Permit Modification:** None.

Comment 13: Attachment II-2, page 11, Table C-6 - Request this table be used as a guide for the number of samples to be taken. Although this is suggested by the EPA in publication EPA/530-SW-84-012, Oct. 84, it is not required by them. The majority of samples can be based on user knowledge and tested when changed or suspected to change given the fairly constant nature of waste generated here. This will meet the state's concerns about protection and notice without being unduly burdensome on our resources. **Response:** Table C-6 applies only to wastes received from off-base. The type of wastes received from off-base is unlikely to be consistent, and user knowledge is not sufficient for characterization of off-site waste. The regulations do not specify the number of samples required per shipment, but do require the

waste analysis plan to specify the procedures used to determine the identity of each waste shipped. The table, submitted by Kirtland in the final application revision, reflects a sampling rate commonly used both at DRMOs and at commercial facilities. **Permit Modification:** None.

Comment 14: Attachment II-4, the 1st page of the inspection log is missing so we have attached one for inclusion in the permit. (Atch. 3) **Response and Permit Modification:** Atch. 3 of Kirtland's comments has been included in the Permit.

Comment 15: Attachment II-4, page E-4 - Request removal of requirement for fire blankets. These are no longer required by DMRS for field activities; the deluge shower accomplishes the same thing in a more effective manner. **Response and Permit Modification:** The suggested revision has been made.

Comment 16: Attachment II-5, page 6, L-1(c)(1), 2nd paragraph - Request omission of this paragraph as Kirtland's generators meet the definition of satellite accumulation points in 40 CFR 262.34(c)(1) and as such are exempt from the training requirements in 40 CFR 264.16(a). However, in practice, an ongoing training program is in place although not the exact one outlined here. This change would more accurately reflect Kirtland's status as defined by the CFRs. **Response:** HWMR-5, Pt. V, sec. 264.16 required **facility personnel** to complete a training program. Under the New Mexico Hazardous Waste Management Regulations, the contiguous property under the control of the permittee (KAFB) is the facility and the storage buildings are individual units. Training must therefore be provided to all personnel whose job duties impact the operation of the permitted units (e.g., all those who handle hazardous waste destined for the storage buildings). The training program identified in Exhibit L-9 is the program submitted by KAFB during the application process. Note, the permit requires only the topics in the exhibit be addressed, not the specific program be followed. The permit has been clarified to make the above distinction clear for non-supervisory personnel as well. **Permit Modification:** The last sentence of the second paragraph of section L-1(c)(1) has been modified to read "Non-supervisory personnel will receive training covering the topics outlined in item E.2."

Comment 17: L-1(c)(2) - we could not locate Exhibit L-10 in our package and were unable to review and comment. **Response:** Exhibit L-10 consists of three pages outlining training courses received by the base fire chief, as submitted by KAFB-EMD. A copy is included in the permit. **Permit Modification:** None.

Comment 18: Attachment II-5, pages L-11 and L-14 - Request these be deleted and have the exhibits on pages L-12 and L-13 renumbered to Exhibit L-5 and L-6 respectively. This is due to a change in DLA's training requirements. The training provided would still be adequate. **Response and Permit Modification:** The requested change

has been made; also, exhibit L-8 was renumbered to L-7. The following items have been added to Exhibit L-2 to insure equivalent coverage of the necessary subject matter.

1. Basic chemistry
4. Compatibility.

Comment 19: Attachment II-7, page 4, G-4c, 1st paragraph - Request the phrase "and initiate appropriate recall" be added at the end. This more accurately reflects the organizational responsibilities of the OSC and responding DRMO personnel. **Response and Permit Modification:** The paragraph has been reworded to read as follows: "The OSC and DRMO staff, assisted by the appropriate Spill Response Team personnel, will assess possible hazards, both direct and indirect, to human health and environment."

Comment 20: Attachment II-8, page 2, M-1d(1), last sentence - Request this be eliminated as there is no realistic estimate for how long the facility will be used before closure. The estimate required by 40 CFR 264.112(b) only requires an estimate of how long closure will take once closure is identified and a schedule set for the process. We do not want to mislead by giving an estimated endpoint. **Response:** This requirement applies only to facilities using trust funds for financial assurance and has been deleted. **Permit Modification:** The requirement was deleted.

Comment 21: Attachment II-8, page 4, 3rd full paragraph, sub 2 - This appears to be a typo and should read "the pH is greater than or equal to 12.5 or less than or equal to 2" as reflected in 40 CFR 261.22. **Response and Permit Modification:** The commenter is correct and the error has been rectified.

Comment 22: Module III, page 1, III.A.5. - Request the stacking requirement of no more than 2 high be replaced with 3 high. The building is designed for 3 high, each level without disturbing supported. The racks allow removal at any level without disturbing those above or below. Less than 3 high would be appropriate for wastes classified as 1a or 1b flammable by the NFPA, where the NFPA codes restrict to less than 3 high. This change would allow DRMO to better utilize the existing space and use the storage capacity of the building to the fullest. **Response and Permit Modification:** The following sentence has been added to paragraph III.A.5:

If no ignitable wastes are stored in the large bay, the Permittee may store up to 14,520 gallons of non-ignitable wastes, stacked up to three levels high.

The following permit condition has been added:

III.J.3. Ignitable waste shall be stored in a separate bay or bays from non-ignitable waste. Wastes will be stacked only two high in bays containing ignitable wastes.

Comment 23: Module III, page III-2, III.A.7. - Request the deletion of language referring to military specification containers. Not all containers come with military specifications, but all do come with DOT specifications and are followed. **Response and Permit Modification:** The words "military specification" have been deleted.

Comment 24: Module III, page III-2, III.B.1. - Request the last sentence be modified to more accurately reflect the waste generation at Kirtland. We understand that the amount of any waste in storage should never exceed the maximum quantity listed in Atch II-3: However, the amounts listed reflect good faith estimates only. In light of the large number of Research and Development facilities at Kirtland, it is remotely possible that this estimated quantity may be exceeded. If this should occur, Kirtland will promptly notify EID in order to update the quantities listed and take appropriate disposition actions. A revised listing of the quantities in Atch II-3 is also included. (Atch 4). **Response and Permit Modification:** The last sentence has been changed to more accurately reflect regulatory requirements and now reads as follows: "If the amount of any waste code generated in a single calendar year exceeds the amount listed for that waste code in Permit Attachment III-3, the Permittee shall submit a report detailing the discrepancy to EID and, if the increase in annual quantity is expected to be repeated, a revised Part A form will be submitted by March 1 of the following year. This revised Part A form will replace the existing Permit Attachment III-3 and shall be considered part of the permit."

Comment 25: Module III, page III-5, III.L. - Request the addition of a new #1: Hazardous materials may only be stored if space is available, hazardous wastes takes precedence over material. **Response:** EID feels this requirement is a matter of internal policy and as such is not appropriate for inclusion in the permit. **Permit Modification:** None.

Comment 26: Attachment III-1, page 1, H-2, 1st line - Request the substitution of "EMD" for "DRMO" as this more accurately reflects the responsible office at Kirtland. **Response and Permit Modification:** The substitution of "EMD" has been made.

Comment 27: Attachment III-1, page 1, H-2a, 1st line - Request this be modified as the two small buildings may or may not be closed. This cannot be determined until the new building is in use. **Response and Permit Modification:** This line should have been edited from the draft, and has now been deleted.

Comment 28: Attachment III-1, page 4, 2nd full paragraph - Request the attached language provide by DMRO be substituted for this paragraph. This is more accurate based on the design of the building, i.e. it is impossible to side load/unload inside the

building. The paragraph as it exists does not take into account the structure of the building. **Response:** See response to Comment 2. **Permit Modification:** Same as modification as under Comment 2.

Comments from the Defense Re-utilization and Marketing Organization (DRMO)

Comment 1: Attachment II-1, page 1, paragraph H-1a, 2nd line - Insert between "either" and "wait" the following: "assists in the unloading." **Response and Permit Modification:** The above wording has been inserted.

Comments 2 and 3 from the DRMO are identical to Comments 2 and 3 from KAFB. See those Comments for EID's Responses and Permit Modifications.

Comment 4: Attachment II-1, page 3 - Add to end of paragraph "Group I wastes are items ...No testing of the items is needed." "These items are received as hazardous materials and marketed. These hazardous materials become wastes if there are no takers for the materials and they must be disposed of as hazardous wastes." **Response and Permit Modification:** See Comment 4 from KAFB.

Comment 5: Attachment II-2, page 6, C-3c(4) paragraph 1, line 4 - Should read "will be taken from each waste". **Response and Permit Modification:** The word "from" has been added. (Attachment II-2, page 7, C-3c(4) of operating permit)

Comments 6 and 7 from the DRMO are identical to Comments 14 and 15 from KAFB. See those Comments for EID's Responses and Permit Modifications.

Comment 8: Attachment II-5, page 5 - See attached revised page resulting from a DRMS policy change. **Response and Permit Modification:** Paragraph 3 (Attachment II-5, page 6 of operating permit) under formal courses was changed to read as: For Environmental Specialist and DRMO Chief only, RCRA Facility Compliance prepared by Argonne National Laboratory consists of 24 hours of instruction (Exhibit L-4).

Comment 9 from the DRMO is identical to Comment 18 from KAFB. See that Comment for EID's Response and Permit Modification.

Comment 10: Attachment II-7, page 3, G-3.1.e. (Attachment II-7, page 4, G-3.1.e. of operating permit) change to read as follows: "An imminent danger exists that if an explosion occurs, it could cause a safety hazard because of flying fragments or shock waves." **Response and Modification:** The following wording was substituted for that in the draft permit: An imminent danger exists that if an explosion occurs, causing a safety hazard of flying fragments or shock waves.

Comments 11, 12, and 13 from the DRMO are similar to **Comments 22, 27 and 28**, respectively, from KAFB. See those **Comments** for EID's **Responses and Permit Modifications**.

Comments from the U.S. Environmental Protection Agency

Comment 1: Page I-5; Module I.E.8.e.: The acronym USC should be spelled out unless it has been spelled out previously in the permit. **Response and Permit Modification:** The acronym USC has been spelled out in the Permit.

Comment 2: Page I-9; Module I.I.: There needs to be a condition placed in the draft permit requiring annual adjustments to the closure cost estimate (40 CFR 264.142(d)). **Response:** According to the HWMR-5, Pt. V, sec. 264.140(c) state and federal government are exempt from the requirements of this subpart (Subpart H--Financial Requirements). **Permit Modification:** None

Comment 3: Page II-1; Module II.B.1.: If the Permittee does not presently receive wastes from a foreign source (it is not listed in the Part A), then this provision should be changed to read as follows:

This Permit does not allow the Permittee to accept wastes from a foreign source. If the Permittee is to receive hazardous waste from a foreign source, he shall apply for and receive a permit modification in accordance with HWMR-5, Part IX, Section 270.41 and 270.42 prior to accepting such wastes.

Response and Permit Modification: The suggested paragraph has been added to the permit.

Comment 4: Page II-1, Module II.B.2.: If the Permittee does not presently receive hazardous waste from an off-site source, then it is suggested that this provision be changed to read as follows:

This Permit does not allow the Permittee to accept waste from an off-site source. "Off-site source" refers to wastes generated by sources other than the Permittee or its contractor(s) operating onsite. If the Permittee is to receive hazardous waste from an off-site source, he shall apply for and receive a Permit modification in accordance with HWMR-5, Part IX, Section 270.41 or 270.42

Response and Permit Modification: The Permittee does presently receive off-site wastes generated by Department of Defense activities. However, the definition of off-site source was not in Module II.B.2. and it has been added to the section.

Comment 5: Page II-1; Module II.B.: There should be a condition placed in the draft permit requiring the Permittee to notify the new owner or operator in writing of the requirements of Part 264

and Part 270 before transferring ownership or operations of a facility (40 CFR 264.12). **Response:** This requirement is already required in Module I.E.13. Transfer of Permit. **Permit Modification:** None.

Comment 6: Page 7; Contingency Plan, 4th paragraph (Page 9, 1st paragraph of operating permit): This page should be revised to state that all soil sampling and analyses from spills from the container storage facilities should be sent to NMEID. Additional investigations may be required by NMEID, subject to results of the initial sampling events. **Response and Permit Modification:** The suggested wording has been added to the end of the 4th paragraph.

Comment 7: Page 4; Closure Plan, 2nd paragraph: This page should be revised to state that the facility decontamination procedures, sampling, and analytical testing procedures will be subject to approval by NMEID when closure notification occurs. **Response and Permit Modification:** The suggested wording has been added to the 1st paragraph, page 5 of the closure plan in the operating permit.

Comment 8: Page 5; Closure Plan, 3rd paragraph(1st paragraph in the operating permit): This page should be revised to state that all soil investigations due to a spill from the container storage areas are subject to NMEID review. **Response and Permit modifications:** The suggested wording has been added to paragraph 2, page 6 of the Closure Plan.

Comments from the Environmental Improvement Division

Comment 1: In all references to wooden pallets, the word wooden has been deleted so KAFB can use pallets constructed of any suitable material. **Permit Modification:** The word wooden has been deleted from the following paragraphs: Permit Attachment II-6, page 3 paragraph 2; Permit Attachment III-1, page 4, paragraph 4 and page 6, paragraph 3.

Comment 2: Drums holding ignitable wastes should be grounded whenever handled. **Permit Modification:** This condition has been added at Permit Attachment III-2, page 5, paragraph 1 of the operating permit.