



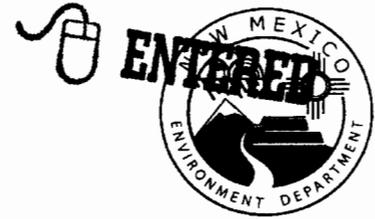
BILL RICHARDSON  
Governor

DIANE DENISH  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



RON CURRY  
Secretary

SARAH COTTRELL  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 15, 2010

Colonel Robert L. Maness  
U.S. Air Force  
377<sup>th</sup> ABW/CC  
2050 Wyoming Blvd. SE  
Kirtland AFB, NM 87117-5606

**RE: FINAL DECISION AND RESPONSE TO COMMENTS CONCERNING  
KIRTLAND AIR FORCE BASE HAZARDOUS WASTE FACILITY PERMIT  
KIRTLAND AIR FORCE BASE, EPA ID# NM9570024423  
HWB-KAFB-04-033**

Dear Colonel Maness:

On July 15, 2010, New Mexico Environment Department (Department) Secretary Ron Curry signed a Final Order that issues a final Hazardous Waste Facility Permit (Permit) to the United States Air Force (USAF, the Permittee) for the Open Detonation Unit and for conducting corrective action at Kirtland Air Force Base (KAFB).

A public comment period was held from April 16, 2007, to June 15, 2007, on the draft Permit. The NMED extended the comment period from June 15, 2010, to July 19, 2010, for taking additional public comment on a requirement in the draft Permit concerning the removal of a sewer line that passes through Solid Waste Management Unit LF-002. The draft Permit was revised by the Department in response to public comments received, including those received from the Permittee.

The Permit becomes effective on August 16, 2010 and may be appealed under the provisions of 20.4.1.901(H) NMAC and § 74-4-14 of the Hazardous Waste Act.

Enclosed are the Final Order, the Permit and Responses to Comments. The Responses to Comments include explanations for changes made to the draft permit in preparing the Permit



KAFB3424

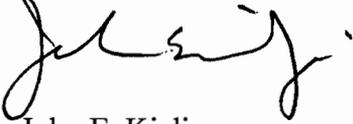
Colonel Maness

July 15, 2010

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pursuant to 20.4.1.901.A(9) NMAC. These documents can also be viewed on the Department's website at <http://www.nmenv.state.nm.us/hwb/kafbperm.htm> under KAFB Final Permit.

Sincerely,



John E. Kieling

Manager

Permits Management Program

Hazardous Waste Bureau

Enclosures

cc: J. Bearzi, NMED HWB (w/o enclosures)  
W. Moats, NMED HWB (w/o enclosures)  
C. Amindyas, NMED HWB (w/o enclosures)  
L. King, EPA 6PD-N  
J. Pike, KAFB  
File: Reading and KAFB 2010  
KAFB-04-033

STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT



In the matter or )  
KIRTLAND AIR FORCE BASE )  
 )  
Application for a renewed Hazardous )  
Waste Permit under the New Mexico )  
Hazardous Waste Act )  
EPA No. NM9570024423 )

No. HWB KAFB-10(P)

**FINAL ORDER**

1. This matter comes before the Secretary of Environment through a permit application for a Hazardous Waste Permit for the Kirtland Air Force Base (“KAFB”), in Bernalillo County, which U.S. Air Force originally submitted to the New Mexico Environment Department (“Department”) on May 14, 2004 under the New Mexico Hazardous Waste Act (the “Act”), NMSA 1978, §§ 74-4-1 to 74-4-14.

2. Pursuant to the Act, NMSA 1978, § 74-4-4.2(H), the Department has provided an opportunity for a public hearing on the permit. The Department issued a draft permit on April 16, 2007, and allowed a period of sixty days for the public, including the applicant, to submit written comments to the Department on the draft permit and to request a public hearing. The comment period ended on June 15, 2007. KAFB submitted timely comments during the comment period. The Department later extended the comment period for an additional seven days from July 12, through July 19, 2007 to consider comments specifically on the Sanitary Sewer Line. The Department received comments regarding the Sanitary Sewer Line from the Albuquerque Bernalillo County Water Utility Authority, Albuquerque Bernalillo County Water Quality Advisory Board and Bruce Thompson.

The Department has responded to each of those comments in writing.

**IT IS THEREFORE ORDERED:**

1. The Hazardous Waste Permit for the KAFB, attached hereto, is hereby issued.
2. The permit shall remain in effect for three years from the effective date in accordance with section 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.50(a), unless the permit is modified, suspended or revoked under the Act, NMSA 1978, § 74-4-4.2, or under section 20.4.1.901 NMAC, or section 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.41, § 270.42, and § 270.43.
4. KAFB shall comply with all terms and conditions of this Hazardous Waste Permit. This Permit consists of all the terms and conditions therein including those in the Attachments A through M.
5. The Hazardous Waste Permit for KAFB will become effective on August 16, 2010 under 20.4.1.901.A(10) NMAC.

  
\_\_\_\_\_  
RON CURRY  
Secretary, Environment Department

\_\_\_\_\_  
Date

7/15/10

**New Mexico Environment Department's  
Responses to Public Comments on  
Draft Kirtland Air Force Base RCRA Permit**

On April 16, 2007, the New Mexico Environment Department (“NMED” or the “Department”) issued a notice announcing a 60-day public comment period for the draft Resource Conservation and Recover Act (“RCRA”) Permit for the U. S. Air Force (“Permittee”) Kirtland Air Force Base (“KAFB”) Open Burning (“OB”) and Open Detonation (“OD”) Treatment Units (the Permittee was defined as the U. S. Department of Defense in the draft Permit but has been changed to U. S. Air Force in the final Permit to match information in Part A of the Permit Application.). The draft Permit, when finalized, would renew the existing Permits for the OB and OD Units and would contain the corrective action requirements for KAFB. The comment period ended June 15, 2007. The NMED received comments on the draft Permit and also received a request to extend the comment period regarding a requirement in the draft Permit to remove the sanitary sewer line that passes through Solid Waste Management Unit (“SWMU”) LF-002. NMED extended the public comment period from June 15, 2007 to July 19, 2007, and received additional comment about the sewer line. Table 1 presents an index of the comments received during both public comment periods. Table 2 summarizes the comments and contains the NMED’s responses thereto as required pursuant to 20.4.1.901.A(9) NMAC.

On October 30, 2009, the Permittee withdrew its Application to renew its Permit to operate the OB Unit. Instead, the OB Unit will be closed pursuant to a revised Closure Plan under the original OB Unit Permit issued on July 26, 1995. Therefore, requirements and authorizations applicable to the OB Unit were removed from the final version of the KAFB Permit, hereinafter referred to as the “final Permit” in this document.

SWMU/AOCs are sometimes referred to by their IRP Site identification numbers to identify specific sites throughout this document.

**Table 1: Index of Public Comment Received on Draft Permit**

Commenter	Date Comments Submitted	Comment Numbers
U. S. Air Force Kirtland Air Force Base (KAFB)	6/14/2007	1-264, 284-549
Albuquerque/Bernalillo County Water Utility Authority	6/15/2007 & 7/17/2007	265-270, 273-282
Albuquerque/Bernalillo County Water Quality Advisory Board	7/15/2007	271-272
Bruce M. Thompson	7/18/2007	283

**Table 2: Public Comments Received and NMED Responses**

**Draft Permit for Kirtland Air Force Base**

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
1		Global		KAFB	<p>As written, the Permit is hard to read and confusing. The combining of requirements for KAFB restoration activities with the requirements for the OB and OD Treatment Units makes for an extremely convoluted permit, which creates substantial compliance difficulties for the Permittee by impeding clear interpretation of requirements. Thereby creating a significant risk for non-compliance and the unintentional failure of providing protection of human health and the environment.</p> <p>If it is the intent of the NMED to include additional requirements for KAFB Restoration/Cleanup activities in this draft permit, then KAFB recommends separating the OB and OD Treatment Units requirements from all corrective action requirements for sites outside of the OB and OD Treatment Units. The corrective action site requirements should have their own independent section within the permit. Thereby creating a Permit that has 2 sections, one dealing with only the OB and OD treatment units' requirements and the other dealing with only the non-OB and OD treatment units corrective action requirements. Sections 4.0 - 6.0 would be included in the non-OB-OD Treatment Units section.</p> <p>Alternatively, the existing HSWA Module from the previous RCRA Hazardous Waste Storage permit could be modified to address all NMED concerns. The HSWA module may act as a stand-alone document with enforceable regulatory compliance guaranteed until the NMED confirms all existing restoration sites are fully addressed and validated for closure.</p>	<p>The comment essentially states that including corrective action requirements in the Permit with requirements for the treatment units makes the Permit overly complex.</p> <p>Three original RCRA Permits are currently in place and effective for the Kirtland Air Force Base (KAFB) Facility:</p> <ol style="list-style-type: none"> <li>1) a permit for open burning (the OB Unit),</li> <li>2) a permit for open detonation (the OD Unit), and</li> <li>3) a permit for container storage that also includes all corrective action requirements for the Facility.</li> </ol> <p>When the final Permit becomes effective, it will renew the original permit for the OD Unit and will also set forth the corrective action requirements for the Facility. The original permits for the OD Unit and the storage unit will be terminated upon the effective date of the final Permit.</p> <p>On October 30, 2009, the Permittee withdrew its application to renew its permit to operate the OB Unit. The OB Unit will be closed pursuant to a revised Closure Plan under its original permit issued on July 26, 1995. Additionally, the original permit for the OB Unit will be terminated once the OB Unit is officially closed as determined by the NMED (see below). Therefore, all requirements and authorizations applicable</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p>to the OB Unit that were included in the draft Permit have been removed from the final Permit. Once the OB Unit is closed, open burning of hazardous waste will no longer be authorized at KAFB.</p> <p>Regarding the decision to keep corrective action requirements in the final Permit, the regulations at 40 C.F.R. § 264.101(a) require that any facility seeking a permit for treatment, storage, or disposal of hazardous waste must institute corrective action as necessary to protect human health and the environment. Thus, corrective action is specified in the final Permit in accordance with 40 C.F.R. § 264.101(b). As it is also desirable to have only one permit for a facility, NMED did not place corrective action requirements in a separate permit. NMED also chose not to modify the corrective action module (HSWA Module IV) that is included in the now-closed container storage unit permit because the corrective action requirements therein are substantially inadequate and are out of date, thus, requiring complete replacement.</p> <p>NMED does agree that some parts of the draft Permit could have been better organized and that some of the text was redundant making the draft Permit longer than it needed to be. Thus, redundant text has been largely removed from the final Permit, and the final Permit has been reorganized to clarify requirements including placing corrective action requirements in one Permit Part (Part 6 of the final Permit) instead of being spread out</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p>over three Permit Parts as was done under the draft Permit.</p> <p>The Permittee should note that corrective action requirements in the Permit are applicable to the OB and OD Units if corrective action becomes necessary at either of these Units.</p> <p>Other cases where major reorganization was done and/or significant redundant or unnecessary text was deleted to create the final Permit are as follows.</p> <ul style="list-style-type: none"> <li>• Part 3 of the draft Permit has been re-titled as <i>PERMIT PART 3: OPEN DETONATION UNIT</i> and text related to the OB Unit has been deleted from Part 3 of the final Permit.</li> <li>• Closure requirements for the OD Unit from Permit Section 2.8 and Attachment 10 of the draft Permit have been relocated to what are now <i>PART 4: CLOSURE</i> and <i>PERMIT ATTACHMENT H: CLOSURE PLAN</i> of the final Permit. This change was made to emphasize the importance of the requirements for closure.</li> <li>• Post closure requirements for the OD Unit from Permit Section 2.9 of the draft Permit have been relocated to what is now <i>PART 5: POST CLOSURE</i> of the final Permit. This change was made to emphasize the importance of the requirements for post closure care should it be needed for the OD Unit.</li> <li>• Attachments 1 and 2 of the draft Permit have been combined into what is now</li> </ul>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p><i>ATTACHMENT A: GENERAL FACILITY INFORMATION</i> of the final Permit. This change was made in response to a comment (#36) from the Permittee that some text in the draft Permit was not necessary and should be deleted to shorten the total length of the final Permit.</p> <ul style="list-style-type: none"> <li>• <i>ATTACHMENT 3: AIR MODELING</i> of the draft Permit has been deleted from the final Permit. This change was made in response to a comment (#33) from the Permittee that some text in the draft Permit was not necessary and should be deleted to shorten the total length of the final Permit.</li> <li>• Permit Attachment 4 of the draft Permit has been renamed <i>ATTACHMENT B: LIST OF AUTHORIZED HAZARDOUS WASTES</i> in the final Permit. This change was made in response to a comment by the Permittee that Attachments should be identified by letters of the alphabet rather than numbers to avoid confusion between Permit Parts and Permit Attachments.</li> <li>• Table 1-1 of Permit Part and Table 4-1 and Table 4-2 of Part 4 of the draft Permit were moved to what is now <i>ATTACHMENT I: COMPLIANCE SCHEDULES</i> in the final Permit. This change was made to help clarify submittal requirements, especially for corrective action related submittals.</li> <li>• Part of Table 4-3 of Permit Part 4 of the</li> </ul>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p>draft Permit was moved to become <i>ATTACHMENT J: LIST OF HAZARDOUS WASTE MANAGEMENT UNITS</i> in the final Permit. This change was made to help separate listings for hazardous waste management units from corrective action units.</p> <ul style="list-style-type: none"> <li>• Part of Table 4-3 of Permit Part 4 of the draft Permit was moved to what is now <i>ATTACHMENT K: SOLID WASTE MANAGEMENT UNITS (SWMUS) AND AREAS OF CONCERN (AOCS) FOR WHICH CORRECTIVE ACTION IS COMPLETE WITHOUT CONTROLS (GRANTED NO FURTHER ACTION STATUS)</i> of the final Permit. This change was made to help separate listings for corrective action units that require corrective action from those corrective units granted corrective action complete (no further action) status..</li> <li>• Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit. This change was made to simplify and shorten requirements related to the construction and installation of wells and piezometers.</li> <li>• The new Attachment L has been added to the final Permit and reserved for the groundwater sampling and analysis plan for the OD Unit.</li> </ul> <p>Additionally, in accordance with the new,</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p>preferred terminology for corrective action stages, all references to "RCRA Facility Investigation" and "Corrective Measures Study" are changed to "Investigation" and "Corrective Measures Evaluation", respectfully. For example, a "RCRA Facility Investigation Report" is now an "Investigation Report", and a "Corrective Measures Study Report" is now a "Corrective Measures Evaluation Report".</p> <p>Also, because of public concern over the open detonation of hazardous waste at KAFB, Section 1.11 of Permit Part 1 of the final Permit was added with the goal of eliminating open detonation of hazardous waste in the future at KAFB and as soon as practicable. Under the provisions of Section 1.11, the Permittee is required to evaluate other technologies for the treatment of ignitable and reactive hazardous waste. The evaluation would examine the technologies for their impact on human health and the environment, and determine which technology remains the most viable and protective method for the treatment of waste. Cost is also a factor of the evaluation.</p> <p>Additionally, the term of the final Permit was changed from 10 years to 3 years (see Section 1.10 of Part 1 of the final Permit and Section 1.8 of Part 1 of the draft Permit). The term of the final Permit was shortened to 3 years so that changes to the technology for the treatment of reactive and ignitable hazardous wastes can be initiated at KAFB, if any, depending the on the results of the</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p>evaluation mentioned in the paragraph above.</p> <p>NMED deleted the term "Explosive Wastes" from Section 1.6 of Part 1 of the draft Permit. There was no need to include "Explosive Wastes" as a special term in the final Permit.</p> <p>N MED revised the term "Open Detonation" (See Section 1.8 of Part 1of the final Permit and Section 1.6 of Part 1 of the draft Permit). The term was revised to clarify that "open detonation" is the treatment method being authorized under the final Permit.</p> <p>Section 1.34 was revised to clarify that all reports or other requirements specified in the final Permit must be submitted by or accomplished by the due dates and schedules set forth in the final Permit.</p> <p><b>Permit Modifications:</b> As mentioned above.</p> <p>Also, Section 1.11 of Part 1of the final Permit was added that states:</p> <p><b>1.1. ALTERNATIVE ASSESSMENT FOR WASTE TREATMENT</b></p> <p><i>The Permittee shall submit an alternative treatment assessment report to the Department no later than the first anniversary of the effective date of this Permit. The report shall document the Permittee's evaluation of the range of possible treatment technologies for waste that is authorized for treatment by open detonation under this Permit. The assessment report shall include</i></p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p><i>identification and discussion of the alternative treatment technologies, and for the technologies presented models of air emissions, contaminant dispersal, and risk to human and ecological receptors. Each alternative treatment technology, including open detonation, shall be evaluated for cost and the technology's ability to protect human health and the environment to include, but not limited to the:</i></p> <ol style="list-style-type: none"> <li><i>1. Ability of the technology to reduce or control emissions,</i></li> <li><i>2. Ability of the technology to monitor emissions,</i></li> <li><i>3. Ability of the technology to control noise, and</i></li> <li><i>4. Ability of the technology to control ground vibrations.</i></li> </ol> <p><i>The purpose of the alternative treatment assessment shall be to phase out open detonation of hazardous waste at the Facility as soon as practicable.</i></p>
2		Global		KAFB	<p>Responsibilities for the Operating Permit and for the Corrective Action portion of the Permit would appear to be divided among CEVR, CEVC, and EOD at the base. There does not seem to be one logical Point of Contact for all aspects for the Permit. This will require close coordination among all three groups to ensure compliance with all of the Permit requirements. Additionally NMED will need to carefully understand the roles and responsibilities of different function groups. It may be more streamlined to separate the OB/OD and Corrective Action portions of the permit into separate documents. Currently there is a potential for confusion as to which requirements apply to the</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Based on past experience, NMED does not expect any significant problems with maintaining contact with appropriate Facility personnel.</p> <p>With regard to separating corrective action requirements from those for the OD Unit, see NMED response to Comment #1.</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
					OB/OD area, the corrective action units, or both.	<b>Permit Modification:</b> See NMED response to Comment #1.
3		Global		KAFB	Use of capitals varies in the Table of Contents and the Report Headers, making it somewhat confusing as to what sections are parallel to others.	The Table of Contents was automatically generated from the section titles by the software used to write the Permit. A systematic combination of upper and lower case words and different fonts is used to denote the hierarchy of the various sections in the final Permit. <b>Permit Modification:</b> None.
4		Global		KAFB	Suggest using A, B, and C instead of 1, 2, and 3 for the Permit Attachments to avoid duplication of Section numbers within the document. As it exists now, it is somewhat confusing for citations.	NMED has changed the notation of attachments from a numeric to an alphabetic system. Accordingly, Attachments 1-10 of the draft Permit have been reorganized into Attachments A-M of the final Permit. See also NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
5		Global		KAFB	In general, the Permit does not appear to recognize either the size (greater than 52,000 acres) or complexity of the operations at KAFB. Statements such as "all" and "every" are difficult to apply universally to a very large facility with numerous tenants and missions. Furthermore, the Permit does not appear to recognize the amount of active site work that occurs at KAFB on a regular basis. Broad requirements such as NMED being notified of "all field activities", "all data quality exceptions", approving all "waste disposal" activities, etc. would be a very large administrative burden on KAFB and NMED to coordinate and process all such notifications and document approvals.	Most requirements in RCRA permits, including those in the final Permit for KAFB, are similar for all facilities and apply regardless of the size of the facility or how many tenants may be present. This includes permit requirements related to notification and reporting. NMED realizes that the Permittee may conduct work or field activities outside of the jurisdiction of RCRA. The Permittee is not expected to report or notify the NMED of such activities that fall outside RCRA jurisdiction. Furthermore, notifications of field activities and of the discovery of data-quality exceptions are not expected to be daily events. NMED can also choose which

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						<p>notifications that it wishes to act on and at what level of attention it wishes to give a particular situation for which it receives notification. Thus, the NMED does not believe that the Department will be overly burdened by such matters.</p> <p>Although the Permittee may feel burdened by the notification requirements, they are a necessity to ensure that the NMED has the opportunity to properly oversee hazardous waste management and corrective action at the Facility. Such oversight might involve sampling, taking measurements with instruments, and/or visual or other types of observations of corrective action work or site conditions.</p> <p><b>Permit Modification:</b> None.</p>
6		Global		KAFB	<p>It is imperative that the NMED commit to review and approval timeframes for work plan documents and other "approvals" KAFB is required to receive under this draft Permit. Historically timely review and receiving documentation of such from the NMED has been an issue. If there is not a mechanism to require timely review and approval of work planning documents and/or provide a mechanism for KAFB to move forward without approval, investigation progress for the Restoration program will slow dramatically.</p>	<p>The NMED does its best to complete reviews of documents within a reasonable time period. Currently, the amount of backlogged KAFB documents is low.</p> <p>The Hazardous Waste Permit and Corrective Action Fees (20.4.2 NMAC), in Tables 2-7, provide review times for the various types of documents that NMED could review.</p> <p>Also, the Permittee is reminded that it has been frequently behind in payment of review fees for corrective action documents. This has held up notification of NMED reviews of documents in a number of cases.</p> <p><b>Permit Modification:</b> None.</p>
7		Global		KAFB	<p>Regulatory requirements under established regulatory documents do not need to be re-stated verbatim within</p>	<p>The comment seems to be inconsistent with what is expressed in Comment #14. See</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
					<p>the Permit document. Permit writers should identify requirements by citation only thereby decreasing the confusion inherent in such a verbose document. Other OB and OD permits from many other states with sound regulatory programs accomplish the same regulatory control with significantly shorter permits thereby enhancing potential for Permittee compliance.</p>	<p>NMED response to Comment #14.                      NMED is not bound by any law or any regulation to write RCRA permits in the same manner as other states.                      Because a Permittee may claim in their defense during an enforcement action that their permit replaces the requirements of the regulations, it is necessary for important permit conditions to be written verbatim or nearly verbatim with the applicable regulatory requirements. Furthermore, associated with these permit conditions other language may be inserted that demonstrates how the permit conditions will be met by the Permittee for their particular facility. Language may also be added that clarifies the NMED's interpretation of a regulation. Under omnibus authority (40 C.F.R. § 270.32(b)(2)), NMED also has the authority to include requirements in a RCRA permit that are not explicitly specified in the New Mexico Hazardous Waste Management Regulations (HWMR, 20.4.1 NMAC) if such requirements are necessary to protect human health and the environment.  <u>Permit Modification:</u> None.</p>
8		Global		KAFB	<p>References to Air Quality and Air Emissions requirements are not the regulatory responsibility of the NMED within Bernalillo County. Enforcement of these regulatory requirements is the responsibility of the Albuquerque Environmental Health Department, which holds the delegated authority to oversee the regulations. Placing these and other similar type regulatory requirements into the proposed permit could provide the Department with the opportunity to "double penalize"</p>	<p>The NMED regulates the Permittee for compliance with the New Mexico Hazardous Waste Act (HWA) and the HWMR. Contrary to what is stated in the comment, the HWA and the HWMR regulate releases to <i>all</i> environmental media, including releases of hazardous waste and hazardous constituents to air, soil, rock,</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
					KAFB in the event of a non-compliance action based on permit language.	<p>sediment, surface water, and groundwater. For specific examples of where RCRA applies to air emissions at hazardous waste management units, see the regulations at 40 C.F.R. Part 264 Subparts AA, BB, and CC. Additionally, the regulations at 40 C.F.R. § 264.601 (b) and (c) specifically apply to Subpart X miscellaneous units, such as the Permittee's OD Unit, with respect to releases to groundwater, surface water, surface soils, wetlands, and air. The Permittee must comply with all applicable requirements of 40 C.F.R. Part 264 Subpart X, including 40 C.F.R. § 264.601 (c)(5) which requires consideration of existing air quality, other potential sources of air contamination and their cumulative impacts on air.</p> <p><b>Permit Modification:</b> None.</p>
9		Global		KAFB	Reference to "Facility" in permit language needs to be appropriate to the permit intent and should be changed to "OB and OD Treatment Units" when in agreement with General Comment 1.	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The terms "Facility" and "OB and OD Treatment Units" do not mean the same thing. KAFB is the Facility; the OB and OD Units are hazardous waste management units that are located at the Facility.</p> <p><b>Permit Modification:</b> None.</p>
10	1	Cover	Header	KAFB	<p>(1) The document title on the cover page does not match the title in the document header.</p> <p>(2) Verify and correct as needed EPA ID number used on cover (NM9570042243) and headers in the permit</p>	<p>(1) The header in the document is an abbreviation of the title on the cover page. The title is not inserted in full form in the header of the final Permit because there is</p>

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
					<p>(NM9570024423). EPA ID number on the cover is not the same as in the headers in the report body.</p> <p>(3) Recommend changing both to read: "Draft Open Burning and Open Detonation Treatment Units Operating Permit - EPA ID No. NM 9570024423."</p>	<p>insufficient space.</p> <p>(2) The EPA ID# has been corrected on the cover page and headers in the final Permit.</p> <p>(3) NMED did not make the requested revision to the cover page and headers. Requirements and authorizations for the OB Unit have been removed from the final Permit (see NMED response to Comment #1). Thus, the cover page and headers in the final Permit do not refer to the OB Unit.</p> <p>Also, NMED generally issues a RCRA permit to a Permittee for a facility, not a particular hazardous waste management unit at a facility because of the desire to have but one permit for a facility (see NMED responses to Comments #1 and 9). Finally, NMED did not change the title of the cover page and the headers of the final Permit to refer to the final Permit as a <i>draft</i> document.</p> <p>However, NMED has changed the cover page of the final Permit to indicate that the Permittee is the U. S. Air Force instead of the U. S. Department of Defense. This change was made in order to match information that is included in Part A of the Permit Application</p> <p><b>Permit Modifications:</b> (1 and 3) None.</p> <p>(2)The EPA ID number on the cover page and headers has been corrected in the final Permit to read:</p> <p>“EPA ID No. NM9570024423”</p> <p>The cover page was changed in the final Permit to indicate that the Permittee is the U. S. Air Force. Non substantive changes were also made to the title shown on the</p>

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						cover page and headers (for example, the date of permit issuance was changed in the header and cover page)
11	1	1.0	Introduction	KAFB	Specify that the permit conditions apply to the Open Burn and Open Detonation "miscellaneous units."	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>Section 1.3 of the final Permit refers to the OD Unit as a miscellaneous unit, thus it is unnecessary to state the same fact in Section 1.0 of the final Permit. However, Section 1.0 of the final Permit was modified to indicate that the final Permit, like the draft Permit, also contains corrective action requirements for the Facility.</p> <p>See also NMED response to Comment #12.</p> <p><b><u>Permit Modifications:</u></b>            Section 1.0 specifies that permit requirements apply to the OD Unit. The relevant language states:  <i>This Permit Part (1) contains general requirements pertaining to hazardous waste management and treatment at the Open Detonation (OD) Unit and corrective action at the Kirtland Air Force Base (KAFB) Facility (see Figures 1-1 and 1-2, of this Permit Part, for a map view of the Facility and an aerial view of the OD Unit), as permitted under the New Mexico Hazardous Waste Act (HWA), New Mexico Statutes Annotated (NMSA) 1978, §§ 74-4-1 to 74-4-14.</i></p> <p>Section 1.3, paragraph 1, second sentence</p>

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						<p>refers to the OD Unit as a miscellaneous unit. The relevant language states:  <i>The OD Unit is classified as a miscellaneous unit under 40 C.F.R. Part 264 Subpart X.</i></p>
12	1	1.0		KAFB	<p>Permit Part 1 as written only applies to the OB/OD units and as such, all regulatory language pertaining to activities outside of the OB/OD units (including corrective action, treatment processes, and associated lands) should be removed from Permit Part 1.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.                      NMED did not make the requested revision. Permit Part 1 sets forth general permit requirements for the Facility that are not intended to be limited in their applicability to the OD Unit. This includes, for example, Sections 1.0-1.10, 1.12-1.19, 1.23, 1.25, 1.27-1.29, and 1.39.  <b>Permit Modification:</b> None.</p>
13	1	1.1		KAFB	<p>Recommend changing language to read: "... issues this Permit to Kirtland Air Force Base, hereafter ..."</p>	<p>The NMED did not make the requested revision. Permits are issued to a Permittee, which in this case is the U. S. Air Force; KAFB is the Facility.  <b>Permit Modification:</b> None.</p>
14	1	1.1		KAFB	<p>Direct regulatory citations should be verbatim and not paraphrased, unless specified, and should include a complete regulatory citation. Please include a correct citation to RCRA.</p>	<p>See NMED response to Comment #7. The RCRA citation is correct.  <b>Permit Modification:</b> None.</p>
15	1	1.2	Paragraph 1	KAFB	<p>The chapter is titled "General Permit Conditions" and should represent the conditions for the OB and OD Treatment Units for which the permit application was intended and written. The first paragraph of this chapter 1.0 INTRODUCTION properly states the purpose of this Part, but then subsequent writings state</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.                      See also NMED Response to Comment #12.  <b>Permit Modification:</b> None</p>

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					requirements not pertinent to the Part.	
16	1	1.2	Permitted Activity	KAFB	Specify that the permitted units are "miscellaneous units" used to treat hazardous waste rather than more traditional "treatment units."	Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1. Section 1.2 of the draft Permit has been moved to Section 1.3 of the final Permit. See NMED Response to Comment # 11. <b>Permit Modification:</b> See NMED Response to Comment #11.
17	1	1.2	Item a	KAFB	Recommend changing language to read: "One Thermal Treatment Unit composed of an explosive ordnance treatment unit used for open detonation/destruction of hazardous wastes and is identified as the OD Unit." Purpose of treatment of explosive wastes is previously identified in the first part of the paragraph and does not warrant restatement.	Part 1, Section 1.2 of the draft Permit is now Part 1, Section 1.3 of the final Permit. NMED agrees that the language in the draft Permit was redundant (see NMED response to Comment #1). Thus item "a" was deleted from the final Permit. <b>Permit Modification:</b> Item "a" of the second paragraph of Part 1, Section 1.2 of the draft Permit was deleted from the final Permit.
18	1	1.2	Item b	KAFB	Recommend changing language to read: "One Thermal Treatment Unit composed on an explosive ordnance treatment unit used for open burning/destruction of hazardous wastes and identified as the OB Unit." Purpose of treatment of explosive wastes is previously identified in the first part of the paragraph and does not warrant restatement.	Part 1, Section 1.2 of the draft Permit is now Part 1, Section 1.3 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1. <b>Permit Modification:</b> Item "b" of the second paragraph of Part 1, Section 1.2 of the draft Permit was deleted from the final Permit.
19	1	1.2		KAFB	Lines 7-9 should be changed to read: "This permit also establishes standards for closure and post-closure care	Part 1, Section 1.2 of the draft Permit is now Part 1, Section 1.3 of the final Permit.

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					of the OB-OD treatment units pursuant to the HWA and the HWMR."	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>NMED has revised the sentence to reference specifically the OD Unit as the sole permitted hazardous waste management unit at the Facility as requested. NMED has also modified the sentence to include reference to the requirements for corrective action (see NMED response to Comment #1).</p> <p><b>Permit Modification:</b></p> <p>The last sentence of the first paragraph of Section 1.3 of Permit Part 1 of the final Permit was changed to read:</p> <p><i>This Permit also establishes standards for closure and sets forth the requirements for corrective action to address releases of hazardous waste and hazardous constituents into the environment pursuant to the HWA and the HWMR.</i></p>
20	1	1.2		KAFB	Lines 15-17 should read: "This permit authorizes the treatment of hazardous wastes, including explosive wastes, only at the Open Burn and Open Detonation Units located at the EOD Range and at no other locations at the Facility."	<p>Part 1, Section 1.2 of the draft Permit is now Part 1, Section 1.3 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>NMED understands that the management of hazardous waste occurs at many places at the Facility. Thus, NMED revised the subject sentence to clarify that treatment <i>requiring a permit</i> is not authorized to be conducted at any other locations at the Facility.</p>

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						<p><b>Permit Modification:</b>                      The subject sentence now located in the 2<sup>nd</sup> paragraph of Section 1.3 of Part 1 of the final Permit has been modified to read:  <i>The Permittee shall not treat, without a permit, hazardous wastes at any other location at this Facility, except as provided in 40 C.F.R. § 270.1(c)(2).</i></p>
21	1	1.2		KAFB	<p>(1) Open burn/Open detonation of firearms has been a critical support function provided by KAFB to surrounding government agencies and departments including Bernalillo County Sheriffs, City of Albuquerque Police, Drug Enforcement Agency, and other DoD departments. All agencies have noted that such services provide a significant savings in their limited budgets and should be considered in line with destruction of Ordnance disposal/treatment. The loss of such services will negatively impact all agencies identified above. The activity poses little or no environmental impact when performed.</p> <p>(2) Thus, recommend changing last sentence to read:                      "This Permit also establishes standards for closure and post-closure requirements of the OB and OD Treatment Units, pursuant to the HWA and the HWMR."</p>	<p>Part 1, Section 1.2 of the draft Permit is now Part 1, Section 1.3 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>(1) NMED did not make the requested revision. While firearms may be solid wastes, it is questionable whether most firearms would be classified as hazardous wastes, and very unlikely, if ever, that firearms would be classified as reactive or ignitable hazardous wastes. Treatment of non-hazardous solid wastes, such as firearms, may require a separate permit from the NMED's Solid Waste Bureau under the New Mexico Solid Waste Management Regulations.</p> <p>(2) See NMED response to Comment #19.</p> <p><b>Permit Modification:</b> (1) None.                      (2) See NMED response to Comment #19.</p>
22	1	1.2	Permitted Activity	KAFB	<p>The last paragraph of this section poses the condition that OB or OD "of firearms or contraband that is not reactive or ignitable hazardous waste" is not authorized.</p>	<p>Part 1, Section 1.2 of the draft Permit is now Part 1, Section 1.3 of the final Permit. Requirements and authorizations for the OB</p>

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					<p>Section 5.1.1 of Permit Attachment 5 states that "Non-hazardous wastes (e.g., contraband, firearms) are also treated at the Open Burn Unit and Open Detonation Unit as a service in support of the various agencies listed in Table 5-1". This important service to the community should remain allowable; therefore, delete the last paragraph of Permit Part 1 Section 1.2.</p> <p>We currently dispose of weapons for various agencies that would be affected by this rule.</p>	<p>Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>See also NMED response to Comment #21.</p> <p>Accordingly, the 5<sup>th</sup> sentence of Section 5.1.1 of Attachment 5 of the draft Permit was deleted from the final Permit.</p> <p><b>Permit Modifications:</b></p> <p>The 5th sentence of Section 5.1.1 of Permit Attachment 5 of the draft Permit was deleted from the final Permit.</p> <p>See also NMED response to Comment #21.</p>
23	2	1.2.1		KAFB	<p>Please insert the statutory/regulatory citation of the self-regulating [self-implementing] provisions. If this statement refers to Table 2 of 40 C.F.R. § 271.1, then it appears that 40 C.F.R. § 271 is not adopted in accordance with NMAC 20.4.1.</p>	<p>Part 1, Section 1.2.1 of the draft Permit is now Part 1, Section 1.4 of the final Permit. NMED does not understand the comment. The statement (3<sup>rd</sup> sentence of the first paragraph of Section 1.4 ) does not apply directly to Table 2 of 40 C.F.R. § 271.1. The regulations at 40 C.F.R. § 271.1 concern the requirements for authorization of state hazardous waste programs and are, thus, not directly relevant to the final Permit. 40 C.F.R. § 271.1 has not been adopted into the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC.</p> <p><b>Permit Modification:</b> None</p>
24	2	1.2.1		KAFB	<p>Remove "The Permittee must also comply...imposed by statute or rule". It isn't EPA's place to govern self-implementing rules that are out of their purview. This would give them grounds to fine us on anything we are doing above and beyond the permit.</p>	<p>Part 1, Section 1.2.1 of the draft Permit is now Part 1, Section 1.4 of the final Permit. See NMED response to Comment #23.</p> <p><b>Permit Modification:</b> None</p>

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25	2	1.2.2	Effect of Inaccuracies in Permit Application	KAFB	The Part B permit application, Revision 1.0, is dated December 2005, not November 2005, as indicated in the first sentence. Revise for accuracy.	<p>Part 1, Section 1.2.2 of the draft Permit is now Part 1, Section 1.5 of the final Permit. NMED has corrected the error.</p> <p><b>Permit Modification:</b> NMED has revised the sentence referenced in the comment to read:</p> <p><i>This Permit is based on the information submitted in the Part B Permit application dated December 2005 and subsequent information, referred to as the Application.</i></p>
26	2	1.3		KAFB	The way we read this title NMED only has to state the federal regulations but can fine us on New Mexico regulations without having to print them. All regulatory guidance should be in the permit.	<p>Part 1, Section 1.3 of the draft Permit is now Part 1, Section 1.6 of the final Permit.</p> <p>The federal regulations are cited, in general, to make it easier to read the Permit. The federal regulations set forth the detailed regulatory requirements; the State regulations <i>incorporate by reference</i>, with certain exceptions, the federal regulations in their entirety.</p> <p>Moreover, the referenced language clearly states that the State regulations are applicable to the Permittee and that the State regulations will be the regulations enforced by the NMED. The State regulations are codified in the HWMR at 20.4.1 NMAC and are available at the NMED website at: <a href="http://www.nmenv.state.nm.us/Common/reg_s_idx.html">http://www.nmenv.state.nm.us/Common/reg_s_idx.html</a>.</p> <p>The U. S. Environmental Protection Agency (EPA) may enforce federal regulations for which the State has not been authorized to enforce.</p> <p><b>Permit Modification:</b> None.</p>

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27	4	1.6	Facility	KAFB	<p>The definition of KAFB or "Facility" appears to include all land under the control of the owner or operator. This statement could be inferred to include all tenant organizations such as Sandia National Laboratories (SNL) and could make KAFB liable for RCRA permit violations on SNL operated facilities and any other facilities. The only area that might be excluded in NMED's definition is SNL Technical Area III (Figure 1-1), Permit Attachment 1. See Comment 9.</p> <p>Recommend changing the language to read: "... means Kirtland Air Force Base (KAFB), including all contiguous land, structures, other appurtenances and improvements on the land under the control of the owner or operator seeking this permit under the HWA (See Map 1-1 in Permit Attachment 1, General Facility Information)."</p>	<p>Part 1, Section 1.6 of the draft Permit is now Part 1, Section 1.8 of the final Permit.</p> <p>The definition was meant to include all land under the control of the owner or operator. NMED did not make the requested revision as the recommended language is not really any different from that in the draft or final Permits. In particular, the recommended language in the comment still includes the phrase "land under the control of the owner or operator"</p> <p>NMED did delete the reference to Map 1-1, as this map (now Figure 1-1 in the final Permit) does not clearly differentiate between land under the control of the Permittee versus that under the control of other entities (like the U. S. Department of Energy).</p> <p><b>Permit Modification:</b> None.</p>
28	5	1.6	Hazardous Waste	KAFB	<p>Delete last sentence of the definition for hazardous waste.</p>	<p>Part 1, Section 1.6 of the draft Permit is now Part 1, Section 1.8 of the final Permit.</p> <p>NMED did not make the requested revision as the statutory definition of hazardous waste is broader than that of the regulatory definition, and thus, is more protective of human health and the environment, especially in matters related to corrective action. The Permittee is subject to the statutory definition of hazardous waste as Congress has waived the right of federal entities to claim sovereign immunity from state and local laws pertaining to hazardous wastes.</p> <p><b>Permit Modification:</b> None.</p>

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29	5	1.6	Permit	KAFB	Recommend changing language to read: "... means this permit, issued to the Permittee, pursuant to the HWA and the New Mexico Hazardous Waste Management Regulations to operate the open burn and open detonation hazardous waste treatment units (OB Unit and OD Unit) at KAFB, EPA ID No. . . ."	<p>Part I, Section 1.6 of the draft Permit is now Part I, Section 1.8 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>The word "Facility" means "KAFB" as indicated in the definitions listed in both the draft and final Permits, so the requested revision is not necessary.</p> <p>NMED has clarified that the term "Permit" authorizes only the operation of the OD Unit and also includes the requirements for corrective action for Facility solid waste management units (SWMUs) and areas of concern (AOCs).</p> <p><b>Permit Modification:</b> The definition of "Permit" was modified to read:</p> <p>"<b>Permit</b>" means this Permit, issued to the Permittee for the Facility, pursuant to the HWA and the New Mexico Hazardous Waste Management Regulations to conduct corrective action and to operate the OD Unit at the Facility, EPA ID No. NM9570024423, as it may be modified or amended.</p>
30	5	1.6	Permittee	KAFB	Recommend changing language to read: "... means United States Air Force, Kirtland Air Force Base, a military service within the Department of Defense."	<p>Part I, Section 1.6 of the draft Permit is now Part I, Section 1.8 of the final Permit.</p> <p>NMED has revised the definition to indicate that the Permittee is the U. S. Air Force to match information in the Part A Application.</p> <p><b>Permit Modification:</b> The definition of Permittee was revised to read in the final Permit:</p>

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						<p><i>“Permit” means this Permit, issued to the Permittee for the Facility, pursuant to the HWA and the New Mexico Hazardous Waste Management Regulations to conduct corrective action and to operate the OD Unit at the Facility, EPA ID No. NM9570024423, as it may be modified or amended.</i></p>
31	4& 5	1.6	SWMU	KAFB	<p>Definition of "SWMU" appears to apply at any area of the Facility: The definition of KAFB or "Facility" appears to include all land under the control of the owner or operator. This statement could be inferred to include all tenant organizations such as Sandia National Laboratories (SNL) and could make KAFB liable for RCRA permit violations on SNL operated facilities and any other facilities. The only area that might be excluded in NMED's definition is SNL Technical Area III (Figure 1-1), Permit Attachment 1. NMED needs to revise the definition of Facility to more accurately describe KAFB with regard to the draft permit. This definition may also apply to areas such as SNL and their SWMU which appear to be included in this OB/OD permit. The definition of SWMU needs to be revised to reflect this. May need legal comments from JA on the inter-relation of SNL and KAFB SWMUs.</p> <p>"Facility"--Identifying all of Kirtland as the facility would make us responsible for all agencies external to the Range complex. This permit should be governing our methods in the waste disposal process and the range.</p>	<p>Part 1, Section 1.6 of the draft Permit is now Part 1, Section 1.8 of the final Permit.</p> <p>The definition would apply to any area where solid wastes have been placed at any time, including any area where solid wastes have been routinely and systematically released.</p> <p>SNL SWMUs are not included in this Permit (see Table 1-3 of Attachment I of the final Permit which does not list any SNL SWMUs).</p> <p>See NMED responses to Comments #9 and 27.</p> <p>NMED did revise the definition of the related term "Area of Concern" (or AOC) to clarify that AOCs include areas and structures that have not been <b>fully</b> remediated.</p> <p><b>Permit Modification:</b> The definition of AOC in Section 1.8 of Part 1 of the final Permit was revised to:</p> <p><i>“Area of Concern” (AOC) means any area of the Facility under the control or ownership of the Permittee, which is not a solid waste management unit where a release of a hazardous waste or hazardous</i></p>

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						<p><i>constituent has occurred, or is suspected to have occurred regardless of the frequency or duration of the release. An area of concern includes areas and structures at which releases of hazardous waste or hazardous constituents were not fully remediated, including one time and accidental events.</i></p>
32	5	1.6	Last Paragraph	KAFB	<p>As written, KAFB could be held out of compliance based on new definitions inserted into the permit without its knowledge.</p> <p>Recommend changing the last paragraph of section to read: "If, . . . to this Permit. If the Department determines that such a change is needed, it will notify the Permittee in writing of this change prior to applying the new definition to the Permit."</p>	<p>Part 1, Section 1.6 of the draft Permit is now Part 1, Section 1.8 of the final Permit.</p> <p>The subject text was deleted from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
33	5	1.7	The Complete Permit	KAFB	<p>The first sentence indicates the complete permit consists of . . . Permit Parts 1 through 5 . . . There are 6 Parts listed. Revise for accuracy. Under Part 3, the listed title of this part is incomplete. It should read "Open Burn and Open Detonation Treatment Units".</p>	<p>Part 1, Section 1.7 of the draft Permit is now Part 1, Section 1.9 of the final Permit.</p> <p>The final Permit has been corrected to indicate the actual number of Permit Parts and Attachments. The titles of the Permit Parts and Attachments have also been corrected in the final Permit.</p> <p>See also NMED response to Comment #1 concerning reorganization of the final Permit.</p> <p>NMED also modified to the first sentence to indicate more specifically what was meant by the statement: "the regulations incorporated by reference into this Permit".</p> <p><b>Permit Modifications:</b> The first sentence of Section 1.9 in Permit Part 1 of the final</p>

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						<p>Permit has been revised to read:</p> <p><i>The complete Permit consists of the regulations incorporated by reference into this Permit (see Permit Section 1.6), the Permit requirements in Permit Parts 1 through 6, and Permit Attachments A through L.</i></p> <p>The rest of the Section was modified to address reorganization of the final Permit as discussed in NMED response to Comment #1. Thus, the Permit Parts and Attachments were revised to read in the final Permit:</p> <p><i>PART 1-GENERAL PERMIT REQUIREMENTS</i></p> <p><i>PART 2-GENERAL FACILITY REQUIREMENTS</i></p> <p><i>PART 3-OPEN DETONATION UNIT</i></p> <p><i>PART 4-CLOSURE</i></p> <p><i>PART 5-POST CLOSURE</i></p> <p><i>PART 6-CORRECTIVE ACTION REQUIREMENTS</i></p> <p><i>ATTACHMENT A-GENERAL FACILITY INFORMATION</i></p> <p><i>ATTACHMENT B-LIST OF AUTHORIZED HAZARDOUS WASTES</i></p> <p><i>ATTACHMENT C-WASTE ANALYSIS PLAN</i></p> <p><i>ATTACHMENT D-ANNUAL SOIL SAMPLING AND ANALYSIS PLAN</i></p> <p><i>ATTACHMENT E-INSPECTION PLAN</i></p> <p><i>ATTACHMENT F-CONTINGENCY PLAN</i></p> <p><i>ATTACHMENT G-PERSONNEL</i></p>

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						<p><i>TRAINING PLAN</i>  <i>ATTACHMENT H-CLOSURE PLAN</i>  <i>ATTACHMENT I-COMPLIANCE SCHEDULES</i>  <i>ATTACHMENT J-LIST OF HAZARDOUS WASTE MANAGEMENT UNITS</i>  <i>ATTACHMENT K-LIST OF SWMUS AND AOCs FOR WHICH CORRECTIVE ACTION IS COMPLETE</i>  <i>ATTACHMENT L-RESERVED FOR GROUNDWATER SAMPLING AND ANALYSIS PLAN</i></p> <p>See NMED Response to Comment #1.</p>
34	6	1.7	Part 2	KAFB	<p>Recommend changing language to read: "General OB and OD Treatment Unit Conditions".</p>	<p>Part 1, Section 1.7 of the draft Permit is now Part 1, Section 1.9 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>NMED did not make the requested revision. Permit Part 2 sets forth general requirements for the Facility. The OD Unit does not, by itself, comprise the Facility. However, NMED has revised the title by replacing the word "Condition" with the word "Requirement" (see NMED response to Comment # 431)</p> <p><b><u>Permit Modification:</u></b> The title for Permit Part 2 of the final Permit was revised to read:</p> <p><i>"PERMIT PART 2: GENERAL FACILITY REQUIREMENTS"</i></p> <p>The same revision is reflected in the list of</p>

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						Permit Parts and Attachments found in Section 1.9 of Permit Part 1 of the final Permit.
35	6	1.7	Attach 1	KAFB	Recommend changing language to read: "General OB and OD Treatment Unit Information".	Part 1, Section 1.7 of the draft Permit is now Part 1, Section 1.9 of the final Permit. Attachment 1 of the draft Permit is now Attachment A of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.  NMED did not make the requested revision. Attachment A of the final Permit provides general facility information -- the OD Unit does not, by itself, comprise the Facility.  <b>Permit Modification:</b> none.
36	6	1.7	Attach 3	KAFB	Delete.	Part 1, Section 1.7 of the draft Permit is now Part 1, Section 1.9 of the final Permit. Attachment 3 of the draft Permit has been deleted from the final Permit. See NMED responses to Comments #1 and 33.  <b>Permit Modification:</b> As indicated above.
37	7	1.10		KAFB	Since the draft RCRA permit applies to the OB/OD units only, the requirement for a permit modification for a land transfer anywhere on the "Facility" is not valid.	Part 1, Section 1.10 of the draft Permit is now Part 1, Section 1.13 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.  The Permit applies to the entire Facility. The OD Unit is only part of the Facility. There are SWMUs and AOCs on the Facility which require corrective action that are not located within the OD Unit. There

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						<p>may be SWMUs and AOCs on the Facility that have not yet been recognized and that will require corrective action. Additionally, the OD Unit must eventually be closed.</p> <p>NMED must ensure that all necessary corrective action, closure activities, and post-closure activities, if any, are adequately completed regardless of land transfers.</p> <p><b>Permit Modification:</b> None.</p>
38	7	1.10		KAFB	<p>This paragraph while loosely pertains to the EOD complex, largely refers to areas not associated with the EOD complex and needs to be removed from our permit.</p>	<p>Part 1, Section 1.10 of the draft Permit is now Part 1, Section 1.13 of the final Permit. See NMED response to Comment # 37.</p> <p><b>Permit Modification:</b> None.</p>
39	8	1.14	Permit Review	KAFB	<p>Except for permits that are for land disposal facilities (40 C.F.R. § 270.50(d)), RCRA regulations do not include a required mid-point regulator review of a TSDF permit nor does such a review address a required activity of the Permittee. The OB/OD units are not land disposal units. Furthermore, 40 C.F.R. § 270.41 authorizes modification or revocation/reissuance for "cause" or at Permittee request. The permit condition as written exceeds NMED authority. Delete this permit condition.</p>	<p>Part 1, Section 1.14 of the draft Permit is now Part 1, Section 1.17 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.</p> <p>Contrary to the comment, 40 C.F.R. § 270.41 authorizes the NMED to review a Facility's operating Permit at any time. The point of this Section is that it reminds the Permittee that this can happen.</p> <p>Nonetheless, NMED deleted the text about conducting a five-year review because the term of the permit is limited to 3 years.</p> <p><b>Permit Modification:</b> The first sentence of Section 1.17 of Part 1 of the final Permit has been revised to read:</p> <p><i>The Department may review this Permit at any time after the effective date of Permit issuance, and may modify this Permit as</i></p>

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						<i>necessary pursuant to § 74-4-4.2 of the HWA and 40 C.F.R. §§ 270.41, 270.50(b), and 270.50(d).</i>
40	9	1.19	Duty to Provide Information	KAFB	The second paragraph states "This Permit Condition (1.20) . . ." Revise for accuracy to read (1.19).	Part 1, Section 1.19 of the draft Permit is now Part 1, Section 1.21 of the final Permit. NMED has corrected the citation. <b>Permit Modification:</b> The sentence referenced in the comment has been revised to read in the final Permit: <i>The Permit requirements of this Section (1.21) shall not be construed to limit, in any manner, the Department's authority under the HWA, NMSA 1978, § 74-4-4.3, or RCRA § 3007(a), 40 C.F.R. § 270.30(i), or any other applicable law or regulation.</i>
41	9	1.19		KAFB	Define "reasonable time" and "relevant information".	Part 1, Section 1.19 of the draft Permit is now Part 1, Section 1.21 of the final Permit. The words "reasonable", "time", "relevant", and "information" have the same meanings as those defined by a standard dictionary reference. See Section 1.8 of Part 1 of the final Permit. <b>Permit Modification:</b> None.
42	9	1.20		KAFB	"IINSPECTION" should read "INSPECTION"	Part 1, Section 1.20 of the draft Permit is now Part 1, Section 1.22 of the final Permit. NMED has corrected the spelling of the word "inspection". <b>Permit Modification:</b> The title of Section 1.22 in Permit Part I of the final Permit has been corrected to read: <b>"1.22 INSPECTION AND ENTRY."</b>

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43	9	1.20		KAFB	NMED has access to the AR/IR, which contains the records/data requested	<p>Part 1, Section 1.20 of the draft Permit is now Part 1, Section 1.22 of the final Permit. The subject section addresses NMED's authority to conduct inspections. Including the fact that records in the AR/IR may be incomplete, inspections are not limited to the review of reports, work plans, or other paper documents (for example, see items 3 and 4 of Section 1.22 of Permit Part 1 of the final Permit).</p> <p><b>Permit Modification:</b> None.</p>
44	10	1.20	Inspection and Entry	KAFB	<p>Last paragraph references Permit Condition 1.21 – should be changed to 1.20.</p> <p>The last paragraph of this section states "This Permit Condition (1.21) . . ." Revise for accuracy to read (1.20).</p>	<p>Part 1, Section 1.20 of the draft Permit is now Part 1, Section 1.22 of the final Permit. NMED has corrected the erroneous citation.</p> <p><b>Permit Modification:</b> The subject sentence has been revised to read in the final Permit:  <i>The Permit requirements of this Section (1.22) shall not be construed to limit, in any manner, the Department's authority under the HWA, NMSA 1978, § 74-4-4.3, or RCRA, § 3007(a), 40 C.F.R. § 270.30(i), or any other applicable law or regulation.</i></p>
45	10	1.20		KAFB	Define what "equipment (including monitoring and control equipment)" is.	<p>Part 1, Section 1.20 of the draft Permit is now Part 1, Section 1.22 of the final Permit. The word "equipment" has the same meaning as that defined by a standard dictionary reference. See Section 1.8 of Part 1 of the final Permit.</p> <p>Furthermore, equipment is any of the equipment described or listed in any Part or Attachment of this Permit, and any equipment used to comply with the HWMR and this Permit that may not be listed in the</p>

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						Permit. For example: monitoring wells, sampling pumps, fire extinguishers, radios, and first-aid kits qualify as such equipment. <u>Permit Modification:</u> None.
46	10	1.21.1		KAFB	Representative sampling should focus on what is applicable to military munitions, which do not present a safe opportunity for sampling. Most waste characterization is based on "Acceptable Knowledge" for this type of waste because any attempt to sample is both cost prohibitive and dangerous. Again by combining restoration activities for the rest of KAFB with requirements for the OB and OD Treatment Units, substantial confusion is introduced. The first sentence refers to "representative samples and measurements" - Please insert regulatory citation for this requirement and identify and insert the required sampling frequencies. General Revision. We don't and can't sample munitions.	Part 1, Section 1.21.1 of the draft Permit is now Part 1, Section 1.23.1 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.  The subject Section does not require all waste munitions to be sampled. Instead, it states what must be done to obtain representative samples if sampling is necessary. In most cases, NMED believes that waste munitions can be adequately characterized by Acceptable Knowledge. However, there may be cases where Acceptable Knowledge is inadequate and sampling is safe to do. Furthermore, treatment residues and environmental media will also have to be sampled and analyzed for hazardous waste and constituents.  Any person that generates a waste (such as, treatment residue) must determine if that waste is a hazardous waste (40 C.F.R. § 262.11). Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under 40 C.F.R. § 264.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes (40 C.F.R. § 264.13(a)(1)). NMED has added to

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						<p>the final Permit the regulatory citation to 40 C.F.R. § 264.13(a)(1).                      Sampling frequencies will vary and it is not possible to identify in this Permit all situations in advance where sampling may be necessary and required sampling frequencies.                      See also NMED Response to Comment #1 concerning the corrective action requirements of this Permit and the comment about "combining restoration activities for the rest of KAFB with requirements for the OB and OD Treatment Units".  <u><b>Permit Modification:</b></u> The first sentence of Section 1.23.1 of Permit Part 1 of the final Permit was revised to read:  <i>The Permittee shall take representative samples and measurements in accordance with the procedures in this Permit and 40 C.F.R. § 264.13(a)(1).</i></p>
47	10	1.21.1		KAFB	KAFB does not store hazardous waste at the OB/OD Units and word "store" should be deleted from the last sentence of this paragraph.	<p>Part 1, Section 1.21.1 of the draft Permit is now Part 1, Section 1.23.1 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1.                      NMED did not make the requested revision. The Permittee will have to store some waste at the Facility (other than at the OD Unit). For example, treatment residues may need storage prior to offsite treatment and disposal. Proper storage of waste requires adequate knowledge of the chemical and</p>

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						physical properties of waste. <b>Permit Modification:</b> None.
48	10	1.21.2		KAFB	Because of the attempt to combine restoration and OB and OD Treatment Unit activities into a single permit, many of the records/documents specified do not apply to an OB and OD Treatment Unit permit and should be deleted to conform to Comment 1. Recommend changing 1 <sup>st</sup> sentence to read: "The Permittee shall retain the following OB and OD records until completion of closure. . ."	Part 1, Section 1.21.2 of the draft Permit is now Part 1, Section 1.23.2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1. NMED did not make the requested revision as corrective action and related corrective action documents are necessary requirements of this Permit. Additionally, it is possible that the OD Unit may not be clean closed, and if so, would require post-closure care extending the time required to keep records. See NMED's Response to Comment #12. <b>Permit Modification:</b> None.
49	10	1.21.2	Bullet 1	KAFB	KAFB does not collect or maintain any calibration, maintenance records or strip chart recordings for continuous monitoring instrumentation because no regulatory requirement for such instrumentation exists for the Units.	Bullet 1 of Part 1, Section 1.21.2 of the draft Permit is now item #20 of Part 1, Section 1.23.2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1. Calibration data, maintenance records, and strip chart recordings shall be retained by the Permittee as required under 40 C.F.R. § 270.30(j). The requirement does not apply to only the OD Unit. For example, the Permittee must collect and retain data for periodic soil and groundwater sampling, as well as calibration and maintenance records related to such sampling.

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						<p>The requirement refers to periodic monitoring in addition to any continuous monitoring that could be conducted. Just because the Permittee does not obtain strip chart recordings at present at the OD Unit or any other location at the Facility does not mean that such recordings will not be generated in the future. Also, if for no other reason than for conducting corrective action, the Permittee should be currently maintaining calibration and maintenance records of sampling equipment as part of a quality assurance plan.</p> <p><b>Permit Modification:</b> None.</p>
50	11	1.21.2		KAFB	<p>Language in last bullet is too broad and undefined. Recommend changing to read: "All other corrective action reports, work plans and associated documents related to actions required by this Permit."</p>	<p>The last bullet of Part 1, Section 1.21.2 of the draft Permit is now item #15 of Part 1, Section 1.23.2 of the final Permit.</p> <p>The language in the requirement is intended to be broad to capture all corrective action documents and data not specifically listed under the bullets in Section 1.21.2 of Permit Part 1 of the draft Permit.</p> <p><b>Permit Modification:</b> None.</p>
51	10	Record Retention 1.21.2		KAFB	<p>The list of records exceeds the requirements for recording and reporting of monitoring results specified in 40 C.F.R. § 270.31, the operating record requirements of 40 C.F.R. § 264.73(b), and the closure plan requirements of 40 C.F.R. § 264.112(b). None of these requirements make sense from a munitions disposal stand point. Revise this permit condition to reflect RCRA requirements.</p>	<p>See NMED response to Comment 1. Part 1, Section 1.21.2 is now Part 1, Section 1.23.2.</p> <p>The comment is not specific as to which items in the list exceed the requirements for record keeping. NMED has reviewed the list and believes that all items listed are appropriate for the Facility, including record requirements for corrective action.</p> <p><b>Permit Modification:</b> None.</p>

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52	11	Monitoring Records Contents 1.21.3	1 - 12	KAFB	<p>(1) Qualifications of individuals performing sampling and/or measurements are not currently documented in each monitoring round. 40 C.F.R. § 270.30(j)(3) does not require documenting the qualifications of such individuals. Pursuant to 40 C.F.R. § 270.30(j)(3), monitoring information is only required to have the (i) date, exact place, and time of sampling or measurement; (ii) the individual(s) who performed the sampling or measurements; (iii) the date(s) the analyses were performed; (iv) the individual(s) who performed the analyses; (v) the analytical techniques or methods used; and (vi) the results of such analyses.</p> <p>(2) The names and qualifications of the analytical chemists for off-site laboratories are not typically provided in standard laboratory data packages for site investigation analyses. 40 C.F.R. § 270.30(j)(3) does not require documenting the qualifications of such individuals. Recommend changing the language to read: "The names of the individuals who performed the analyses, if the sample is used for waste characterization and disposal purposes."</p> <p>(3) Recommend changing the language to read: "The names of the individuals who performed the sampling or measurements."</p> <p>(4) 40 C.F.R. § 270.30(j) requires items 1, 2, and 4-7 (except that the "qualifications" of the individuals performing sampling, measurements, or analyses are not required by RCRA). Items 8-12 are not required by 40 C.F.R. § 270.30(j). Delete the items listed that are not RCRA requirements.</p>	<p>Part 1, Section 1.21.3 of the draft Permit is now Part 1, Section 1.23.1.1 of the final Permit.</p> <p>(1 and 3) NMED has removed from the final Permit the requirement to record the qualifications of those conducting sampling or measurements. However, as pointed out in the comment, the names of those conducting sampling or measurements must be included in monitoring information as required under 40 C.F.R. § 270.30(j)(3). The requirements for monitoring information apply to waste and media characterization, not to just "waste characterization and disposal purposes".</p> <p>(2) NMED has removed from the final Permit the requirement to record the names and qualifications of those conducting laboratory analysis.</p> <p>(3) The recommended revision was made to the final Permit.</p> <p>(4) The name and address of the laboratory should be no burden for the Permittee to record, and items 8-12 are critical information to prove that data are reliable, representative, and of high quality and if any conditions need to be imposed on the use of data. The NMED may impose additional requirements in a permit under the provisions of its omnibus authority under 40 C.F.R. § 270.32(b)(2), as necessary to protect human health and the environment. Maintaining records demonstrating that data are reliable, representative, of high quality, and concerning any restrictions on the use of</p>

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						<p>data is vital to the protection of human health and the environment because of the impact data have on reaching final decisions. Also, maintaining data validation results and calibration data is a critical part of all well-prepared quality assurance plans. Thus, the requirement to record such information has been retained in the final Permit.</p> <p><b>Permit Modifications:</b> (1 and 3) Item 2 of Section 1.23.1.1 of Permit Part 1 of the final Permit has been revised to read:</p> <p><i>2. The names of the individuals who performed the sampling or measurements</i></p> <p>(2) Item 5 of Part 1, Section 1.21.3 of the draft Permit has been deleted from the final Permit</p>
53	11	1.21.3	12	KAFB	<p>Data used for waste management and disposal is usually not validated. Usually, only quality control, detection limits, and data qualifiers are evaluated. Data validation is usually performed when evaluating the nature and extent of contamination studies. Recommend changing the language to read: "12. Data validation results, for data used to evaluate nature and extent of environmental contamination."</p>	<p>Part 1, Section 1.21.3 of the draft Permit is now Part 1, Section 1.23.1.1 of the final Permit.</p> <p>NMED did not make the requested revision. All analytical data required by the Permit should be validated, including data used to characterize waste. The validation process is intended to result in data that are officially sanctioned, and thus the data are appropriate for use in making regulatory and technical decisions and conclusions except as restricted by data qualifiers.</p> <p>Evaluation of quality control data, detection limits and data qualifiers are part of the data validation process.</p> <p>See also NMED response to Comment #52.</p>

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						<b>Permit Modification:</b> None.
54	11	1.21.3		KAFB	What are we monitoring?	<p>Part 1, Section 1.21.3 of the draft Permit is now Part 1, Section 1.23.1.1 of the final Permit.</p> <p>These are general requirements for all monitoring done under this Permit at the Facility.</p> <p>Below are some examples of monitoring required by the final Permit once it becomes effective.</p> <ol style="list-style-type: none"> <li>1. Monitoring of groundwater will be conducted at the OD Unit and at corrective action sites (See for example Section 3.5 of Permit Part 3 and Section 6.4.1.3 of Permit Part 6 of the final Permit).</li> <li>2. Monitoring of soil will be conducted at the OD Unit (see Section 3.4 of Permit Part 3 and Permit Attachment D of the final Permit)</li> </ol> <p><b>Permit Modification:</b> None.</p>
55	12	1.24		KAFB	<p>Section 1.24 states that "If any permitted unit is modified, the Permittee shall not treat or store hazardous waste in the modified portion of the permitted unit, unless the following conditions have been satisfied". However, 40 C.F.R. § 270.30(1)(2) adds the text "except as provided in 40 C.F.R. § 270.42". This allows the agency to issue temporary authorizations to protect human health and the environment (see 40 C.F.R. § 270.42[e]).</p> <p>Recommend changing the language to read: "If any permitted unit is modified, the Permittee shall not treat</p>	<p>Part 1, Section 1.24 of the draft Permit is now Part 1, Section 1.26 of the final Permit. NMED agrees with the comment.</p> <p><b>Permit Modification:</b> The first sentence of Section 1.26 of Permit Part 1 of the final Permit has been revised to read:</p> <p><i>If the OD Unit is modified, the Permittee shall not treat or analyze hazardous waste in the modified portion of the OD Unit, except as provided in 40 C.F.R. § 270.42, unless the following requirements have been</i></p>

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					or store hazardous waste in the modified portion of the permitted unit, except as provided in 40 C.F.R. § 270.42, unless the following conditions have been satisfied.”	<i>satisfied:...</i>
56	12	1.24		KAFB	What is the definition of "independent" with regards to professional engineer? 40 C.F.R. § 270.30(1)(2) only specifies that the professional engineer be licensed. An engineering company contracted by KAFB to do construction or modification work on a permitted unit will provide professional engineering services as specified in a contract. Would this qualify as independent?	<p>Part 1, Section 1.24 of the draft Permit is now Part 1, Section 1.26 of the final Permit. The word "independent" has the same meaning as that defined by a standard dictionary reference.</p> <p>In the context of the final Permit, "independent" means not an employee of the Permittee. Contractors are independent of the Permittee.</p> <p>The use of an independent registered professional engineer provides a third party, ideally unfettered assessment that a particular modification of a permitted unit meets the requirements of its Permit and the regulations. The NMED retains the right to inspect the modification and make its own decision concerning whether the modification requires the permit to be modified, and whether a permit modification request should be approved.</p> <p><b><u>Permit Modification:</u></b> None.</p>
57	12-14	1.25	1	KAFB	This subsection requires submission of information not specified in 40 C.F.R. § 270.30(1)(i and ii). List should be changed to comply with C.F.R.. (i.e. Requirements IAW the regulatory citation for Oral Reports does not include the stated requirement in the draft permit language for 1.b.i or 1.b.ix. The requirements for Oral Reporting should only reflect those stated in the regulations 40 C.F.R. § 270.30(1)(6).	<p>Part 1, Section 1.25 of the draft Permit is now Part 1, Section 1.27 of the final Permit. NMED did not make the requested revision. The language in 1.b.i is directly supported by the regulations at 40 C.F.R § 270.30(1)(6)(ii) which state "The description of occurrence and its cause...".</p> <p>The NMED may impose additional</p>

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						<p>requirements under 40 C.F.R. § 270.32(b)(2) as necessary to protect human health and the environment.</p> <p>The NMED imposes the requirement in 1.b.ix in accordance with 40 C.F.R. § 270.32(b)(2) because it is reasonable and prudent for the NMED, given the agency's authority and mission, to question a Permittee about how they intend to reduce, eliminate, and prevent recurrence of a noncompliance which has or had the potential to threaten human health or the environment.</p> <p><b>Permit Modification:</b> None.</p>
58	12-14	1.25	2	KAFB	<p>This subsection requires submission of information not specified in 40 C.F.R. § 270.30(1)(i and ii). List should be changed to comply with C.F.R.. (i.e. Request the NMED consider submittal of any written report required from this citation within 15 days (as allowed by the regulation) as opposed to 5 days which is insufficient time to generate and gain approval for such a submission.)</p>	<p>Part 1, Section 1.25 of the draft Permit is now Part 1, Section 1.27 of the final Permit. NMED did not make the requested revision concerning the types of information that must be submitted. The comment, concerning written reports of noncompliance, did not specify what in the list did not correspond with the requirements in the regulations. However, the NMED assumes that the comment refers to the same requirements referenced in Comment #57 about oral reports for noncompliance. See NMED response to Comment #57.</p> <p>NMED also did not change the requirement to submit the written report within 5 days. As indicated in the last sentence of Section 1.27 of Permit Part 1 of the final Permit, with good cause the NMED may extend the due date up to 15 days. However, the NMED will not grant an automatic</p>

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						<p>extension to 15 days via the final Permit because a noncompliance with the Permit could lead to an imminent and substantial endangerment of human health or the environment. A situation could be so grave that the NMED would immediately require the Permittee to correct the problem.</p> <p><b>Permit Modification:</b> None.</p>
59	12	1.25.1	Twenty-Four Hour and Subsequent Reporting	Excel/ Peak TCI Comments	In Item 1.b, replace "a" before fire in the second line with "an unplanned".	<p>Part 1, Section 1.25 of the draft Permit is now Part 1, Section 1.27 of the final Permit. NMED did not restrict the language to refer only to unplanned fires. The OD Unit should not be operated in such a way that the detonation of waste could set fire to the environment or endanger human health.</p> <p><b>Permit Modification:</b> None.</p>
60	13	1.25.2		Excel/ Peak TCI Comments	In the "Written Report" paragraph, change "become" to "becomes". In Item 2.b, replace "a" before fire in the second line with "an unplanned".	<p>Part 1, Section 1.25 of the draft Permit is now Part 1, Section 1.27 of the final Permit. NMED has changed the word "become" to "becomes" to correct the grammar of the first sentence under Section 1.27(2) of Permit Part 1 of the final Permit.</p> <p>NMED did not restrict the language to refer only to unplanned fires or explosions. See NMED response to Comment #59.</p> <p><b>Permit Modification:</b></p> <p>The first sentence of Section 1.27 (2) of Permit Part 1 of the final Permit has been revised to read:</p> <p><i>Non-Compliance Written Report - The Permittee shall also submit a written report within five calendar days from the time the Permittee becomes aware of the</i></p>

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						<i>circumstance of any noncompliance.</i>
61	14	1.26		KAFB	Delete from Part I of permit. OB and OB treatment units are subject to the attached closure plan.	<p>Part I, Section 1.26 of the draft Permit is now Part I, Section 1.29 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not delete corrective action requirements from the permit. See NMED response to Comment 1.</p> <p>Aside from the numerous SWMUs and AOCs at the Facility that already require corrective action, the OD Unit may also become subject to corrective action if there should be a release of hazardous waste or constituents at the Unit where the release is not adequately cleaned up under implementation (or lack of implementation) of the Contingency Plan.</p> <p><b><u>Permit Modification:</u></b> None</p>
62	14	1.27		KAFB	KAFB will not waive its right to raise any and/or all objections in an administrative or judicial action/proceeding. Section must be deleted or reworded to preserve that right.	<p>Section 1.27 of Part I of the draft Permit is now Section 1.30 of Part I of the final Permit.</p> <p>NMED has revised the text for purpose of clarification, however, the requirement was retained in the final Permit. The Permittee can not prevent the Department from using in an administrative or judicial action any information that the Department has available to enforce a provision of the Permit.</p> <p><b><u>Permit Modification:</u></b> Section 1.30 of Part I of the final Permit has been revised to read:</p>

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						<p><i>The Permittee waives any objection to the admissibility as evidence of any data required by this Permit in any administrative or judicial action to enforce a condition of this Permit.</i></p>
63	14	1.28		KAFB	<p>Recommend changing language to read: “. . . all instances of OB and OD non-compliance not otherwise . . .” See Comment 1.</p>	<p>Part 1, Section 1.28 of the draft Permit is now Part 1, Section 1.31 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did make the requested revision to delete the word “other”, but did not restrict reporting instances of noncompliance to the OD Unit only. Instances of noncompliance may apply to corrective action or many other things. See NMED response to Comment 1.</p> <p><b>Permit Modification:</b> The first sentence of Section 1.31 of Part 1 of the final Permit has been revised to read:</p> <p><i>The Permittee shall report all instances of noncompliance not otherwise required to be reported under this Permit at the time monitoring reports are submitted.</i></p>
64	14	1.28	Other Non-compliance	KAFB	<p>It appears the reference to Permit Condition 1.26 should actually be a reference to 1.25.</p> <p>Should the Permit Condition 1.26 in the third line actually read Permit Condition 1.25?</p>	<p>Part 1, Section 1.28 of the draft Permit is now Part 1, Section 1.31 of the final Permit. NMED has corrected the error.</p> <p><b>Permit Modification:</b> The second sentence in Section 1.31 of Permit Part 1 of the final Permit has been revised to read:</p> <p><i>The reports shall contain the information</i></p>

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						<i>listed in Permit Section 1.27.1. [40 C.F.R. § 270.30(l)(10)].</i>
65	14	1.29	Signatory and Certification Requirements	KAFB	Revise this sentence by inserting "other" after the first "or" and by inserting "requested by the Secretary" after "information", per 40 C.F.R. § 270.11(b).	<p>Part 1, Section 1.29 of the draft Permit is now Part 1, Section 1.32 of the final Permit. NMED has inserted the word "other" as suggested by the comment.</p> <p>NMED did not insert the phrase "requested by the Secretary". Most of the information that must be submitted to the NMED is required by the Permit or the HWMR.</p> <p>Also, although the NMED Secretary may request information from the Facility, in most cases information requests are generated at lower levels within the NMED. Most information exchanges between the Permittee and the NMED do not need to be done at the highest levels within the NMED or the Permittee's organization.</p> <p><b><u>Permit Modification:</u></b> Section 1.32 of Part 1 of the final Permit has been revised to read:</p> <p><i>The Permittee shall sign and certify all applications, reports, or other information submitted to the Department or required by this Permit, in accordance with 40 C.F.R. § 270.11(a)(3).</i></p> <p><i>The Permittee shall provide, upon request by the Department, notification and certification statements associated with the treatment of hazardous wastes in compliance with 40 C.F.R. § 268.7 and § 268.9.</i></p>
66	15	1.32		KAFB	KAFB established an IR/AR for restoration activities on the facility prior to the request in this draft permit and it	Part 1, Section 1.32 of the draft Permit is now Part 1, Section 1.35 of the final Permit.

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					<p>is applicable to those restoration activities and not the active OB and OD Treatment Units.</p> <p>Recommend moving this Section to the recommend Corrective Action Section of the Permit.</p>	<p>NMED did not make the requested revision. The NMED does not intend for the data in the information repository to be limited solely to the topic of corrective action. Additionally, the IR/AR will not be accessible to the public where members of the public do not have access to the internet.</p> <p><b>Permit Modification:</b> None.</p>
67	16	1.33	Table 1-1 (Other Submittals / Reports)	KAFB	<p>(1) Facility Submission Requirements column– change to read “OB and OD Treatment Units</p> <p>(2) Submission Requirements”: numerous entries cite an improper permit “Part” including those for “Non-Compliance Oral Report”, “Non-Compliance Written Report”, and “Certificate of Construction or Modification”; Biennial Reports – add space between Part and 2.</p> <p>The parts referenced for Non-Compliance Oral Report, Non-Compliance Written Report, and Certification of Construction or Modification appear to be incorrect and should be revised.</p> <p>(3) The Notification and Certification Statements requirement should read “One-Time Notices and Certifications”. It should also reference the appropriate tables in Permit Attachment 5.</p> <p>(4) Other Submittals/Reports – Certification of Constructions or Modification should reference Section 1.24, not Section 1.25.</p> <p>(5) Facility Submission Requirements – Well Completion Report due date should be changed to 90 days, in that 30 days is not a sufficient time period to obtain the well record, boring logs, laboratory data, etc.</p> <p>(6) Facility Submission Requirements – Corrective Action items need to be removed from Part 1 and</p>	<p>Part 1, Section 1.33 of the draft Permit is now Part 1, Section 1.36 of the final Permit. Table 1-1 of Part 1 of the draft Permit is now Table 1-1 in Attachment 1 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>(1) The NMED did not change the subtitle for the column “Facility Submission Requirements” because the content of Permit Part 1 is not restricted to the OD Unit. However, NMED deleted the row subtitles “Biennial Reports”, “Annual Reports”, and “Other Submittals/Reports” as they are unnecessary.</p> <p>(2 and 4) NMED has corrected the erroneous section citations. NMED added a space between the word “Part” and the number “2”.</p> <p>(3) The row for “Notification and Certification Statements” was deleted from Table 1-1 of the final Permit.</p> <p>(5) Analytical laboratory data are not required in well completion reports, thus, it should not be a burden to submit well</p>

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					<p>inserted into a Corrective Action Section not pertaining to the OB and OD Treatment Units Section (i.e. "Human Risk Screening ----", "General Facility Information", "Reports of Potential Receptors", "Surface Water and ----", "Air Contamination Report", "Subsurface Gas Report", "CMS Work Plan ----", "CMS Report: ----", and "Military Munitions Assessment Report"). See Comment 1.</p>	<p>completion reports in 30 days. Thus, NMED did not make this change.</p> <p>(6) NMED has moved the submittals for corrective action to Table I-2 of Permit Attachment I of the final Permit. The report on Human Risk Screening is related to the OD Unit and not corrective action. Thus this report was retained in Table I-1. The requirements for the air contamination and subsurface gas reports were removed from the final Permit.</p> <p><b><u>Permit Modifications:</u></b></p> <p>(1) In Table I-1 of Attachment I of the final Permit, the rows subtitled "Biennial Reports", "Annual Reports", and "Other Submittals/Reports" have been deleted.</p> <p>(2 and 4) Under the heading <b>Facility Submission Requirements</b> the erroneous section citations have been corrected.</p> <p>(3) The row for "Notification and Certification Statements" was deleted from Table I-1 of the final Permit.</p> <p>(6) NMED has moved the submittals for corrective action to Table I-2 of Permit Attachment I of the final Permit. The requirements for the air contamination and subsurface gas reports were removed from the final Permit.</p>
68	16-17	Table I-1		KAFB	<p>Add agency(ies) that is responsible for actions. The "Permittee" is a broad term.</p>	<p>Part 1, Section 1.33 of the draft Permit is now Part 1, Section 1.36 of the final Permit. Table I-1 of Part 1 of the draft Permit is now Table I-1 in Attachment I of the final Permit.</p> <p>NMED did not make the requested revision.</p>

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						<p>The Permittee is solely responsible under the Permit for submitting all of the documents required under the Permit. Permittee specifically refers to the U. S. Air Force as defined in Section 1.8 of Permit Part 1 of the final Permit.</p> <p><b>Permit Modification:</b> None.</p>
69	17	Table 1-1		KAFB	<p>(1) The "Human Risk screening exceedances of SSLs" should have caps for "Screening" and "Exceedances".</p> <p>(2) Under General Facility Information, should the referenced section read Part 4, Section 4.2.1?</p> <p>(3) For due date of CMS Work Plan where it says "Upon Department request", Permit Part 5, Section 5.1.1 states within 180 days after effective date.</p> <p>(4) Under Military Munitions Assessment Report, in Permit Part 5, Section 5.1.2, it is called a Military Range Assessment Report. Revise as appropriate for consistency.</p>	<p>Part 1, Section 1.33 of the draft Permit is now Part 1, Section 1.36 of the final Permit. Table 1-1 of Part 1 of the draft Permit is now Table 1-1 in Attachment 1 of the final Permit.</p> <p>(1) The NMED has capitalized the words "screening" and "exceedances" in the table in the final Permit.</p> <p>(2) The NMED has added a reference to clarify that the "General Facility Information" requirement in the table refers to Section 6.2.1.1 of Permit Part 6 of the final Permit.</p> <p>(3) NMED has corrected the due date for CMS Work Plan (for landfills with contents not removed) to within 180 days of the effective date of the Permit. "CMS" has been changed to "CME" (see NMED response to Comment #1).</p> <p>(4) NMED has corrected the name from "Military Munitions Assessment Report" to "Military Range Assessment Report".</p> <p><b>Permit Modifications:</b> As indicated above.</p>
70	17-18	1.34		KAFB	<p>All requirements not specific to the OB and OD Treatment Units should be removed from this section. See Comment 1.</p>	<p>Part 1, Section 1.34 of the draft Permit is now Part 1, Section 1.38 of the final Permit. Requirements and authorizations for the OB</p>

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					<p>Also, please insert a NMED document review and approval schedule for reviewing and approving submitted KAFB documents, including work plan approvals.</p>	<p>Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>See NMED responses to Comments #1 and 6. The final Permit sets forth requirements that the Permittees – not the NMED -- must abide by. However, there are review schedules in 20.4.2. NMAC for which NMED has a responsibility to meet. Revisions to Section 1.38 of Part 1 of the final Permit include by coincident these schedules.</p> <p><b>Permit Modification:</b> The following sentence was added to Section 1.38 of Part 1 of the final Permit that references 20.4.2 NMAC:</p> <p><i>All documents that the Permittees prepare under the terms of this Permit and submit to the Department that are subject to the requirements of 20.4.2 NMAC shall be subject to the procedures set forth therein.</i></p>
71	18	1.34	Bullet 8	KAFB	<p>Delete. The requirement cited applies to "certain waste piles" or "surface impoundments for which the Permittee intends to remove or decontaminate the hazardous waste at partial or final closure. The OB and OD Treatment Units do not treat waste in waste piles or surface impoundments. Therefore this requirement, as cited in 40 C.F.R. § 264.112(a), should not be applicable.</p>	<p>Part 1, Section 1.34 of the draft Permit is now Part 1, Section 1.38 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED assumes that the comment actually refers to Bullet 8 of Section 1.37 of Permit Part 1 of the draft Permit, rather than Section 1.34. Bullet 8 required maintaining a contingent post-closure plan. This requirement has been deleted from the final Permit.</p>

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						<b><u>Permit Modification:</u></b> As indicated above.
72	18	1.35		KAFB	Please provide the definition of "inadequate". This statement is very arbitrary and subjective in nature and leaves the Permittee at the mercy of NMED personnel who might not have the technical background nor are qualified to ascertain whether a submittal is "inadequate". Suggest striking the term "inadequate". NMED sends out Notices of Deficiency not Notices of Inadequacy.	The relevant language of Part 1, Section 1.35 of the draft Permit is now located in Part 1, Section 1.38 of the final Permit. NMED did not make the requested revision. The word "inadequate" has the same meaning as that defined by a standard dictionary reference. NMED personnel are trained and qualified to review most types of technical information. However, NMED retains the services of qualified and trained contractors where technical assistance is needed. <b><u>Permit Modification:</u></b> None.
73	21	Part 2		KAFB	Title should read: "Permit Part 2: General OB and OD Treatment Units Conditions" See Comment 1.	Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. NMED disagrees with the comment as the content of Permit Part 2 covers more than the OD Unit. For example, inspections, requirements for remediation wastes, and biennial reports are not limited to the OD Unit. See also NMED response to Comment #33. <b><u>Permit Modification:</u></b> See NMED response to Comment #33.
74	21	2.0		KAFB	Recommend changing language to read: "Permit . . . applicable to the OB and OD Treatment Units."	Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. NMED did not make the requested revision.

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						See NMED response to Comment #73. <b>Permit Modification:</b> None.
75	21	2.1	Paragraph 1	KAFB	<p>(1) Heading should read "Operation of the OB and OD Treatment Units.</p> <p>(2) Recommend changing the 2<sup>nd</sup> and 3<sup>rd</sup> sentence to read: "The Permittee may store hazardous wastes elsewhere on KAFB, as provided in 40 C.F.R. § 262, Standards Applicable to Generators of Hazardous Waste."</p> <p>(3) Delete last sentence of paragraph, in that KAFB does not store hazardous waste at the OB and OD Treatment Units. See Comment 1.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>(1) The requirements in paragraph 2 of Section 2.1 of Part 2 of the draft Permit were combined with Section 3.2.1 of Permit Part 3 of the final Permit. Part 3 of the final Permit mostly covers operation of the OD Unit.</p> <p>(2-3) The text that is the subject of the comment has been deleted from the final Permit as it was redundant with language found in Section 1.3 of Part 1 of the final Permit. Section 1.3 of Part 1 of the final Permit allows storage of waste as provided under 40 C.F.R. § 262.34 (b). See also NMED response to Comment #20.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
76	21	2.1		KAFB	If a situation arises that a detonation or burn cannot be completed the City gives us 2 weeks. Why only 24 hrs from EPA? Do they have jurisdiction regarding such event?	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The subject requirement, which is the last paragraph of Section 2.1 of Permit Part 2 of the draft Permit only addresses open burning at the OB Unit. Thus, the requirement was deleted.</p> <p><b>Permit Modification:</b> As indicated above.</p>
77	21	2.1	Operation of	KAFB	In the second paragraph, insert "unplanned" between	Requirements and authorizations for the OB

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			the Facility		"any" and "sudden" in the second line.	<p>Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The requirements in paragraph 2 of this Section (2.1) of Part 2 of the draft Permit were combined with Section 3.2.1 of Permit Part 3 of the final Permit.</p> <p>NMED did not restrict the language to refer only to unplanned releases. The OD Unit should not be operated in such a way that hazardous waste and hazardous constituents could be released at concentrations posing a threat to human health or the environment, whether the release was planned or not.</p> <p><b>Permit Modifications:</b> None.</p>
78	21	2.2		KAFB	Heading should read "General OB and OD Treatment Unit Standards"	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The subtitle for Section 2.2 of Part 2 of the draft Permit has been deleted from the final Permit.</p> <p>The requirements in Sections 2.2.1-2.2.3 of Part 2 of the draft Permit have become stand alone sections in the final Permit (Sections 2.1-2.3 of Permit Part 2 of the final Permit with retention of their original titles).</p> <p>Section 2.2.4 of Part 2 of the draft Permit has been deleted from the final Permit because there were no requirements contained in this part of the draft Permit and because the information in this Section is found in the Permit Application.</p> <p><b>Permit Modifications:</b> As indicated above.</p>

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79	21-22	2.2.3		KAFB	<p>This requirement, while regulatorily driven, places a tremendous burden on the Permittee because of the specified requirement for "names" of all individuals filling positions within the OB/OD activity. The high operations tempo and frequent personnel rotation within the EOD organization would in effect force the Permittee to file multiple Class 3 permit modifications each year in order to remain compliant. Class 3 permit modifications currently are billed by NMED at a minimal rate of \$1000 per request which adds a significant financial burden to the facility. Suggest the regulatory officials look at the intent of this requirement, ensuring proper training and accountability, as opposed to the letter of the regulation, in order to minimize an unforeseen and egregious effect of the regulation.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Part 2, Section 2.2.3 of the draft Permit is now Part 2, Section 2.3 of the final Permit. The requirement was not removed as it is not discretionary under RCRA.</p> <p>There is no requirement to modify a RCRA permit for changes in personnel (except for emergency coordinators). However, the Permittee will have to maintain the records required by 40 C.F.R. § 264.16(d) as proof that the requirement is being met.</p> <p><b>Permit Modification:</b> None.</p>
80	22	2.2.3	Personnel Training	KAFB	<p>40 C.F.R. § 264.16(d) requires that these records be maintained at the Facility. KAFB maintains these records at the Facility for OB/OD Unit personnel in accordance with the Personnel Training Plan. Delete the paragraph at the top of page 22 from the permit.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Part 2, Section 2.2.3 of the draft Permit is now Part 2, Section 2.3 of the final Permit. The records are subject to NMED inspection to ensure that the Permittee is compliant with 40 C.F.R. § 264.16(d).</p> <p>The NMED has removed the requirement that the records must be submitted to the NMED within 30 days. However, if an inspection reveals that the records are not being kept, or are inadequate to meet the requirements for the records, the NMED may take an enforcement action against the Permittee.</p> <p>NMED has also deleted the last sentence of</p>

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						<p>Section 2.2.3 of Part 2 of the draft Permit.</p> <p><b>Permit Modification:</b> The first sentence of the 2<sup>nd</sup> paragraph of Section 2.3 of Part 2 of the final Permit has been revised to read:</p> <p><i>The Permittee shall comply with 40 C.F.R. § 264.16(d) by maintaining the following documentation at the Facility: a job title for each position and the name of each employee filling each position; a written description for each position including the requisite skill, education, or other qualifications, and duties; and a written description of introductory and continuing training for each person filling each position.</i></p> <p>The last sentence of Part 2, Section 2.2.3 of the draft Permit has been deleted from the final Permit.</p>
81	22	2.2.4	Location	KAFB	There is no discussion that KAFB meets the seismic standards in 40 C.F.R. § 264.18(a). Text should be added, as this section addresses both the seismic and floodplain standard.	<p>Section 2.2.4 of Part 2 of the draft Permit was deleted from the final Permit. See NMED response to Comment # 78.</p> <p><b>Permit Modification:</b> See NMED response to Comment # 78.</p>
82	22	2.3.1		KAFB	Recommend changing the language to read: "... shall maintain equipment as specified in Table 8-2 at the OB and OD Treatment Units and/or in vehicles used to access the units when in operation. Additional equipment as identified in Table 8-3 and required by the Contingency Plan shall be maintained and available for use as necessary to implement the Plan as required. . ."	<p>Part 2, Section 2.3.1 of the draft Permit has been incorporated into Part 2, Section 2.4.1 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Relevant language is found in Sections 1.7 of Part 1 and 2.4.1 of Part 2 and Table F-2 of Permit Attachment F of the final Permit.</p>

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						<p>Table F-2 shows the locations of where emergency equipment will be available, including equipment to be kept in vehicles. Table F-2 of the final Permit was created by combining Tables 8-2 and 8-3 of Attachment 8 of the draft Permit.</p> <p>The 3<sup>rd</sup> paragraph of what is now Section 2.4.1 of Part 2 of the final Permit was added to clarify that one fire extinguisher is to be maintained in each vehicle used at the OD Unit. Text was also added to clarify that the word "extinguishers" means at least two with respect to keeping fire extinguishers and shovels at the personnel bunker.</p> <p><b>Permit Modification:</b> As indicated above. NMED also made a similar revision as recommended in the comment by revising the last sentence of the 1<sup>st</sup> paragraph of Section 2.4.1 to read:</p> <p><i>The emergency equipment available for use at the OD Unit is summarized in Tables F-2 and F-3 in the Contingency Plan under Permit Attachment F.</i></p> <p>The 3<sup>rd</sup> paragraph of Section 2.4.1 of Part 2 of the final Permit was revised to read:</p> <p><i>All vehicles used at the OD Unit shall carry a portable fire extinguisher and a shovel. At least two portable fire extinguishers and at least two shovels shall also be kept at the EOD personnel bunker for response to fires or spills.</i></p>
83	22	2.3.4		KAFB	This section is irrelevant to the OB and OD Treatment Units, which is an outdoor facility with confined space	Requirements and authorizations for the OB Unit have been removed from the final

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					limitations.	<p>Permit. See NMED response to Comment #1.</p> <p>Part 2, Section 2.3.4 of the draft Permit has been revised as Part 2, Section 2.4.3 of the final Permit.</p> <p>NMED disagrees with the comment that a requirement for sufficient aisle space is unwarranted. For example, waste and countercharge explosives are temporarily staged on site prior to treatment of waste at the OD Unit. There needs to be adequate space for fire and spill protection equipment to access such waste and material in the event of an emergency.</p> <p>NMED has clarified that "waste management unit operation" means the OD Unit.</p> <p><b>Permit Modification:</b> Section 2.4.3 of Permit Part 2 of the final Permit has been revised to read:</p> <p><i>At a minimum, the Permittee shall maintain enough aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the OD Unit, as required by 40 C.F.R. § 264.35.</i></p>
84	23	2.4.2	Copies of the Plan	KAFB	The Part B Permit application indicated that copies of the Contingency Plan would be kept at the EM Branch Office and in the vehicle driven to the EOD Range on the day of each treatment. Maintaining a copy at the EOD Range bunker is not ideal, as rodents sometimes gain entrance to this building and the copy could be contaminated with rodent droppings. Revise this permit	<p>The requirement to maintain a copy of the Contingency Plan in the bunker that was located in Part 2, Section 2.4.2 of the draft Permit has been moved to Part 2, Section 2.5.2 of the final Permit.</p> <p>The Contingency Plan is a critical plan documenting the procedures for emergency</p>

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					<p>requirement to reflect the information provided in the application.</p>	<p>responses. For this reason, a copy of the Contingency Plan should, at a minimum, always be kept at the hazardous waste management unit for which it applies. This especially true in this case where it is possible that personnel may fail to maintain a copy in their vehicles. A copy of the Contingency Plan maintained at the EM Branch Office is too far away to be of use in an emergency situation should a copy not be available in a vehicle.</p> <p>NMED did not remove the requirement to maintain a copy of the Contingency Plan in the EOD Range bunker. The Facility should easily be able to afford a method to secure the plan from being destroyed by rodents, such as a metal box for storage of the document.</p> <p>The NMED has changed the location "EOD Office" to "EOD Shop" in the first sentence of Section 2.4.2 of Permit Part 2 of the draft Permit to "EOD Shop" in the first sentence of Section 2.5.2 of Permit Part 2 of the final Permit .</p> <p><b>Permit Modification:</b> The first sentence of Section 2.5.2 of Permit Part 2 of the final Permit has been revised to read:</p> <p><i>The Permittee shall maintain copies of the current Contingency Plan and all revisions and amendments to the plan at the EOD Shop and at the EOD Range bunker as required by 40 C.F.R. § 264.53(a).</i></p>
85	23	2.4.4	Emergency Coordinator	KAFB	40 C.F.R. § 264.52(d) does not require office and home addresses, it only requires office and home phone	Part 2, Section 2.4.4 of the draft Permit is now Part 2, Section 2.5.4 of the final Permit.

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					numbers.	<p>Unfortunately for the protection of the public and the environment, the regulation regarding this matter (20.4.1.500 NMAC incorporating 40 C.F.R. § 264.52(d)) is ambiguous. For this reason, the NMED has decided to vacate the requirement to include home addresses.</p> <p><b>Permit Modification:</b> The second sentence in paragraph 2 of Section 2.5.4 of Permit Part 2 of the final Permit has been revised to read:</p> <p><i>The revised table shall contain the following emergency coordinator contact information in compliance with 40 C.F.R. 264.52(d): names, office addresses, and the home and office telephone numbers of all persons qualified to act as an EC.</i></p>
86	26	2.5.4 item #1		KAFB	1 <sup>st</sup> Sentence – change to read “Re-evaluation shall be performed once every three years to verify . . .”	<p>Part 2, Section 2.5.4 of the draft Permit is now Part 2, Section 2.6.4 of the final Permit. A period of three years is unacceptable to the NMED given the potentially large quantities of waste being treated under this Permit. Thus, NMED did not revise the requirement to re-evaluate characterization information from one to three years. However, the first sentence has been revised for clarity.</p> <p><b>Permit Modification:</b> The first sentence of item #1 of Part 2, Section 2.6.4 of the final Permit has been revised to read:</p> <p><i>Re-evaluation shall be performed at least annually to verify the accuracy of initial characterization.</i></p>

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87	28	2.5.6	Records of Waste Characterization	KAFB	In the fifth line, replace "notification" with "notices", replace "certification" with "certifications", and delete "statements".	<p>Part 2, Section 2.5.6 of the draft Permit is now Part 2, Section 2.6.6 of the final Permit. NMED has made the requested revisions. NMED also modified the second sentence of what is now Part 2, Section 2.6.6 of the final Permit for clarity.</p> <p><b>Permit Modification:</b> The 1<sup>st</sup> and 2<sup>nd</sup> sentences of Section 2.6.6 of Permit Part 2 of the final Permit have been revised to read:</p> <p><i>The Permittee shall record and maintain in the Operating Record the results of waste analyses and waste determinations performed by acceptable knowledge, and sampling and analysis, as specified in this Permit Part (2) in compliance with 40 C.F.R. §§ 264.73(b)(3), (b)(7), (b)(10), (b)(15), and (b)(16), and copies of notices and certifications required in Permit Sections 2.7.2.1 and 2.7.2.2. The requirement to record and maintain in the Operating Record the results of waste analyses, waste determinations, and copies of notices and certifications applies to solid wastes even when the hazardous characteristic is removed prior to disposal, or when waste is excluded from the definition of hazardous or solid waste under 40 C.F.R. § 261.2 through § 261.6, or exempted from Subtitle C regulation, subsequent to the point of generation. [40 C.F.R. § 268.7(a)(8)].</i></p>
88	29	2.6.2		KAFB	How does this apply to us?	<p>Part 2, Section 2.6.2 of the draft Permit is now Part 2, Section 2.8 of the final Permit. Aside from being a good idea for identifying ways to save money on waste management</p>

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						<p>and conserving resources and protecting the environment by generating less hazardous waste. waste minimization data is used in the preparation of biennial reports (40 C.F.R. § 264.75).</p> <p><b>Permit Modification:</b> None.</p>
89	30	2.6.6		KAFB	Delete 2 <sup>nd</sup> sentence, in that 40 C.F.R. Part 264 Subpart BB, Air Emission Standards for Equipment Leaks, is inapplicable for the OB-OD Treatment Units.	<p>Part 2, Section 2.6.6 of the draft Permit is now Part 2, Section 2.12 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The Permit requires the Permittee to comply with the applicable requirements of 40 C.F.R. Part 264 Subpart BB. These regulations, in part, apply to owners and operators that treat, store, or dispose of hazardous waste, and where equipment contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight that are managed in a unit subject to permitting under 40 C.F.R. Part 270. The OD Unit falls within these rules, although equipment associated with the Unit may be completely exempt or mostly exempt from the requirements under 40 C.F.R. § 264.1050(f).</p> <p>The last sentence of Section 2.6.6 of Permit Part 2 of the draft Permit has been deleted as it does not express a permit requirement and Attachment 3 of the draft Permit regarding air modeling was not included in the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>

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90	30  44	2.6.6  3.7	Air Emissions  Organic Air Emissions	KAFB	<p>(1) In the fourth line, it states the "Permittee shall comply with the applicable requirements of 40 C.F.R. Part 264, Subpart BB." This subpart is Air Emission Standards for Equipment Leaks, and applies to pumps in light liquid service; compressors; pressure relief devices in gas/vapor service; sampling connection systems; open-ended valves or lines; valves in gas/vapor service or in light liquid service; pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors; and closed-vent systems and control devices. The OB unit does not have any of these types of equipment associated with it.</p> <p>(2) In addition, the OB unit itself would not contain or contact hazardous waste with an organic concentration of at least 10 percent by weight for more than 300 hours per calendar year. Thus, per 40 C.F.R. § 264.1050(f), the OB unit is excluded from the requirements of §§ 264.1052 through 264.1060 if it is identified, as required in §264.1064(g)(6) of Subpart BB. Thus, the only applicable Subpart BB requirement for the OB unit is 40 C.F.R. § 264.1064(g)(6). Revise.</p>	<p>Part 2, Section 2.6.6 of the draft Permit is now Part 2, Section 2.12 of the final Permit. Part 3, Section 3.7 of the draft Permit is now Part 3, Section 3.6 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>See NMED response to Comment #89, as Subpart BB requirements are not limited to the types of equipment mentioned in the comment.</p> <p><b>Permit Modification:</b> See responses to Comments #1 and 89.</p> <p>In addition, Section 3.6 of Part 3 of the final Permit has been revised to read:</p> <p><i>This Permit Section contains requirements for air emissions.</i></p>
91	30	2.6.6-2.6.7		KAFB	<p>These sections, Air Emissions &amp; Off-site shipment, are city governed and does not apply, respectively.</p>	<p>Part 2, Section 2.6.6 of the draft Permit is now Part 2, Section 2.12 of the final Permit. Part 2, Section 2.6.7of the draft Permit is now Part 2, Section 2.13 of the final Permit. See NMED response to Comment #8 regarding air emissions.</p> <p>The treatment of hazardous waste at the OD Unit can generate hazardous residues that will need to be shipped off site for treatment and disposal. NMED has the authority to enforce generator requirements under 40 C.F.R. Part 262.</p>

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						<b><u>Permit Modification:</u></b> None.
92	31	2.7.1	Facility Map	KAFB	<p>(1) Inclusion of an oversized facility map in the permit is not required.</p> <p>(2) Item 1 calls for showing tanks on the map. KAFB does not have RCRA storage or treatment tanks.</p> <p>(3) Item 3 calls for providing correct locations of the OB and OD units on Figures E-1, F-1, F-2, I-1, and I-2. There are no such figures numbers in the draft permit. If NMED is referring to these figures in the permit renewal application, the "correct" locations of the units are already shown on these figures.</p> <p>(4) Item 14, coordinate grid system, is not required by 40 C.F.R. § 270.(b)(19).</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>(1-4) The draft Permit required an updated map of the Facility, not an "oversized" map. However, upon further consideration, Section 2.7.1 of Permit Part 2 of the draft Permit has been deleted from the final Permit as the NMED has determined that the map included in the Permit Application was accurate.</p> <p><b><u>Permit Modification:</u></b> Section 2.7.1 of Permit Part 2 of the draft Permit was deleted from the final Permit.</p>
93	31	2.7.1		KAFB	A map was submitted with application. Facility mean KAFB, do they want an updated map of that. It would make more sense to update a map with the OB/OD unit only?	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>See NMED's response to Comment # 92.</p> <p><b><u>Permit Modification:</u></b> See NMED's response to Comment #92.</p>
94	Throughout	i.e., 2.7.4		KAFB	Responsibilities need to be clearer. The "Permittee" is the DoD, is every DoD entity responsible to submit documentation? Understandable tasks need to be laid out.	<p>Part 2, Section 2.7.4 of the draft Permit is now Part 2, Section 2.16 of the final Permit. Part 2, Section 2.7.2 of Attachment 2 of the draft Permit has been moved to Section 2.16 of the final Permit.</p> <p>The Part A Application states that the Permittee is the United States Air Force (see NMED response to Comment #1). Section 2.16 of Part 2 of the final Permit requires the</p>

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						<p>Permittee (U. S. Air Force) to submit biennial reports for the Facility. That part of the U. S. Air Force that submits the biennial reports on behalf of KAFB is at the discretion of the Permittee</p> <p><b>Permit Modification:</b> None</p>
95	32	2.7.5	Personnel and Telephone Number Changes	KAFB	<p>RCRA regulations do not require notifications for phone number changes for individuals with these job titles. Delete this permit condition.</p>	<p>The requirements in Part 2, Section 2.7.5 of the draft Permit is now included in Part 1, Section 1.37 of the final Permit.</p> <p>NMED needs to know about changes in contact information for key management personnel at the Facility in case of emergencies and to conduct inspections and other routine business with the Permittee. Also these individuals are often those that are authorized to sign reports and certifications on behalf of the Permittee. The Permittee is required to notify the NMED of any changes to these personnel (40 C.F.R. § 270.11(c)). Except for ECs, such changes do not require a formal permit modification request as indicated in Section 1.37 of Part 1 of the final Permit.</p> <p><b>Permit Modification:</b> None.</p>
96	32	2.7.6	Notification and Certifications	KAFB	<p>Add a period at the end of the sentence.</p>	<p>The requirements in Part 2, Section 2.7.6 of the draft Permit are now included in Part 1, Section 1.32 of the final Permit.</p> <p>NMED has corrected the punctuation of the subject sentence.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
97	34	2.8.2.2	Paragraph 1	KAFB	<p>4<sup>th</sup> Sentence – please define “may potentially become contaminated in the future.” This is vague and open to</p>	<p>The requirements in Part 2, Section 2.8.2.2 of the draft Permit are now included in Part</p>

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					interpretation.	<p>4, Section 4.2 of the final Permit.</p> <p>NMED has clarified the subject text which refers to soil contamination that poses a threat to groundwater.</p> <p>The Department also added a requirement to Section 4.2 of Part 4 of the final Permit to remind the Permittee that if post-closure care is necessary, the Permittee will need to request a time extension to complete closure.</p> <p><b>Permit Modification:</b> The subject sentence, now found included in the 1<sup>st</sup> paragraph of Part 4, Section 4.2 of the final Permit, has been revised as follows.</p> <p><i>If groundwater is contaminated or soil contamination poses a threat to groundwater, the Permittee shall also immediately implement corrective action to remediate the contamination or prevent the contamination threat pursuant to the requirements of Part 6 of this Permit.</i></p> <p>The following sentence was added to the end of the last paragraph of Section 4.2 of Part 4 of the final Permit:</p> <p><i>The Permittee shall also submit to the Department a request to extend the closure period in accordance with 40 C.F.R. § 264.113(b)(1) and (c)(2).</i></p>
98	35	2.9.1 & 2.9.2	Post-Closure Plan	KAFB	In 2.9.1, the plan is called a Contingent Post-Closure Plan. In 2.9.2, the plan is called a Contingent Post-Closure Care Plan. To be consistent, delete "Care" throughout 2.9.2.	<p>NMED agrees that the term was inconsistent throughout the draft Permit. The term should have been "Contingent Post-Closure Plan".</p> <p>However, the requirements in Part 2, Section</p>

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						<p>2.9.1 and 2.9.2 of the draft Permit for preparing, maintaining and submitting a Contingent Post-Closure Plan have been deleted from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
99	37	3.1	Maximum Quantity Paragraph 1	KAFB	<p>The quantities listed are incorrect, per the permit renewal application. For the OB unit, the amount per treatment event is 1,500 pounds net explosive weight (NEW) [emphasis added] uncased explosives or 200 pounds cased munitions and 5,000 pounds hazardous and nonhazardous waste combined, per calendar year is 80,000 pounds NEW, and 800,000 pounds NEW for the term of the permit.</p> <p>For the OD unit, the amount per treatment event is the same as for the OB unit, and per calendar year is 100,000 pounds NEW and 1,000 000 Pounds NEW for the term of the permit. (See Part A page 6 of 7 and Part B Sections 2.1, B.1.3, and G.2.1 of the permit renewal application.) The "Fact Sheet" had the correct quantities.</p> <p>Line 4 - change to read: "... event, 100,000 pounds per calendar year or 1,000,000 pounds for the term of the Permit."</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Net Explosive Waste (NEW) is not a standard measurement of mass, weight or volume under RCRA. Thus, the NMED (and the public) have no ready means to convert quantities expressed in units of NEW to standard units under RCRA, and therefore have no means to comprehend the quantities of waste that are treated or are to be treated. Although NMED knows that the existing Permit makes use of the unit NEW, such use will not be allowed to continue under the final Permit.</p> <p>The Permittee must use one of the standard units of mass, weight, or volume required for the Part A.</p> <p>Taking into consideration the above, the NMED did its best to set forth in the Permit the maximum quantities of waste that are allowed to be treated at OD Unit. NMED is open to adjusting these quantities through a Permit modification request; however, the quantities proposed by the Permittee must be reasonable and justified, and must be expressed utilizing a standard unit of mass, weight, or volume.</p>

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						<p>The Fact Sheet is incorrect with respect to the amount of waste to be treated at the OD Unit. The unit of measurement NEW is not used in the Fact Sheet, which is consistent with the draft and final Permits.</p> <p>See also NMED response to Comment #103.</p> <p>NMED has changed the title of the Section to reflect that the Section also addresses the types of wastes that are allowed to be treated at the OD Unit. The reference to Table 3-1 and the table itself have been deleted from the final Permit (see NMED response to Comment #100).</p> <p><b>Permit Modification:</b> Section 3.1 of Permit Part 3 of the final Permit has been modified as indicated above. The Section has been revised in the final Permit to read:</p> <p><i>3.1 AUTHORIZED WASTE AND MAXIMUM QUANTITY OF WASTE</i></p> <p><i>The Permittee shall not treat more than 1,500 lbs of wastes per treatment event, 18,000 lbs per calendar year, or 180,000 lbs for the term of the Permit. The Permittee shall not treat more than the above quantities, except in case of an emergency and only after authorization by the Department. The Permittee shall not treat any wastes that are not authorized under Permit Attachment B.</i></p>
100	37	3.1	Table 3-1	KAFB	Open Detonation – Maximum Quantity: change values to read 100,000 lbs per year and 1,000,000 lbs total over Permit term	Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.

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						<p>NMED did not make the requested revisions conveyed in this comment. See NMED response to Comment #99. Table 3-1 of the draft Permit has been deleted from the final Permit because it contained redundant information, and thus, was deemed unnecessary.</p> <p><b>Permit Modification:</b> Table 3-1 has been deleted from the final Permit.</p>
101	37	Table 3-1		KAFB	<p>(1) Under Open Burn, D007 and D018 were not listed in Table B-2 of the permit renewal application. Add NEW after both "lbs" entries in right-hand column.</p> <p>(2) Under Open Detonation, Figure G-2 of the permit application shows the unit diameter to be approximately 1500 feet.</p> <p>(3) Add Reactive Wastes in center column, and add NEW after both "lbs" entries in the right-hand column.</p> <p>(4) Correct the quantities as indicated in comment regarding Section 3.1.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>See NMED responses to Comments #99 and 100.</p> <p><b>Permit Modifications:</b> See NMED responses to Comments #99 and 100.</p>
102	Throughout	I.e., 3.1		KAFB	<p>OB unit = 3,000 lbs IAW base site plan (80,000 annual is ok) OD unit = (1,500 lbs is ok) 100,000 lbs annual (not 18,000 lbs) and 1,000,000 lbs for Permit term not 180,000.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not make the requested revisions. See NMED response to Comment #99.</p> <p><b>Permit Modification:</b> See NMED response to Comment #99.</p>
103	Throughout	i.e., 3.1		KAFB	<p>Take out "200 lbs cased munitions" requirement, this was an old self-imposed rule and may be waived as experience dictates proper disposal methods.</p>	<p>NMED has revised Section 3.1 of the final Permit as requested in the comment. However, see also NMED response to</p>

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						Comment #99. <u>Permit Modification</u> As indicated above.
104	38	3.2.1		KAFB	It is impossible to cover or create a secondary containment system for the OD Unit.	The NMED has deleted the requirement to operate and maintain the OD Unit with a cover and secondary containment system. NMED has also added a requirement to mark the boundary of the OD Unit because the boundary fence (inner fence) at the Unit has been removed. Treatment operations must be confined to only the area within the OD Unit. <u>Permit Modification:</u> Section 3.2.1 of Permit Part 3 of the final Permit was revised to read: <i>The Permittee shall design, construct, operate, and maintain the OD Unit in accordance with the requirements of this Permit to minimize noise and the possibility of an accidental fire, explosion, or any sudden or nonsudden release of hazardous waste or hazardous constituents into air, soil, sediment, surface water, or groundwater which could threaten human health or the environment, as required by 40 C.F.R. §§ 264.31 and 264.601.</i> <i>The Permittee shall mark the boundary of the OD Unit with signs or structures such that the boundary is clearly discernible.</i>
105	38	3.2.1	General Requirements	KAFB	4th paragraph. The OD Unit does not have a cover or a secondary containment system. Delete "and Open Detonation Unit" from this paragraph.	See NMED response to Comment #104. <u>Permit Modification:</u> See NMED response to Comment #104.
106	38	3.2.2		KAFB	Same as previous, we cannot prevent precipitation from	Requirements and authorizations for the OB

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					entering OD unit at any time or control OB unit 24 hours after an operation.	<p>Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The NMED has deleted the requirement to prevent precipitation from entering the OD Unit as requested in the comment. However, while the Permittee cannot prevent precipitation from falling directly into the OD Unit, the Permittee can prevent run-on to and run-off from the Unit.</p> <p><b>Permit Modification:</b> Section 3.2.2 of Permit Part 3 of the final Permit was revised to read:</p> <p><i>The Permittee shall design, construct, operate, and maintain run-off control systems (protective berm) at the OD Unit to prevent precipitation run-off from leaving the Unit and the migration of hazardous waste or hazardous constituents off-Unit, as required by 40 C.F.R. § 264.601(b).</i></p> <p><i>The Permittee shall design, construct, operate, and maintain run-on control systems (protective berm) at the OD Unit to prevent precipitation from entering the Unit as overland run-on, as required by 40 C.F.R. § 264.601(b).</i></p>
107	39			KAFB	How can EPA govern these actions - no citation? These are AF/self-imposed safety features.	<p>The NMED, not the EPA, regulates the Permittee for compliance with 20.4.1 NMAC (see Permit Part 1).</p> <p>40 C.F.R. § 264.601 (Subpart X) describes the environmental performance standards for miscellaneous (Subpart X) units with which a Permittee must comply.</p>

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						<p>The safety measures that the Permittee intends to employ, such as the restrictions listed in Sections 3.2.3 and 3.2.4 of Permit Part 3 are incorporated into the Permit, provided that the NMED agrees with them. The NMED may impose different or additional safety measures for Subpart X units as it deems necessary to protect human health and the environment (40 C.F.R. § 264.601).</p> <p>See also NMED response to Comment #108.  <b>Permit Modification:</b> None.</p>
108	39	3.2.3.2	Weather Conditions	KAFB	<p>1st paragraph. Per Section G.2.1 of the application, operations at the OB unit are not conducted if wind speeds exceed 15 mph, and operations at the OD unit are not conducted if wind speeds exceed 20 mph. 2nd paragraph. Per Section G.2.1 of the application, there is no procedure limiting operations from being conducted when a thunderstorm is imminent or within 10 miles. There is a procedure limiting operations from being conducted if lightning is within 5 miles or when extreme fire hazard conditions exist and wind speeds exceed 10 mph (emphasis added). 3rd paragraph. Per Section G.2.1 of the application, only OD operations are not conducted during a snowstorm. 4th paragraph. Per Section G.2.1 of the application, only OD operations are not conducted during a dust storm or sand storm. Correct these permit conditions.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED believes that wind speeds greater than 15 mph are excessive and increase the danger of starting fires and making it more difficult to extinguish fires should any occur.</p> <p>When thunderstorms are imminent, the possibility of lightning strikes should also be considered imminent. Lightning associated with a thunderstorm only 10 miles away should be considered dangerous to personnel. Dust storms and sand storms are associated with high winds, and not only decrease visibility, but also increase fire danger because of the associated high wind conditions.</p> <p>Treatment operations should not be conducted during periods of extreme fire hazard conditions because of the increased</p>

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						<p>likelihood of starting a fire by accident and the difficulty of extinguishing fires during such conditions.</p> <p>The Permittee's Permit Application is not the Permittee's RCRA Permit. The NMED issues the Permittee's RCRA Permit using, in part, information from the Permittee's Application. But the NMED is not bound to make the Permit correspond exactly to information presented in the Application. See NMED response to Comment #107.</p> <p><b>Permit Modification:</b> None.</p>
109	39	3.2.3.4	Other Restrictions	KAFB	The term "Range Control" is used. Change to "EOD Shop".	<p>NMED has made the recommended change.</p> <p><b>Permit Modification:</b> The relevant text in Section 3.2.3.4 of Permit Part 3 of the final Permit has been revised to read:</p> <p><i>The Permittee shall cease treatment operations immediately upon the discovery of an unsafe situation including but not limited to an aircraft in dangerous proximity to the EOD Range or loss of communication with the EOD Shop.</i></p>
110	39	3.2.4.1	Personnel Safety	KAFB	2nd paragraph. In the second line, replace "Leader" with "Chief".	<p>NMED has made the revision.</p> <p><b>Permit Modification:</b> The relevant text in Section 3.2.4.1 of Permit Part 3 of the final Permit has been revised to read:</p> <p><i>Following a treatment operation, no personnel shall enter the OD Unit until the explosive ordnance Team Chief/Range Safety Officer determines that it is safe to enter.</i></p>
111	40	3.2.5.1	Accumulated	KAFB	The draft permit condition requires the removal of	NMED has revised Section 3.2.5.1 of Permit

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			Precipitation		accumulated precipitation within 24 hours after a precipitation event. Permit Attachment 2 (Section 2.1.1, p. 138) acknowledges that "during inclement weather ..., accumulated precipitation in the OD (NOTE: should move this to the OD Unit description in 2.1.2) Unit cannot be prevented, and road conditions do not allow access to the Unit." Therefore, the imposition of a 24-hour removal requirement is unrealistic in some circumstances. Change 24-hours to "as soon as practicable."	Part 3 of the final Permit to account for poor road conditions. See also NMED response to Comment #377. <b>Permit Modification:</b> The second sentence of Section 3.2.5.1 of Permit Part 3 of the final Permit has been revised to read: <i>The Permittee shall remove any standing water within 24 hours after a precipitation event, or within 24 hours of when impassible access roads become passable should inclement weather preclude access to the OD Unit.</i>
112	40	3.2.5.2		KAFB	Take out "24 hour" rule for cleaning the burn pan, this is an almost impossible task. Suggestion would be adding the "reasonable time" word. Who collects and samples waste.	Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. Thus, the subject text that was located in Section 3.2.5.2 of the draft Permit has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
113	40	3.2.5.3		KAFB	There is no inner fence around the OD/OB unit. Take out requirement after each detonation to clear entire Pad, rather make it an annual requirement. Manning doesn't allow for such an operation post-operation.	Part 3, Section 3.2.5.3 of the draft Permit is now Part 3, Section 3.2.5.2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. According to the information in the Permit Application (Appendix G.1.2, page G-3) and in the current Permit (Attachment J, Figure J-3, page 6 of 17) an inner fence surrounds the OB and OD Units. NMED has since become aware that the inner fence was removed. See also NMED response to Comment # 104.

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						<p>The requirement to remove hazardous waste that has been kicked out by operations of the OD Unit was not removed from the Permit. Such waste constitutes a release to the environment and demands immediate clean up.</p> <p>The NMED may impose additional safety measures for Subpart X units as it deems necessary to protect human health and the environment pursuant to 40 C.F.R. § 264.601. The requirement to remove hazardous waste that has been kicked out by treatment operations falls clearly within the regulatory authority of the NMED.</p> <p>NMED has revised the Permit to clarify that inspecting and removing kick out applies to the entire OD Unit area.</p> <p><b>Permit Modification:</b> The first three sentences of Section 3.2.5.2 of Permit Part 3 of the final Permit has been revised to read:</p> <p><i>Within 24 hours after each treatment operation, the Permittee shall inspect the entire OD Unit area for untreated waste (kick-out) or treatment residues (such as shrapnel, metal fragments) originating from treatment operations. This inspection shall be conducted only after it has been determined that it is safe for the purpose of conducting inspections. Any untreated waste or treatment residues shall be placed in appropriate containers and managed as hazardous waste or solid waste, as appropriate.</i></p>
114	40	3.2.5.4	Open Burn	KAFB	The inspection plan requires a pre-burn inspection of the	Requirements and authorizations for the OB

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			Container		burn container and surrounding walls. Revise this permit condition or delete.	Unit have been removed from the final Permit. See NMED response to Comment #1. Thus, Section 3.2.5.4 of the draft Permit has been deleted from the final Permit. <b>Permit Modification:</b> Section 3.2.5.4 of the draft Permit has been deleted from the final Permit.
115	40	3.3.2		KAFB	Who's responsible?	Section 3.3.2 of Part 3 of the draft Permit has been deleted from the final Permit. However, the Permittee is still responsible for the proper management of treatment residues (see Section 3.2.5.2 of Part 3 of the final Permit). <b>Permit Modification:</b> Section 3.3.2 of Part 3 of the draft Permit has been deleted from the final Permit.
116	41	3.4		KAFB	(1) Delete 1 <sup>st</sup> and 2 <sup>nd</sup> Paragraphs. The City of Albuquerque does not require KAFB to do any routine air monitoring. The City itself runs air monitoring stations throughout Bernalillo County and is the regulatory authority. 40 C.F.R. § 264.601(c)(5) states only that we will prevent releases into the air of hazardous constituents that might impact human health or the environment, and that we will consider "the existing quality of the air, including other sources of contamination and their impact on the air". There is no Federal requirement that monitoring be performed before, during, and after operations.  (2) KAFB has performed air dispersion modeling to evaluate impacts of hazardous constituents both as part of the RCRA Subpart X application, as well as our Title V permit application; this dispersion modeling takes into account other sources of emissions, including ambient pollutant levels. We apply for event permits	Part 3, Section 3.4 of the draft Permit is now divided among Part 3, Sections 3.3 and 3.4 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. See NMED response to Comment #8. The regulation at 40 CFR § 264.601, in part states "Protection of human health and the environment includes, but is not limited to" (c) "Prevention of any release that may have an adverse effects on human health or the environment due to migration of waste constituents in air..." The OD Unit releases waste constituents into the air and ground. If the City does not currently require air monitoring because it is satisfied with receiving only monthly emissions estimates

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					<p>from the City of Albuquerque, the regulatory authority in this case, and we estimate emissions monthly based on amounts burned/detonated. Annually, these emissions are reported to the City of Albuquerque because they hold primacy for regulation, not NMED. On the day of the event, we are not approved to proceed with the event if meteorological conditions or ambient air quality levels (as provided by the City of Albuquerque) are not acceptable. Doing real-time monitoring before, during, and after each operation would be resource prohibitive and difficult to implement to achieve any meaningful data.</p>	<p>and modeling results, then for now the Permittee can state this fact in the annual air monitoring report to be submitted in compliance with the final Permit. If the City or NMED ever require air monitoring to be conducted in the future at the OD Unit, then the annual report must document such monitoring data as required by the final Permit.</p> <p>NMED has also clarified in the final Permit that the estimated monthly emissions provided to the City of Albuquerque will need to be reported also to NMED, as such information is being provided to the City in lieu of actual monitoring data.</p> <p>Soil monitoring requirements in Section 3.4 of Part 3 of the draft Permit were relocated to what has become Section 3.4 of Part 3 of the final Permit because said monitoring is related to the human risk screening that is discussed in this Section of the final Permit.</p> <p><b>Permit Modification:</b> Sections 3.3 and 3.4 of Permit Part 3 of the final Permit have been revised to read:</p> <p><i>3.3 AIR MONITORING</i></p> <p><i>The Permittee shall evaluate the potential impact of the air pollutants on human health before, during, and after treatment operations by screening and assessment, in compliance with 40 C.F.R. § 264.601(c)(5). The Permittee shall not proceed with a treatment event if meteorological conditions or ambient air quality conditions do not meet the requirements of the City of Albuquerque air quality permit for the OD</i></p>

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						<p><i>Unit and the requirements of this Permit Part.</i></p> <p><i>The Permittee shall specify in an annual sampling and analysis report on air quality the types and schedules of air monitoring required by the Albuquerque Environmental Health Department, and the instrumentation required. The Permittee shall submit this report to the Department and include in the report any air monitoring data from the previous calendar year, and estimated monthly emissions based on the amounts of waste treated. The report is due by March 31 of each calendar year.</i></p> <p><b>3.4 SOIL MONITORING AND HUMAN RISK SCREENING</b></p> <p><i>The Permittee shall conduct an annual soil sampling and analysis program in accordance with Permit Attachment D, and as required by 40 C.F.R. § 264.601(b). In order to monitor soil contamination resulting from open detonation operations at the OD Unit, the Permittee shall implement the Soil Sampling and Analysis Plan (SSAP), which is described in Permit Attachment D.</i></p>
117	42	3.6.1		KAFB	<p>What is the rationale for requiring at least three down-gradient monitoring wells? This practice is utilized to determine the groundwater flow direction. Since the groundwater flow direction is known in this area, then requiring at least three down gradient wells is an excessive cost of the Government. Recommend 2 down-gradient wells.</p>	<p>Part 3, Section 3.6.1 of the draft Permit is now in Part 3, Section 3.5.1 of the final Permit.</p> <p>Because of the complex geology at the OD Unit site, and particularly given the likely presence of shallow bedrock in the area of the OD Unit, the direction of groundwater flow is <i>not</i> known with reasonable certainty. At least four wells (including the</p>

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						<p>background well) are needed to establish the direction of groundwater flow with reasonable certainty and to determine downgradient and upgradient water quality. And because of the complex geology, even four wells may not be adequate for a variety of reasons. Thus, the NMED has added a requirement to what is now Section 3.5.1 of Part 3 of the final Permit that the NMED may require additional wells to be included in the monitoring well network if necessary.</p> <p><b>Permit Modification:</b> The following sentence has been added to the end of the 1<sup>st</sup> paragraph of Section 3.5.1 of Part 3 of the final Permit.</p> <p><i>The Department may require additional wells to be installed at the OD Unit if the Department determines that the number or function of the existing wells is insufficient.</i></p>
118	42	3.6.1		KAFB	<p>90-day requirement for a monitoring well installation plan is too stringent for Department of Defense budgeting purposes. As it stands, it will automatically create a permit violation through no fault of the Permittee. Recommend at least a 12-18 month submission period.</p>	<p>Part 3, Section 3.6.1 of the draft Permit is now in Part 3, Section 3.5.1 of the final Permit.</p> <p>NMED did not change this Permit requirement, as 12-18 months is an unreasonable amount of time to prepare a groundwater monitoring plan. Given the number of groundwater monitoring plans that the Permittee has prepared in the past and the experience gained via this preparation, 90 days should be enough time.</p> <p><b>Permit Modification:</b> None.</p>
119	42	3.6.2		KAFB	<p>Recommend changing language to read: "The Permittee shall submit to the Department groundwater sampling</p>	<p>Part 3, Section 3.6.2 of the draft Permit is now in Part 3, Section 3.5.2 of the final</p>

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					<p>and analysis data, subject to and in compliance with, 40 C.F.R. § 264.98, which is incorporated herein by reference. The Permittee shall submit: . . .”</p>	<p>Permit.</p> <p>The comment is unclear as to what language is being recommended for revision. NMED assumes that the 3<sup>rd</sup> sentence of paragraph 1, Section 3.6.2 of Permit Part 3 of the draft Permit is the language referenced by the comment. If so, NMED did not change the language as recommended in the comment, as the 3<sup>rd</sup> sentence sets forth a requirement for the contents of a plan, not the submittal of sampling and analysis data.</p> <p>NMED has revised the first paragraph of Section 3.5.2 of Permit Part 3 of the final Permit for purposes of clarification and in keeping with the NMED’s policy that OD Units are not regulated units under 40 C.F.R. § 264.90(a)91).</p> <p>However, groundwater monitoring is required because of the likely potential for groundwater to occur at shallow depths in this area and in accordance with 40 C.F.R §§ 264.601-602.</p> <p><b>Permit Modification:</b> The first paragraph of Section 3.5.2 of Permit Part3 of the final Permit has been revised to read:</p> <p><i>Within 90 days after the effective date of this Permit, the Permittee shall submit to the Department for approval a proposed groundwater sampling and analysis plan as a Class 3 modification to this Permit. Upon approval, the groundwater sampling and analysis plan and the monitoring well installation plan of Permit Section 3.5.1 shall become Permit Attachment L (reserved).</i></p>

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120	43	3.6.2	Table 3-2	KAFB	<p>Recommend establishing ground water monitoring parameters consistent with the KAFB Long-Term Groundwater Monitoring Plan (Rev 1/1997), which is used for establishing baseline and performing detection monitoring events and has been in place since 1996.</p>	<p>Part 3, Section 3.6.2 of the draft Permit is now in Part 3, Section 3.5.2 of the final Permit.</p> <p>The NMED expects groundwater monitoring to be conducted at the OD Unit to include the types of hazardous constituents that are likely to be or have been released from the OD Unit (and the OB Unit), as well as parameters indicative of general chemistry and reduction-oxidation (redox) conditions. None of the parameters included in Table 3-2 in the final Permit are unreasonable given this expectation.</p> <p>The NMED has added dioxins and furans to the monitoring list in Table 3-2 in the final Permit as plastics have been a part of wastes treated in the past at the OB and OD Units, and will be a part of wastes treated at the OD Unit in the future. Beryllium was also added to the table as it was inadvertently left off the table in the draft Permit, and is a hazardous constituent that could be present at the OD Unit. The NMED has also removed from Table 3-2 certain parameters indicative of general chemistry or redox conditions.</p> <p><b>Permit Modification:</b> Table 3-2 of Permit Part 3 of the final Permit has been revised to include beryllium, dioxins and furans in the list of parameters. Phosphorus/phosphate, TKN, ferric/ferrous iron, dissolved CO<sub>2</sub>, silicon, suspended sediment, stable isotopes have been removed from the list of</p>

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						parameters.
121	45	4.1.1		KAFB	Delete this section. KAFB is not authorized to act as an agent for NMED.	<p>Part 4, Section 4.1.1 of the draft Permit is now in Part 6, Section 6.1.1 of the final Permit.</p> <p>NMED did not delete this text from the final Permit. The requirements in this section are based on the corrective action regulations at 40 C.F.R. §§ 264.100(e) and 264.101 (c) and Section 74-4-7.E of the HWA, which compel the Permittee to take responsibility for releases of hazardous waste and hazardous waste constituents, including contamination extending beyond the Facility's boundaries.</p> <p>However, NMED did delete the requirement for the Permittee to use its best efforts to obtain access for the NMED. NMED will seek its own access in any such cases.</p> <p><b>Permit Modification:</b> Section 6.1.1 of Permit Part of the final Permit has been revised to read:</p> <p><i>To the extent any requirement of this Permit, including any work plan approved under this Permit, requires access to property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access from the present owners of such property to conduct required activities. In the event that access is not obtained when necessary, the Permittee shall immediately notify the Department in writing regarding its best efforts and its failure to obtain such access.</i></p>

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122	45	4.1.2		KAFB	<p>What are defined field activities? Schedules within the Permit work and sampling plans should suffice for adequate notice.</p>	<p>Part 4, Section 4.1.2 of the draft Permit is now in Part 6, Section 6.1.2 of the final Permit.</p> <p>Field activities are anything that is conducted at any SWMU or AOC pursuant to any work plan or requirement of this Permit.</p> <p>Work plan schedules are almost never precise enough to give NMED the opportunity to observe activities or collect split samples.</p> <p><b>Permit Modification:</b> None.</p>
123	45	4.1.2		KAFB	<p>What is the regulatory driver for the 15-day minimum notice? If KAFB is sampling ground water, does the Base notify HWB or the GWQB? Are personnel from HWB qualified to take split samples? The HWB hasn't taken samples for years and hasn't had the budget to do so. Therefore is this requirement simply an attempt to impose further requirements that HWB has no intent on participating in? Regulation cannot be by policy nor be arbitrary and capricious.</p>	<p>Part 4, Section 4.1.2 of the draft Permit is now in Part 6, Section 6.1.2 of the final Permit.</p> <p>The 15-day notification is a standard NMED requirement in RCRA permits related to the NMED's authority for entry and inspection, and for collecting split samples, as authorized under Section 74-4-4.3 of the HWA and 40 C.F.R. § 270.30(i) of the HWMR.</p> <p>Most NMED technical staff, including HWB technical staff, are trained and qualified to collect split samples. Although HWB personnel have not recently collected water samples from Facility wells, the Permittee can rest assured that said personnel have recently collected samples at other RCRA facilities in the state.</p> <p>For meeting any of the notification requirements under the final Permit, the Permittee should notify HWB as described under Section 1.36 of Permit Part 1 of the</p>

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						final Permit. <b>Permit Modification:</b> None.
124	45	4.1.4	Releases	KAFB	In the second line, insert "that" after "and".	Part 4, Section 4.1.4 of the draft Permit is now in Part 6, Section 6.1.4 of the final Permit. NMED has revised the sentence by adding the word "that" as recommended in the comment. The word "and" will be deleted as it is unnecessary in this case. <b>Permit Modification:</b> NMED has revised the first sentence of Section 6.1.4 of Permit Part 6 of the final Permit to read: <i>The Permittee shall notify the Department orally, within 24 hours of discovery, of any release of hazardous waste or hazardous constituent that has the potential to migrate beyond the Facility boundary or has migrated beyond the Facility boundary.</i>
125	45-120	Part 4-6		KAFB	Take out except where specifically related to the treatment of hazardous waste at the OB/OD unit.	Parts 4-6 of the draft Permit are now combined into Part 6 of the final Permit. See NMED response to Comment #1. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. The corrective action requirements found in Parts 4-6 of the draft Permit have not been removed from the final Permit (see NMED response to Comment #1). <b>Permit Modification:</b> As indicated above.
126	46	4.1.5		KAFB	Recommend changing language to read: "All OB and OD corrective action-related . . . for review and	Part 4, Section 4.1.5 of the draft Permit is now in Part 6, Section 6.1.5 of the final

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					approval.”	<p>Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The recommended revision was not made in the final Permit as the section does not pertain only to the OD Unit.</p> <p><b>Permit Modification:</b> None.</p>
127	46	4.1.5		KAFB	<p>Does NMED intend on reviewing the Quarterly Reports? It appears that the reports submitted are not being reviewed as evidenced by a 47% error rate in Table 4-2. If KAFB is being charged for the review of these documents, it would be appreciated if NMED reviews them.</p>	<p>Part 4, Section 4.1.5 of the draft Permit is now in Part 6, Section 6.1.5 of the final Permit. Table 4-2 of the draft Permit is now Table 1-3 of Attachment I of the final Permit.</p> <p>The NMED does not charge fees for documents that it does not review. Furthermore, NMED has always realized that what is now Table 1-3 of the final Permit would need updating prior to issuance of the Permit, as permit modifications of the existing permit were being processed at the same time the draft Permit was being prepared.</p> <p>NMED did not make a 47% error rate with respect to the SWMUs and AOCs listed in the table; instead, the NMED actually made few errors. It is apparent from the comment that the Permittee does not understand when a SWMU or AOC has been granted Corrective Action Complete (No Further Action) status.</p> <p>Submitting a Corrective Action Complete petition does not constitute a final agency approval. Until such time that a SWMU or AOC is approved for Corrective Action</p>

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						<p>Complete by means of the completion of a Class 3 permit modification request, including the public participation process, the SWMU or AOC remains listed on Table I-3.</p> <p><b>Permit Modification:</b> None.</p>
128	46	4.1.5	Work Plans, etc.	KAFB	Should Section 1.35 read 1.34?	<p>Part 4, Section 4.1.5 of the draft Permit is now in Part 6, Section 6.1.5 of the final Permit.</p> <p>NMED has corrected the error. The correct citation is now Section 1.38 of Permit Part 1 of the final Permit.</p> <p><b>Permit Modification:</b> Section 6.1.5 of Part 6 of the final Permit has been revised to read:</p> <p><i>All work plans, schedules, reports, and other deliverable documents that the Permittee is required to prepare under this Part (6) shall be submitted to the Department for review and approval as detailed in Permit Section 1.38.</i></p>
129	46	4.1.7	Paragraph 1	KAFB	Paragraph indicates that Corrective Action is required for all SWMU's and AOC's identified in Table 4-2. Table 4-2 contains sites that do not appear appropriate for inclusion under a RCRA corrective action program (i.e. sewage treatment facilities, storm sewers and septic systems) and should be deleted from the table.	<p>Table 4-2 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>The comment does not specify exactly what SWMUs and AOCs are believed to be, in the opinion of the commenter, regulated outside of RCRA. Storm sewers and septic systems are listed in Table I-3 of Attachment I of the final Permit. These types of sites can be regulated under RCRA Subtitle C as SMWUs because of potential or known disposal of solid and/or hazardous wastes to these systems, especially at times prior to the enactment of RCRA. Storm</p>

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						<p>sewers and septic systems are being regulated under RCRA at other RCRA facilities in the state, for example, Sandia National Laboratories, Los Alamos National Laboratory, and Holloman Air Force Base.</p> <p><b>Permit Modification:</b> None.</p>
130	46	4.1.7	Paragraph 2	KAFB	<p>Delete Paragraph 2, in that New Mexico has adopted the Military Munitions Rule and newly discovered SWMUs, AOCs, and releases are covered in Section 4.1.8. The Military Munitions Rule specifically addresses munitions used in testing and training activities and excludes them from the definition of solid waste.</p>	<p>Part 4, Section 4.1.7 of the draft Permit is now in Part 6, Section 6.1.7 of the final Permit.</p> <p>The Permittee would have to submit the same information as part of a RCRA Facility Assessment (RFA). NMED included the subject language in the final Permit as an aid to conducting RFAs to determine if any new SWMUs or AOCs have been potentially created at the Facility that may need to be subject to corrective action.</p> <p>The Military Munitions Rule may have little or nothing to do with some SWMUs or AOCs, as the rule only applies to munitions subject to certain conditions. After munitions are abandoned, they become solid and hazardous waste. Also, as most SWMUs and AOCs are inactive sites, the munitions rule will not normally apply for purposes of conducting corrective action.</p> <p><b>Permit Modification:</b> None.</p>
131	46	4.1.7	List of SWMUs	KAFB	<p>There is no Figure 4-1 in the draft permit.</p>	<p>Figure 4-1 of the draft Permit is now Plate 1 of the final Permit.</p> <p>The subject map is large map and was kept separate from the main body of the text. If KAFB personnel could not locate their copy</p>

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						<p>of the map, they could have requested another copy from the NMED. No such request was made.</p> <p><b>Permit Modification:</b> As indicated above.</p>
132	46	4.1.8		KAFB	How can a SWMU be both, an AOC or release or other?	<p>Part 4, Section 4.1.8 of the draft Permit is now in Part 6, Section 6.1.8 of the final Permit.</p> <p>SWMUs, AOCs, and releases are not the same thing. They are defined in Section 1.8 of Permit Part 1 of the final Permit (and Section 1.6 of Permit Part 1 of the draft Permit).</p> <p>SWMUs and AOCs are potentially subject to corrective action, as well as any other form of release that could endanger human health or the environment.</p> <p>A release may or may not be present at any given SWMU or AOC.</p> <p><b>Permit Modification:</b> None.</p>
133	46	4.1.8		KAFB	30 days other than 15 days as indicated in the last paragraph	<p>Part 4, Section 4.1.8 of the draft Permit is now in Part 6, Section 6.1.8 of the final Permit.</p> <p>NMED did not increase the number of days for submittal of the written notification of a newly discovered SWMU, AOC, or release, as 15 days is reasonable for reporting such information. The information reported may require immediate action to protect human health or the environment, including the possibility of implementing interim corrective measures.</p> <p>The 15-day reporting requirement is</p>

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						<p>common to other RCRA permits issued in New Mexico.</p> <p><b>Permit Modification:</b> None.</p>
134	46	4.1.8	Paragraph 4	KAFB	<p>The 15 day written report requirement is a repeat from Para 1 of the section. Please define the criteria for instigating further investigation and/or an RFI</p>	<p>Part 4, Section 4.1.8 of the draft Permit is now in Part 6, Section 6.1.8 of the final Permit.</p> <p>The 15-day written notification in paragraph 4 concerning previously unknown releases is not the same as that in paragraph 1, which concerns newly discovered SWMUs or AOCs. See NMED responses to Comments #132 and 133.</p> <p>The need for conducting further investigation will be site specific, and will depend on information contained in the SWMU Assessment Report or the report on a previously unknown release, whichever is applicable. In general, such reports do not contain sufficient information to justify granting corrective action complete (no further action) status for the SWMU or AOC or release. In such cases, NMED will order further investigation and, if necessary, remediation.</p> <p><b>Permit Modification:</b> None.</p>
135	47	4.1.9		KAFB	<p>“based upon review of the Permittee’s request for a permit modification...” NMED should be subject to review (i.e. 30 days).</p>	<p>Part 4, Section 4.1.9 of the draft Permit is now in Part 6, Section 6.1.9 of the final Permit.</p> <p>See NMED response to Comment #6.</p> <p><b>Permit Modification:</b> None.</p>
136	47	4.1.9	Paragraph 3	KAFB	<p>Delete – same as paragraph 4.</p>	<p>Part 4, Section 4.1.9 of the draft Permit is now in Part 6, Section 6.1.9 of the final</p>

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						<p>Permit. The 3<sup>rd</sup> and 4<sup>th</sup> paragraphs in the draft Permit are now the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of Section 6.1.9 of Part 6 of the final Permit.</p> <p>Contrary to the comment, the requirements of each paragraph differ. Paragraph 2 (final permit) concerns continued or periodic monitoring of environmental media even if Corrective Action Complete status has been granted for a SWMU or AOC. Paragraph 3 (final Permit) is broader and concerns, in addition to monitoring of media, other studies, other sampling (which could be one-time sampling events), and remedial actions. Paragraph 3 (final Permit) also indicates that the NMED may require further corrective action after a SWMU or AOC is granted Corrective Action Complete status if new information suggests that there is a release or likelihood of a release from a SWMU or AOC at the Facility that could pose a threat to human health or the environment</p> <p><b>Permit Modification:</b> None.</p>
137	47	4.1.9		KAFB	<p>Insert: "Permittee may petition NMED for a No Further Action on sites where long-term monitoring and maintenance will be continued (i.e. landfills)."</p>	<p>Part 4, Section 4.1.9 of the draft Permit is now in Part 6, Section 6.1.9 of the final Permit.</p> <p>NMED did not insert the recommended language into the final Permit. SWMUs and AOCs that require long-term monitoring and maintenance can only be approved for Corrective Action Complete status with Controls. At this time, NMED will not approve Corrective Action Complete status with Controls for any SWMU or AOC located at KAFB because the Air Force has</p>

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						<p>not entered into any agreement to ensure that controls will be implemented into the future no matter who owns or controls the land.</p> <p><b>Permit Modifications:</b> None.</p>
138	48-49	4.1.10		KAFB	<p>Delete Section 4.1.10. A Health and Safety Plan is not required under RCRA or the HMA; it is required by Occupational Safety and Health (OSH) regulations. As a result, this Plan is modified to reflect new OSHA requirements, not waste management requirements. There is no regulatory authority to have the requirement for a Health and Safety Plan in the hazardous waste permit. Having it in the hazardous waste permit requires additional recordkeeping unrelated to safety and health. It appears that this reference may be a relic from a very early permit. For example, the 1985 NIOSH guidance referenced in this section was eventually promulgated at 29 C.F.R. § 1910.120; the EPA Orders listed also are very old.</p>	<p>Part 4, Section 4.1.10 of the draft Permit is now in Part 6, Section 6.1.10 of the final Permit.</p> <p>NMED requires that the Permittee have a Health and Safety Plan pursuant to 40 C.F.R. § 264.601 which states, in part, "Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment...". A Health and Safety Plan is critical for protecting human health and is a key document for contingency planning and for safe implementation of corrective actions.</p> <p>The Permit only requires that the Permittee have a plan, that the plan meets the minimum requirements for content that is specified in the Permit, and that the plan is in accordance with certain guidance, the Contingency Plan, and applicable laws and regulations. NMED does not believe this represents an undue or excessive burden to the Permittee.</p> <p>NMED would have considered any suggested updates to the guidance documents and EPA orders listed in the draft Permit, but none were offered by the Permittee in its comments.</p> <p><b>Permit Modification:</b> None.</p>

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139	49	4.1.11	3	KAFB	Delete this item. KAFB's public repository and reading room (AR/IR) is already complete and is available at the CNM Montoya Campus.	<p>Part 4, Section 4.1.11 of the draft Permit is now in Part 6, Section 6.1.11 of the final Permit.</p> <p>NMED assumes that the comment applies to Item #4 instead of Item #3 under Section 4.1.11 of Permit Part 4 of the draft Permit.</p> <p>NMED did not delete the requirement under Item #4. Current compliance with a permit requirement is not a valid rationale for deleting the requirement from the final Permit.</p> <p>Even if the comment actually refers to Item #3, NMED did not make the requested revision. Web sites are becoming increasingly popular as a convenient means to provide searchable information to the public. This assists the public in participating, especially, in the corrective action process.</p> <p><b>Permit Modification:</b> None.</p>
140	49	4.1.11	5 & 7	KAFB	Delete subsection 5. Public tours of the KAFB, OD treatment units, SWMU's, and the corrective action process are not practical due to security and safety issues.	<p>Part 4, Section 4.1.11 of the draft Permit is now in Part 6, Section 6.1.11 of the final Permit.</p> <p>The Permittee can, and in the past has conducted safe public tours of KAFB SWMUs and AOCs. These tours may be of great benefit to both the public and the Facility in trying to communicate and resolve concerns. Therefore, the NMED did not delete this requirement from the final Permit. The Permittee can not hide behind security requirements to avoid public participation under RCRA.</p> <p><b>Permit Modification:</b> None.</p>

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141	49-50	4.1.12		KAFB	What is the name of EPA's pilot institutional controls data base and tracking system?	<p>Part 4, Section 4.1.12 of the draft Permit is now in Part 6, Section 6.1.12 of the final Permit.</p> <p>The EPA's database is called the "Institutional Controls Tracking System". NMED has deleted the requirement to notify the U. S. EPA of land transfers to include information, as appropriate into the database. Instead, the NMED is to be notified of such transfers. This revision was made because the EPA Institutional Controls Tracking System is not yet ready to accept data for RCRA facilities.</p> <p><b>Permit Modification:</b> The last sentence of Section 6.1.12, Part 6 of the final Permit has been revised to read:</p> <p><i>For any deed transferring title from the Permittee that contains a restriction on future land use, the Permittee shall, within 90 days of transfer of the property, notify the Department of the transfer and identify for the Department the location of the property that is the subject of the transfer.</i></p>
142	50	4.1.13		KAFB	Delete section. This is regulated under NMED's Liquid Waste Disposal System Regulations and does not fall under the purview of the HWA or HWMR.	<p>Part 4, Section 4.1.13 of the draft Permit is now in Part 6, Section 6.1.13 of the final Permit.</p> <p>The subject text was not deleted from the final Permit. Most septic systems at the Facility that the NMED is aware of fall under the HWA and HWMR as SWMUs because of the likely or known disposal of solid and/or hazardous wastes into these systems in the past. Properly closing abandoned septic systems is a necessary step to protect human health and the</p>

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						<p>environment; hence, the requirement to close said systems in accordance with 20.7.3.307 NMAC.</p> <p>See also NMED's responses to Comments # 7 and 129.</p> <p><b>Permit Modification:</b> None.</p>
143	50-51, 53, 55, 57	4.2, 4.2.3, 4.3.2.2, 4.3.2.7, 4.3.4.2	Title	KAFB	<p>Please define "Special Information" and the underlying regulatory drivers (citations).</p> <p>If required, more than 90-days will be required for submittals due to the Department of Defense budgeting process. Programming and budgeting is typically completed in the spring for funding in late Q1 or early Q2 of the next Federal FY.</p>	<p>Part 4, Sections 4.2, 4.2.3, 4.3.2.2, 4.3.2.7, and 4.3.4.2 of the draft Permit are now Part 6, Sections 6.2, 6.2.1.3, 6.2.2.2.2, 6.2.2.2.7, and 6.2.2.2.12.2 of the final Permit, respectively. Sections 4.2.4 and 4.2.5 of Part 4 of the draft Permit have been deleted from the final Permit. Items # 2, 4, and 5 of Section 4.2.2 of Permit Part 4 of the draft Permit have been deleted from the final Permit. Items # 2-7 of Section 4.2.3 of Permit Part 4 of the draft Permit have been deleted from the final Permit.</p> <p>Special Information is a catch-all title used in the Permit for information requirements that are other than that related to specific SWMUs or AOCs. It is usually information that is general in nature about the Facility or surrounding areas.</p> <p>The regulatory drivers for requiring the information in Section 6.2.1 of Permit Part 6 of the final Permit (and subsections thereto) are found in the first paragraph of Section 6.0 of Permit Part 6. General and specific information on the Facility, groundwater, surface water, the location of SWMUs and AOCs, contaminant pathways, and potential receptors are among the data needed to adequately complete required corrective</p>

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						<p>actions.</p> <p>CME, CMI, and Interim Measures Work Plans are key components of planning for remediation of contaminated sites. These plans have 60 or 90-day due dates. NMED did not change these due dates as they represent a reasonable amount of time for the Facility to prepare these types of plans, especially for an interim measures work plan where time is of the essence. A lack of funding is not adequate justification for failing to prepare such plans in a timely manner.</p> <p><b>Permit Modification:</b> None.</p>
144	50	4.2.1		KAFB	<p>Delete. This information has been previously submitted to NMED in corrective action documents and well completion reports. The information is also maintained by and available from the NM State Engineer. Some of the requested information is already contained in the Draft Permit Application (i.e. Figure 4-1 showing locations of SWMU's and AOC's).</p> <p>If retained, the 30-day reporting period is unreasonable and should be extended to at least 90-120 days, and this requirement should be deleted for SWMU's and AOC's without identified lateral boundaries, in that site investigations need to be completed (Table 4-2 should be appropriately modified).</p>	<p>Part 4, Section 4.2.1 of the draft Permit is now in Part 6, Section 6.2.1.1 of the final Permit.</p> <p>NMED did not delete what is now Section 6.2.1.1 of Permit Part 6 of the final Permit. NMED finds that basic facility information needs to be updated periodically. For example, some surveyed well locations that have been provided to the NMED by the Permittee in the past are known to contain errors that have not been corrected by the Permittee. Water-level maps submitted in the past by the Permittee are also known to contain errors and often are inconsistent with those of adjacent sites or regional water level maps.</p> <p>NMED will not request information from the State Engineer that is the Permittee's responsibility to provide to the NMED. The State Engineer does not administer the</p>

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						<p>RCRA program for the State of New Mexico.</p> <p>The report can indicate which SWMUs and AOCs currently do not have defined boundaries, and can show on a map the known or suspected extent of the boundary of these sites as currently understood by the Permittee.</p> <p>NMED did change the due date for the first such report from 30 to 90 days of the effective date of the Permit in the interest of comity.</p> <p><b>Permit Modifications:</b> The first sentence of Section 6.2.1.1 of Permit Part 6 of the final Permit has been revised to read:  <i>The Permittee shall submit in a report to the Department, within 90 days of the effective date of this Permit, the following information:...</i></p> <p>NMED also revised the due date for the report in Table 1-2 of Permit Attachment 1 of the final Permit to:  <i>Within 90 days from effective date of this Permit and annually thereafter by March 31 if update needed.</i></p>
145	50	4.2.2		KAFB	Need to specify a submission date/time-frame.	<p>Part 4, Section 4.2.2 of the draft Permit is now in Part 6, Section 6.2.1.2 of the final Permit.</p> <p>NMED has revised the final Permit so that it specifies a due date for the report.</p> <p>Also, items 2, 4 and 5 have been deleted from the final Permit.</p>

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						<p><b>Permit Modifications:</b> As indicated above. Also, the first sentence of the first paragraph of Section 6.2.1.2 of Part 6 of the final Permit has been modified to read:</p> <p><i>The Permittee shall, within 90 days of the effective date of this Permit, submit a report to the Department describing human populations that are susceptible to contaminant exposure from the Facility.</i></p> <p>NMED has also revised the due date for the report in Table I-2 of Permit Attachment I of the final Permit to state:</p> <p><i>Within 90 days from effective date of this Permit and no later than March 31 of subsequent years if an update is needed.</i></p>
146	50	4.2.2	1(b)	KAFB	This information is maintained by and available from the NM State Engineer.	<p>Part 4, Section 4.2.2 of the draft Permit is now in Part 6, Section 6.2.1.2 of the final Permit.</p> <p>NMED will not request information from the State Engineer. See NMED response to Comment #144.</p> <p><b>Permit Modification:</b> None.</p>
147	50	4.2.2	Potential Receptors	KAFB	Table I-1 of Part 1 requires this report within 30 days of the effective date. This requirement should be included in this section if this permit condition remains in the permit.	<p>Part 4, Section 4.2.2 of the draft Permit is now in Part 6, Section 6.2.1.2 of the final Permit.</p> <p>See NMED response to Comment #145.</p> <p><b>Permit Modification:</b> See NMED response to Comment 145.</p>
148	50	4.2.2	2	KAFB	For consistency with the other requirements in 4.2.2, recommend changing the language to read: "... waters adjacent to the Facility."	<p>Part 4, Section 4.2.2 of the draft Permit is now in Part 6, Section 6.2.1.2 of the final Permit.</p> <p>Item #2 of Part 4, Section 4.2.2 of the draft</p>

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						Permit has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
149	51	4.2.4		KAFB	Is this requirement for corrective action or for the OB-OD Treatment Units? Does the required information pertain to sites undergoing corrective action or to the particulate/gaseous effluent being emitted by the facility as a whole?  (This section is vague and would be difficult to know how to comply with. Remediation areas that actively generate air emission streams (such as SVE units), do track this type of information and should already be reported in the context of the amount of contamination removed. Most other types of remediation do not generate air emissions in regulated quantities, and we do not maintain this type of information, again because the City of Albuquerque does not require such activity through their permits.	Part 4, Section 4.2.4 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  NMED agrees that the requirement is too vague. <b>Permit Modification:</b> As indicated above.
150	52	4.2.4	3	KAFB	Delete "radiological" in that RCRA does not regulate radiological constituents.	Part 4, Section 4.2.4 of the draft Permit has been deleted from the final Permit.  See NMED response to Comment #149. <b>Permit Modification:</b> See NMED response to Comment #149.
151	52	4.2.4		KAFB	Need to specify a submission date/time-frame.	Part 4, Section 4.2.4 of the draft Permit has been deleted from the final Permit.  See NMED response to Comment #149. <b>Permit Modification:</b> See NMED response to Comment #149.
152	51	4.2.4	Air Contamination	KAFB	Table 1-1 of Part 1 requires this report within 30 days of the effective date. This requirement should be included in this section if this permit condition remains in the	Part 4, Section 4.2.4 of the draft Permit has been deleted from the final Permit.

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					permit.	See NMED response to Comment #149. <b>Permit Modification:</b> See NMED response to Comment #149.
153	52	4.2.5		KAFB	Delete section. This requested information is documented in applicable individual site reports.	Part 4, Section 4.2.5 of the draft Permit has been deleted from the final Permit. NMED agrees that this information is best presented in individual investigation reports. <b>Permit Modification:</b> as indicated above.
154	52	4.2.5	Subsurface Gas	KAFB	Table 1-1 of Part I requires this report within 30 days of the effective date. This requirement should be included in this section if this permit condition remains in the permit.	Part 4, Section 4.2.5 of the draft Permit has been deleted from the final Permit. See NMED response to Comment #153. <b>Permit Modifications:</b> See NMED response to Comment #153.
155	52	4.3		KAFB	Recommend changing the 2 <sup>nd</sup> sentence to read: "If there has been a release of hazardous waste or hazardous constituents into the environment and corrective action is necessary to protect human health or the environment from the release, corrective measures will be conducted at the contaminated site to remove or isolate the contaminants that pose the human health or environmental contamination risk."	Part 4, Section 4.3 of the draft Permit is now in Part 6, Section 6.2.2 of the final Permit. NMED has made a similar revision to the final Permit to that requested in the comment. Note that the term "corrective action" includes site characterization. <b>Permit Modification:</b> The second sentence of Section 6.2.2 of Permit Part 6 of the final Permit has been revised to read: <i>If there has been a release of hazardous waste or hazardous constituents into the environment and corrective action is necessary to protect human health or the environment from the release, corrective measures shall be conducted at the contaminated site to remove or isolate the</i>

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						<i>contaminants that pose the human health or environmental risk.</i>
156	52	4.3.1		KAFB	<p>Numerous sites listed in Table 4.2 are already in NFA status and need to be deleted from the Table. Recommend changing the language to read: "The Permittee shall conduct a site investigation, in accordance with the provisions of 4.3.1.1, for each SWMU or AOC listed on Table 4.2 of this Permit, excluding those listed sites with an unexecuted approved work plan or a filed petition for NFA status. The Department . . . is needed, it will notify the Permittee in writing within 45 days of receiving the Permittee's site investigation report."</p>	<p>Part 4, Section 4.3.1 of the draft Permit is now in Part 6, Section 6.2.2.1 of the final Permit. The one sentence making up Section 4.3.1.2 of Part 4 of the draft Permit was moved to Section 6.2.2.1 of the final Permit.</p> <p>NMED did not make the revisions requested in this comment. See NMED Responses to Comments #6 and 127.</p> <p><b>Permit Modification:</b> As indicated above, the following text was moved to Part 6, Section 6.2.2.1 of the final Permit as the second paragraph of the Section.</p> <p><i>The Permittee shall perform the site investigations only in accordance with approved Investigation Work Plans.</i></p>
157	52	4.3.1.1		KAFB	<p>Why would an AOC need an RFI? If an AOC warrants further investigation under RCRA wouldn't it become a SWMU? Recommend changing the language to read: ". . . for each SWMU needing further investigation, excluding those listed in Table 4-2 of this Part (4) with an unexecuted approved work plan or a filed petition for NFA status. An individual RFI Work Plan may cover several SWMU's. The RFI Work Plan . . . RFI Report for background information. "</p>	<p>Part 4, Section 4.3.1.1 of the draft Permit is now in Part 6, Section 6.2.2.1 of the final Permit. The one sentence of Section 4.3.1.2 of Part 4 of the draft Permit was moved to Section 6.2.2.1 of the final Permit. See NMED response to Comment #156.</p> <p>See NMED response to Comment # 132. An AOC need not be designated as a SWMU for the NMED to require investigation and corrective measures for the AOC.</p> <p><b>Permit Modification:</b> See NMED response to Comment #156.</p>
158	52	4.3.1.2		KAFB	Delete this section, in that it should be moved to and	The one sentence of Section 4.3.1.2 of Part 4 of the draft Permit was moved to Section

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					discussed in Section 4.3.1 of the same title.	6.2.2.1 of the final Permit. See NMED response to Comment #156. <b>Permit Modifications:</b> See NMED response to Comment #156.
159	53	4.3.2.3		KAFB	Incorporate footnote into section. Recommend changing language to read: "...selecting a remedy, which may encompass several separate actions."	Part 4, Section 4.3.2.3 of the draft Permit is now in Part 6, Section 6.2.2.2.3 of the final Permit. NMED has incorporated the footnote into Section 6.2.2.2.3 of Part 6 of the final Permit. NMED did not change the language in the footnote because the NMED believes the clarity of the original language is better than the recommended language. The original language, in particular, indicates that the NMED selects the remedy. <b>Permit Modification:</b> The footnote at the bottom of page 53 of the draft Permit has been inserted into Section 6.2.2.2.3 of Part 6 of the final Permit as the 2 <sup>nd</sup> paragraph. The text reads: <i>In selecting a remedy, the Department may select a remedy for a particular SWMU or AOC that encompasses several separate actions. The use of the term "remedy" refers to all such actions.</i>
160	54	4.3.2.5.2	Implement-Ability	KAFB	What if this is not supported by public comment?	Part 4, Section 4.3.2.5.2 of the draft Permit is now in Part 6, Section 6.2.2.2.5.2 of the final Permit. The Permittee must defend their analysis of the criteria listed in what is now Part 6, Section 6.2.2.2.5.2 of the final Permit. If that defense is deemed by the NMED to be

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						<p>unjustifiable, as demonstrated by public comment or by the NMED's own analysis, then the NMED may not agree with the Permittee's recommended remedial alternative.</p> <p>After consideration of public comment and the remedy recommended by the Permittee, NMED will select the remedy or require that the Permittee repeat the CME process.</p> <p><b>Permit Modification:</b> None.</p>
161	55	4.3.2.6		KAFB	Section 4.3.2.6 does not include language about Department approval of the CMS report. Suggest adding language stating this.	<p>Part 4, Section 4.3.2.6 of the draft Permit is now in Part 6, Section 6.2.2.2.6 of the final Permit.</p> <p>The NMED does not approve CME (CMS) reports, so the NMED did not make the requested revision. CME reports are not approved because the public has the right to comment on the proposed remedy and other aspects and results of the report.</p> <p>Instead, the NMED decides whether a CME is complete or incomplete. CME Reports are deemed complete if the NMED believes that it contains enough information to seek public comment on the remedies evaluated therein. If the NMED deems a CME Report incomplete, the Permittee will be instructed to evaluate additional remedies and/or provide information to correct the deficiencies.</p> <p><b>Permit Modification:</b> None.</p>
162	55	4.3.2.6		KAFB	Selection of a remedy should include Permittee input. Recommend changing 2 <sup>nd</sup> sentence to read: "If the Department proposes a different remedy from that	Part 4, Section 4.3.2.6 of the draft Permit is now in Part 6, Section 6.2.2.2.6 of the final Permit.

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					<p>recommended by the Permittee in the CMS Report, the Permittee and Department will mutually develop a remedy satisfactory to both.” and the 5<sup>th</sup> sentence to read: “As provided in 20.4.1.901(A)(5)(a)-(c), the Department will provide. . .”</p>	<p>The Permittee recommends its preference for a remedy in the CME Report (see Section 6.2.2.2.6 of Part 6 of the final Permit). Thus, the Permittee has input into the decision to select a remedy. After consideration of public comment, and the Permittee’s recommendation, the NMED selects the remedy.</p> <p>If the Permittee disagrees with the remedy selected by the NMED, the Permittee may request a public hearing and/or appeal the final decision for a remedy through the New Mexico Court of Appeals as provided under the HWA.</p> <p>Regarding the fifth sentence, NMED made the requested revision, but has also added a reference to 20.4.1.901(B)(5), as this action constitutes a Class 3 permit modification.</p> <p><b>Permit Modification:</b> The fifth sentence of Section 6.2.2.2.6 of Permit Part 6 of the final Permit has been revised to read:</p> <p><i>As provided in 20.4.1.901(A)(5)(a) through (c) and 20.4.1.901(B)(5), the Department will provide an opportunity for a public hearing on the proposed remedy, at which all interested persons will be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing.</i></p>
163	55	4.3.2.7	CMI Work Plan	KAFB	1st paragraph, 5th line. Should Section 1.35 read 1.34?	<p>Part 4, Section 4.3.2.7 of the draft Permit is now in Part 6, Section 6.2.2.2.7 of the final Permit.</p> <p>NMED has corrected the citation error.</p> <p><b>Permit Modification:</b> The second sentence</p>

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						<p>of the first paragraph of Section 6.2.2.2.7 of Permit Part 6 has been revised to read:  <i>The CMI Work Plan shall be submitted to the Department for review in accordance with the requirements in Permit Section 1.38.</i></p>
164	n/a	n/a	n/a	n/a	n/a	<p>Comment #164 requires no response.  <b>Permit Modification:</b> None.</p>
165	55	4.3.2.7		KAFB	<p>The first sentence references "ninety (90) days" whereas previous sections only list "90 days". Reformat "permit" to be consistent.</p>	<p>Part 4, Section 4.3.2.7 of the draft Permit is now in Part 6, Section 6.2.2.2.7 of the final Permit.                      The NMED has made the requested revision for Section 6.2.2.2.7 of Permit Part 6 of the final Permit.  <b>Permit Modification:</b> The first sentence of Section 6.2.2.2.7 of Part 6 of the final Permit has been revised to read:  <i>Within 90 days after the Department's selection of a final remedy, or as otherwise specified by the Department in writing, the Permittee shall submit to the Department for approval a Corrective Measures Implementation (CMI) Work Plan describing the design, construction, operation, maintenance, and performance monitoring for the selected remedy, and a schedule for its implementation.</i></p>
166	56	4.3.2.10		KAFB	<p>The first sentence references "ninety (90) days" whereas previous sections only list "90 days". Reformat "permit" to be consistent. Recommend changing report submission date from 90 days to 120 days.</p>	<p>Part 4, Section 4.3.2.10 of the draft Permit is now in Part 6, Section 6.2.2.2.10 of the final Permit.                      The NMED has made the requested revision to reformat the reference to "90 days".</p>

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						<p>NMED did not revise the submission date to 120 days, as 90 days after remedy completion should be adequate time to complete a CMI Report for most projects. If necessary, the Permittee may request a time extension.</p> <p><b>Permit Modification:</b> The first sentence of Part 6, Section 6.2.2.2.10 of the final Permit has been revised to read:</p> <p><i>Within 90 days after completion of a remedy, the Permittee shall submit to the Department for approval a CMI Report.</i></p>
167	56-57	4.3.3.1		KAFB	<p>Section 4.3.3.1 states that the Permittee may implement an Accelerated Corrective Measures in lieu of the process stated in Section 4.3.2. If this is the case then why are CMI reports (Section 4.3.2) required to be submitted as required in Section 4.3.3.3?</p>	<p>Part 4, Section 4.3.3.1 of the draft Permit is now in Part 6, Section 6.2.2.2.11.1 of the final Permit.</p> <p>The NMED requires the submittal of a Corrective Measures Implementation (CMI) Report regardless of whether the corrective measure was accelerated or done through the normal RCRA process. The results of a cleanup must always be reported to the NMED in the form of a CMI Report so that the NMED can determine whether the cleanup was successful in adequately reducing the risk of contaminants to human health and the environment.</p> <p>Additionally, any CMI Report done through the normal RCRA process, or through the accelerated corrective measure process will also be subject to public comment through a Class 3 permit modification request. Based on public comment, it is possible that additional cleanup or other remedial alternative could be ordered by the NMED</p>

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						Secretary. <b>Permit Modification:</b> None.
168	56	4.3.3.2		KAFB	Section 4.3.3.2 refers to Part 1, Section 1.34 for ACM report disapproval. In accordance with the permit language in Part 1, Part 1 only refers to the OB/OD units and not corrective action. What is the required review and approval schedule for an ACM work plan?	Part 4, Section 4.3.3.2 of the draft Permit is now in Part 6, Section 6.2.2.2.11.2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  Like that of the draft Permit, Part 1 of the final Permit is not limited in scope to the OD Unit. See NMED responses to Comments #1 and 6. <b>Permit Modification:</b> None.
169	57	4.3.3.3		KAFB	Why is the reference to CMI reports in this section? It should be discussed in Section 4.3.2.7.	Part 4, Section 4.3.3.3 of the draft Permit is now in Part 6, Section 6.2.2.2.11.3 of the final Permit.  See NMED response to Comment #167. <b>Permit Modification:</b> None.
170	58, 61	4.4	Cleanup Levels	KAFB  KAFB	Section 4.4 contains a reference to Section 4.3 for cleanup. This should be changed to Section 4.4.  Should (4.3) read (4.4)?	Part 4, Section 4.4 of the draft Permit is now in Part 6, Section 6.2.3 of the final Permit. NMED has corrected the citation. <b>Permit Modification:</b> The first sentence of Section 6.2.3 of Permit Part 6 has been revised to read: <i>The Permittee shall adhere to the requirements of this Permit Section (6.2.3) for implementing and completing cleanup of groundwater, surface water, and soil at all SWMUs and AOCs at the Facility.</i>
171	58	4.4.1		KAFB	Recommend changing the language to read: "... Safe Drinking Water Act (42 U.S.C. §§ 300f to 300j-26). In	Part 4, Section 4.4.1 of the draft Permit is now in Part 6, Section 6.2.3.1 of the final

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					those circumstances where the groundwater background concentrations exceed the established WQCC or EPA concentration levels, the groundwater background concentration shall become the established concentration level for terms of the Permit.”	Permit. NMED does not have the authority to change the New Mexico Water Quality Control (WQCC) standards or EPA MCLs. (See also NMED’s response to Comment # 172). Thus, NMED did not include the recommended language in the final Permit. Should this situation in regard to a WQCC standard occur, the Permittee may seek a variance as described under Section 6.2.3.8 of Permit Part 6 of the final Permit. <b>Permit Modification:</b> None.
172	58	4.4.1		KAFB	Recommend changing KAFB’s clean-up level to an industrial standard, in that there is no foreseeable change in KAFB’s mission, activities or BRAC related closures.	Part 4, Section 4.4.1 of the draft Permit is now in Part 6, Section 6.2.3.1 of the final Permit. NMED did not make the recommended revision. Groundwater having a TDS concentration of less than 10,000 mg/L is considered to be drinking-water, and the cleanup of drinking water must be based on a residential-use scenario. See also NMED response to comment # 171. <b>Permit Modification:</b> None.
173	58	4.4.2		KAFB	(1) Change to read “24 µg/L (ppb),” as per EPA’s 26 Jan 2006 “Assessment Guidance for Perchlorate” memorandum. That memo established 24.5 µg/L (ppb) as the preliminary recommended remediation goal for perchlorate, and the guidance in Section 4.4.1 above. (2) Under current DoD policy, DoD samples for perchlorate as required by the National Contingency Plan (NCP). Where sampling indicates perchlorate concentrations in water exceed the level of concern (24 µg/L) DoD components are directed to conduct site-	Part 4, Section 4.4.2 of the draft Permit is now in Part 6, Section 6.2.3.2 of the final Permit. The 4 µg/L value that is found in the draft Permit is not a remediation goal; instead the value triggers when the Permittee must conduct a risk assessment to propose a remediation goal. NMED did not modify the final Permit to accept the EPA preliminary remediation goal of 24.5 ug/L for

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					<p>specific risk assessments in accordance with CERCLA, the Defense Environmental Restoration Program (DERP), and/or the NCP to evaluate the extent of actual or potential exposures. If a site specific risk assessment indicates perchlorate concentrations could potentially result in adverse health effects, DoD components will prioritize the site for appropriate risk management.</p> <p>(3) While New Mexico has listed perchlorate as a toxic pollutant (§ 20.6.2.7(WW) NMAC), it has failed to promulgate an applicable concentration standard for contamination (§ 20.6.2.3103 NMAC). Therefore, KAFB believes the DoD policy and EPA's concentration standard of 24 µg/L to be more than adequate.</p> <p>(4) Additionally, before using 4 µg/L as the State perchlorate concentration standard for permits, NMED must follow the rulemaking procedures set forth in the New Mexico Administrative Procedures Act, (§§ 12-8-1 to 12-8-25 NMSA, 1978).</p>	<p>perchlorate, as this level may be too high to adequately protect human health and the environment. State law takes precedence over DoD policy in this matter.</p> <p>NMED's authority derives from the New Mexico Hazardous Waste Act (HWA), NMSA 1978 §§ 74-4-1 to 74-4-14; the federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 to 6992k; and the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 to 17.</p> <p>The NMED can require corrective action in a permit or in an administrative order to remediate a contaminant in groundwater if such contaminant is a "hazardous waste," either as defined in the regulations issued under the HWA and RCRA (the <i>regulatory</i> definition) or as defined in the HWA and RCRA statutes themselves (the <i>statutory</i> definition).</p> <p>Perchlorate meets the regulatory definition of hazardous waste. A waste is a "hazardous waste" if it exhibits any of the characteristics of hazardous waste identified in part 261, subpart C of the federal regulations. [20.4.1.200 NMAC (incorporating 40 C.F.R. § 261.3(a)(2)(i))]. Subpart C identifies four characteristics of hazardous waste: ignitability, corrosivity, reactivity, and toxicity. [20.4.1.200 NMAC (incorporating 40 C.F.R. §§ 261.21-261.24)]. Perchlorate exhibits the hazardous characteristic of ignitability under these regulations. <i>See, e.g., Castaic Lake Water Agency v. Whittaker Corp.</i>, 272 F.Supp.2d 1053, 1059-61 (C.D. Cal. 2003). Thus,</p>

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						<p>perchlorate is a hazardous waste as defined in the regulations at section 20.4.1.200 NMAC (incorporating 40 C.F.R. § 261.21). Perchlorate meets the statutory definition of hazardous waste. The HWA, NMSA 1978, § 74-4-3(K), broadly defines the term "hazardous waste" as:</p> <p><i>"...any solid waste or combination of solid wastes which because of their quantity, concentration or physical, chemical, or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or (2) pose a substantial present or potential hazard to human health and the environment when improperly treated, stored, transported, disposed of or otherwise managed."</i></p> <p>Section 1004(5) of RCRA contains an almost identical definition of "hazardous waste." 42 U.S.C. § 6903(5).</p> <p>Thus, perchlorate is subject to the NMED's corrective action authority both because it meets the regulatory definition of "hazardous waste," <i>and</i> because it meets the statutory definition of "hazardous waste."</p> <p>Thus, the NMED can impose a requirement that the Permittee must propose a cleanup level for perchlorate based on a risk assessment just as for it could for the release of any other hazardous waste or hazardous constituent.</p> <p><b>Permit Modification:</b> None.</p>

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174	58-59	4.4.3		KAFB	Recommend changing KAFB's clean-up level to an industrial standard consistent with its past, present, and future industrial land use. There are no foreseeable changes in KAFB's mission, activities or BRAC related closures.	<p>Part 4, Section 4.4.3 of the draft Permit is now in Part 6, Section 6.2.3.3 of the final Permit.</p> <p>NMED did not make the requested revision. NMED cannot ensure that future land use will not be contrary to the level of cleanup achieved at a site, and therefore, will be protective of human health and the environment. Thus, cleanups must result in the site being acceptable for unrestricted residential land use.</p> <p><b>Permit Modification:</b> None.</p>
175	59	4.4.4		KAFB	This section requires KAFB to propose PCB cleanup levels based on a residential land use scenario. This is contrary to AF Performance Based Cleanup Policy for basing cleanup decisions based on current and reasonable anticipated or realistic future land use (ref: SAF/IEE Itr, 27 Oct 04). Recommend changing KAFB's clean-up level to an industrial standard consistent with its past, present, and future industrial land use. The Department's use of a policy paper, Risk-based Remediation of Polychlorinated Biphenyls at RCRA Corrective Action Sites, to set contaminant concentration levels does not comport with NMSA § 12-8-3 (1978).	<p>Part 4, Section 4.4.4 of the draft Permit is now in Part 6, Section 6.2.3.4 of the final Permit.</p> <p>See NMED response to Comment #174 concerning the requirement to assess risk under a residential land-use scenario. Additionally, the Permit gives the option of using 1.00 mg/kg as the cleanup level or doing a risk assessment assuming a residential land-use scenario.</p> <p><b>Permit Modification:</b> None.</p>
176	59	4.4.5		KAFB	Since the OB and OD units, SWMU's and AOC's are not residential property or child occupied sites, 400 mg/kg is inappropriate. Recommend 1200 µg/g (ppm) as a concentration level (see 40 C.F.R. Part 745).	<p>Part 4, Section 4.4.5 of the draft Permit is now in Part 6, Section 6.2.3.5 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not make the recommended revision in the allowable concentration level for lead contamination in soil. The EPA's</p>

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						<p>residential cleanup level for lead is 400 mg/kg. See NMED response to Comment #174 concerning the analysis of risk using a residential land-use scenario.</p> <p><b>Permit Modification:</b> None.</p>
177	59	4.4.6		KAFB	Delete this section. Surface waters are regulated by the WQCC.	<p>Part 4, Section 4.4.6 of the draft Permit is now in Part 6, Section 6.2.3.6 of the final Permit.</p> <p>The NMED did not delete Section 4.4.6 as recommended in the comment. The Water Quality Act (§§ 74-6-1 et seq., NMSA 1978) establishes the Water Quality Control Commission (WQCC) and specifies its duties and powers. The NMED enforces the State water quality regulations for surface water, not the WQCC. See also NMED response to Comment #8.</p> <p><b>Permit Modification:</b> None.</p>
178	59	4.4.7		KAFB	Recommend clarifying that ecological risk be evaluated at SWMUs or AOCs only when there is a potential for ecological receptors	<p>Part 4, Section 4.4.7 of the draft Permit is now in Part 6, Section 6.2.3.7 of the final Permit.</p> <p>Part of evaluating ecological risk is determining whether or not there are ecological receptors and pathways thereto. If there are no receptors or pathways, then ecological risk may be assumed to be insignificant.</p> <p><b>Permit Modification:</b> None.</p>
179	59	4.4.8		KAFB	Recommend changing the language to read: “. . . If a WQCC standard is involved, the Permittee may request an alternative abatement standard from the NMED Groundwater Quality Control Board in accordance . . .”	<p>Part 4, Section 4.4.8 of the draft Permit is now in Part 6, Section 6.2.3.8 of the final Permit.</p> <p>The requirement referenced in the comment</p>

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						<p>was not changed in the final Permit. There is no such entity (NMED Groundwater Quality Control Board).</p> <p>A request for an alternative abatement standard is made with the WQCC as explained in 20.6.2.4103.F NMAC and as set forth in Section 6.2.3.8 of Part 6 of the final Permit.</p> <p><b>Permit Modification:</b> None.</p>
180	60	4.5	Line 7	KAFB	<p>Since the Department already reviews all submissions for compliance, delete sentence: "All work plans and reports shall be prepared with technical and regulatory input from the Department."</p>	<p>Part 4, Section 4.5 of the draft Permit is now in Part 6, Section 6.2.4 of the final Permit.</p> <p>This requirement was not deleted from the final Permit. The intent of the subject text is to convey that the Permittee will correct deficiencies identified by the NMED by revising work plans and reports according to NMED comments.</p> <p><b>Permit Modification:</b> None.</p>
181	60	4.5.1	1 through 8	KAFB	<p>Delete this item. The required laboratory data summaries would be an excessive amount of material included in the quarterly report. Furthermore, data summaries are presented in association with site reports. Data should not have to be further summarized and reported in the quarterly report document.</p>	<p>Part 4, Section 4.5.1 of the draft Permit is now in Part 6, Section 6.2.4.1 of the final Permit.</p> <p>This requirement was not deleted from the final Permit. Only one of the 8 items concerns laboratory data summaries. The NMED expects that the required summaries, including that of laboratory data, that are to be presented in quarterly reports would normally be brief statements, and that the details would be presented in periodic monitoring reports or other type of site-specific reports.</p> <p><b>Permit Modification:</b> None.</p>

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182	60	4.5.1	6	KAFB	KAFB does not currently include discussions of project personnel in the quarterly report.	<p>Part 4, Section 4.5.1 of the draft Permit is now in Part 6, Section 6.2.4.1 of the final Permit.</p> <p>Just because the Permittee doesn't discuss changes in key personnel now in their quarterly reports does not mean that this practice should continue. Under the final Permit, the Permittee is required to include discussion of any key personnel changes in quarterly reports.</p> <p>This requirement helps all parties with respect to the Permittee's concern expressed in Comment #2.</p> <p><b>Permit Modification:</b> None.</p>
183	60-61	4.5.2		KAFB	How does the general discussion of the RFI work plan requirements relate to the NMED suggested format for previously issued RFI work plans? Also, figures and tables should be included with the text of the document, not separated into its own section.	<p>Part 4, Section 4.5.2 of the draft Permit is now in Part 6, Section 6.2.4.2 of the final Permit.</p> <p>Investigation Work Plans (RFI Work Plans) submitted prior to the effective date of the final Permit do not have to be resubmitted in the format required by the final Permit. However, NMED may ask the Permittee to provide additional information concerning an older submittal for a SWMU/AOC undergoing corrective action if the submittal lacks any of the information required by the final Permit.</p> <p>NMED has added a sentence at the end of Part 6, Section 6.2.4.2 allowing figures and tables to be included in the text sections of the work plan.</p> <p><b>Permit Modification:</b> The following sentence has been added to the end of Section 6.2.4.2 of Part 6 of the final Permit:</p>

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						<i>The Permittee may insert figures and tables within the text sections of a work plan instead of in a separate section.</i>
184	62-63	4.5.4		KAFB	Please specify if the periodic monitoring report is for the OB and OD Treatment Units, specific SWMU's or AOC's, or is a facility wide report. What monitoring and reporting frequency is required?	<p>Part 4, Section 4.5.4 of the draft Permit is now in Part 6, Section 6.2.4.4 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The monitoring report required in this Permit Section applies to any SWMU or AOC undergoing corrective action.</p> <p>The frequency of monitoring and reporting will be specified in approved work plans and sampling and analysis plans on a site-by-site basis.</p> <p>It also applies to Facility-wide projects when such projects are needed to support data needs for corrective action.</p> <p>Monitoring requirements for the OD Unit (currently not requiring corrective action) are specified elsewhere in the final Permit</p> <p><b>Permit Modification:</b> None.</p>
185	63	4.5.5		KAFB	Line No. 2-Consistency? 4.5.2-Executive Summary vs. 4.5.3-Executive Summary (Abstract).	<p>Part 4, Section 4.5.5 of the draft Permit is now in Part 6, Section 6.2.4.5 of the final Permit.</p> <p>NMED has made the revision for consistency.</p> <p><b>Permit Modification:</b> Item 2 in Permit Part 6, Section 6.2.4.2 of the final Permit has been changed to read:</p> <p style="padding-left: 40px;">2. <i>Executive Summary (Abstract).</i></p>

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186	63	4.5.5		KAFB	Recommend removing the requirement that "page numbers" be included for references citing other reports or clarify that specific citation details can be presented in a formal reference section of the document.	<p>Part 4, Section 4.5.5 of the draft Permit is now in Part 6, Section 6.2.4.5 of the final Permit.</p> <p>This requirement regarding page numbers for references is intended to assist NMED reviewers by reducing the time that must be spent to find supporting information if a Risk Assessment Report is not appended to or combined with a CME Report or Investigation Report. Thus, NMED did not delete the requirement from the final Permit. NMED has added a sentence stating that page numbers for references may be presented in a formal reference section.</p> <p><b>Permit Modification:</b> After the 6<sup>th</sup> sentence of paragraph 2, Section 6.2.4.5 of Permit Part 6 of the final Permit, the following sentence has been added.</p> <p><i>Page numbers for references made to other reports may be presented in a formal reference section of a risk assessment report.</i></p>
187	65	4.5.7	CMS Report	KAFB	Section 4.5.7 twice refers to Section 4.2.2.4, which does not exist. First Item 10 and second Item 12. There is no Section 4.2.2.4.	<p>Part 4, Section 4.5.7 of the draft Permit is now in Part 6, Section 6.2.4.7 of the final Permit.</p> <p>The NMED has corrected the citation.</p> <p><b>Permit Modifications:</b> The citations in Section 6.2.4.7 of Permit Part 6, 1<sup>st</sup> list, item #10, and 2<sup>nd</sup> list, item #12 have been corrected to read:</p> <p><i>Section 6.2.2.2.5.2 of Permit Part 6</i></p>
188	66	4.5.8		KAFB	Sentence 1 – change "CMS" to "CMI"	Part 4, Section 4.5.8 of the draft Permit is now in Part 6, Section 6.2.4.8 of the final

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						<p>Permit.                      NMED has corrected the error in the final Permit.  <b>Permit Modification:</b> Sentence 1 of Permit part 6, Section 6.2.4.8 of the final Permit has been changed to read:  <i>The Permittee shall prepare a CMI Work Plan using the format set forth below.</i></p>
189		4.5.8	CMI Work Plan	KAFB	Item 5 reads "construction and construction". Correct as appropriate.	<p>Part 4, Section 4.5.8 of the draft Permit is now in Part 6, Section 6.2.4.8 of the final Permit.                      NMED has corrected the error in the final Permit.  <b>Permit Modification:</b> Item 5 of Section 6.2.4.8 of Permit Part 6 of the final Permit has been revised to read:  <i>A construction quality assurance plan</i></p>
190	67	4.5.11		KAFB	Insert citation: "40 C.F.R. § 270.11(d)(1)"	<p>Part 4, Section 4.5.11 of the draft Permit is now in Part 6, Section 6.2.4.11 of the final Permit.                      NMED has added the regulatory citation as recommended.  <b>Permit Modification:</b> The first sentence of Section 6.2.4.11 of Permit Part 6 of the final Permit has been revised to read:  <i>Pursuant to 40 C.F.R. § 270.11(d)(1), all corrective action documents shall include a certification, signed by a responsible official of the Facility, stating:...</i></p>
191	68	4.6		KAFB	Since NMAC § 20.4.2 identifies both NFA's and "corrective action complete without Controls," please	<p>Part 4, Section 4.6 of the draft Permit is now in Part 6, Section 6.3 of the final Permit.                      Table 4-3 of the draft Permit is now Table</p>

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					clarify on Table 4-3.	<p>K-1 of Attachment K of the final Permit. NMED has made the requested revision.</p> <p><b>Permit Modification:</b> The title of Table K-1 of Attachment K of the final Permit has been revised to read:</p> <p><i>SOLID WASTE MANAGEMENT UNITS (SWMUS), AND AREAS OF CONCERN (AOCS) FOR WHICH CORRECTIVE ACTION IS COMPLETE WITHOUT CONTROLS (GRANTED NO FURTHER ACTION STATUS)</i></p>
192	69	Table 4-1	Annual Reports	KAFB	Delete Annual Report	<p>Table 4-1 of Part 4 of the draft Permit is now Table 1-2 of Attachment 1 of the final Permit.</p> <p>NMED did not delete the requirement to submit the annual report for testing and training activities. See NMED response to Comment #130.</p> <p><b>Permit Modification:</b> None.</p>
193	69	Table 4-1	Quarterly Reports	KAFB	Delete Quarterly Perchlorate Screening Report – There is no regulatory requirement for this report.	<p>Table 4-1 of Part 4 of the draft Permit is now Table 1-2 of Attachment 1 of the final Permit.</p> <p>NMED did not delete the requirement from the final Permit to submit a quarterly screening report for perchlorate monitoring. Perchlorate is known to be a contaminant in groundwater at EOD Hill Well and the Schoolhouse Well and may be present at other areas at KAFB given that the Permittee uses military devices constructed with perchlorate compounds. Perchlorate is listed as a toxic pollutant in the NMWQCC Regulations (20.6.2.7 NMAC). It is also a</p>

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						<p>hazardous waste (see NMED response to Comment #173). Thus, the NMED can require the monitoring and reporting of perchlorate to protect human health and the environment (40 C.F.R. § 264.601). See also NMED responses to Comments #173 and 259. <b>Permit Modification:</b> None</p>
194	69	Table 4-1		KAFB	Under Quarterly Perchlorate Screening Reports, change 5.14 to 5.1.4.	<p>Table 4-1 of Part 4 of the draft Permit is now Table I-2 of Attachment I of the final Permit. NMED has corrected the citation in the final Permit. <b>Permit Modification:</b> The type of submittal <i>Quarterly Perchlorate Screening Reports</i> of Table I-2 of Attachment I of the final Permit has been corrected to read: <i>Quarterly Perchlorate Screening Reports (Permit Section 6.4.1.4)</i></p>
195	69-71	Table 4-1		KAFB	Please increase the submission dates for all reports that do not have a 90 day submission period	<p>Table 4-1 of Part 4 of the draft Permit is now Table I-2 of Attachment I of the final Permit. The NMED does not completely agree with Comment #195. Some reports, for example, verbal reports, must have shorter submission due dates in order to be timely for NMED consideration or to ensure protection of human health and the environment. Notifications of field sampling/activities, newly discovered releases, interim measures work plans, and emergency interim measures work plans also require short submission dates to be timely.</p>

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						<p>However, in the interest of comity NMED has increased the submittal due dates for SWMU Assessment Reports to 90 days, and has clarified that CME Work Plans have 90 day submittal due dates.</p> <p><b>Permit Modifications:</b> In Table I-2 of Attachment I of the final Permit, the submittal due date for SWMU Assessment Report has been revised to read:  <i>Within 90 days after submitting written notification of a newly-discovered SWMU/AOC</i></p> <p>The due date for Corrective Measures Evaluation (CME) Work Plan has been changed to read:  <i>Within 90 days of notification by the Department.</i></p> <p>Also, the first sentence of the 2<sup>nd</sup> paragraph of Section 6.1.8 of Part 6 of the final Permit has been revised to read:  <i>Within 90 days after submitting such written notification, the Permittee shall submit to the Department for approval a SWMU Assessment Report (SAR) for each newly identified or suspected SWMU or AOC.</i></p>
196	69	Table 4-1	Other Reports	KAFB	delete "Offsite Access" Report. .	<p>See response to Comment 1. Table 4-1 of Part 4, Section 4.6, is now Table I-2, Attachment I.</p> <p>NMED did not delete this requirement. If a release has extended onto land not controlled by the Permittee, and access to conduct corrective action is denied to the Permittee by the other property owner, this fact needs to be reported as soon as possible</p>

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						<p>to the NMED so that the NMED can attempt to intervene between the parties.                      NMED did correct the due date of such reports.  <u><b>Permit Modification:</b></u> The due date for "Offsite Access" Report was corrected to: <i>Immediately upon discovery</i></p>
197	69	Table 4-1	Other Reports	KAFB	Field Sampling Activities – change 2 <sup>nd</sup> column to read: "Within 24 hours or as soon as practical after release discovery."	<p>Table 4-1 of Part 4 of the draft Permit is now Table 1-2 of Attachment I of the final Permit.                      The comment appears to be referring to another part of the table for the due date for verbal notification of newly-discovered releases. Either way, the NMED does not agree with the comment.                      Information on the discovery of a new release is important and potentially time critical to ensure protection of human health or the environment.                      NMED requires notification at least 15 days prior to sampling and other field activities so that the NMED has the opportunity to schedule staff for collecting split samples or observing field activities.  <u><b>Permit Modification:</b></u> None.</p>
198	70	Table 4-1		KAFB	Under CMS Work Plan, should this read 4.3.2.2? Under Accelerated Corrective Measures, is this a Work Plan?	<p>Table 4-1 of Part 4 of the draft Permit is now Table 1-2 of Attachment I of the final Permit.                      The comment is correct on both counts. NMED has corrected the errors.  <u><b>Permit Modifications:</b></u> In Table 1-2 of Attachment I of the final Permit, under</p>

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						<p>Corrective Measures Evaluation (CME) Work Plan, the citation has been corrected to read:</p> <p><i>Corrective Measures Evaluation (CME) Work Plan (Permit Section 6.2.2.2.2)</i></p> <p>Under Accelerated Corrective Measures, the text has been revised to indicate that this is a work plan:</p> <p><i>Accelerated Corrective Measures (ACM) Work Plan (Permit Section 6.2.2.2.1.2)</i></p>
199	70	Table 4-1	Other Reports	KAFB	Risk Assessment Report – this can also be submitted with the RFI as stated in Section 4.5.5.	<p>Table 4-1 of Part 4 of the draft Permit is now Table 1-2 of Attachment I of the final Permit.</p> <p>NMED has corrected the error in the final Permit.</p> <p><b>Permit Modification:</b> In Table 1-2 of Attachment I of the final Permit, the due date for a Risk Assessment Report has been revised to read:</p> <p><i>Appended to or in combination with a CME or Investigation Report, or as otherwise specified in a work plan or by the Department in writing</i></p>
200	70	Table 4-1	Other Reports	KAFB	CMI Work Plan - The 90 day timeframe may not be met; a fund request must be submitted after the final remedy is selected that could require up to a year to be funded.	<p>Table 4-1 of Part 4 of the draft Permit is now Table 1-2 of Attachment I of the final Permit.</p> <p>NMED considers 90 days to generally be adequate time to prepare a CMI Work Plan. The Permittee can always request an extension of the 90-day due date for good cause.</p> <p><b>Permit Modification:</b> None.</p>

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201	70	Table 4-1	Other Reports	KAFB	The 60 day timeframe may not be met; a fund request must be submitted after notification is received that could require up to a year to be funded.	<p>Table 4-1 of Part 4 of the draft Permit is now Table I-2 of Attachment I of the final Permit.</p> <p>NMED assumes this comment refers to Interim Measures Work Plans. Interim Measures are generally needed to stop rapid migration of contaminants. NMED expects the 60-day time frame to be met because time is of the essence to protect human health and the environment when interim measures are warranted.</p> <p><b>Permit Modification:</b> None.</p>
202	70	Table 4-1	Other Reports	KAFB	Change all 60 and 90 day submission periods to 120 days (9 of them).	<p>Table 4-1 of Part 4 of the draft Permit is now Table I-2 of Attachment I of the final Permit.</p> <p>See NMED responses to Comments #195, 200, and 201. In general, 90 days should be sufficient to generate most work plans or reports. The Permittee can always request additional time if a project takes longer than expected and for good cause.</p> <p><b>Permit Modification:</b> None.</p>
203	70	Table 4-1	Other Reports	KAFB	There appears to be no difference between the CMI, ACM, CMI, IM and EIM reports – please clarify the differences.	<p>Table 4-1 of Part 4 of the draft Permit is now Table I-2 of Attachment I of the final Permit.</p> <p>The reports are the same in that they describe the remedy that was implemented by the Permittee to clean up a given site and that they document the outcome of the remedy implementation.</p> <p>The reports differ only by whether cleanup was conducted under a Corrective Measures Implementation (CMI) Plan (the normal</p>

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						<p>RCRA process) or under a plan for another cleanup process (Accelerated Cleanups, Interim Measures, and Emergency Interim Measures). Each of these cleanup processes is explained in Part 6 of the Permit. Only an Emergency Interim Measure may be implemented by the Permittee without prior approval of a plan from the NMED.</p> <p>A cleanup conducted under a CMI Plan is normally considered a final remedy (provided the remedy succeeds). Accelerated Cleanups, Interim Measures, and Emergency Interim Measures may or may not be accepted as the final remedy for a SWMU or AOC.</p> <p><b>Permit Modification:</b> None.</p>
204	71	Table 4-1	Other Reports	KAFB	<p>Delete first three table items on this page:</p> <p>The CMI Report for Landfills LF-001, LF-002 and LF-008 were previously submitted to NMED for review. The CMI Report for LF-008 was approved by NMED in a letter dated May 4, 2006 from James Bearzi. CMI Reports for LF-001 and LF-002 were submitted to NMED for review on August 10, 2006, and February 28, 2007 respectively. The current requirement for CMI report submissions is 180-days from the completion of the CMI. The landfill CMIs were submitted to NMED within 180-days. As Table 4-1 (page 71 of 236) specifies 90-days for CMI submission, NMED appears to want this requirement to be retroactive. This portion of Table 4-1 should be deleted since it is not applicable.</p> <p>The CMI Quarterly Progress Reports are inapplicable in that the 3 landfill CMI's are completed.</p> <p>The Long Term Monitoring and Maintenance Plan was</p>	<p>Table 4-1 of Part 4 of the draft Permit is now Table 1-2 of Attachment 1 of the final Permit.</p> <p>The submittals Landfills LF-001, LF-002 and LF-008 CMI Report (Part 5, Section 5.2.1); Landfills 001, 002 and 008 Quarterly Progress Reports (Part 5, Section 5.2.2); and Long-Term Monitoring and Maintenance Plan for Landfills LF-001, LF-002 and LF-008 (Part 5, Section 5.2.3) have been deleted or moved to Table 1-3 of Attachment 1 of the final Permit as explained below.</p> <p>The requirement to submit CMI Reports for Landfills LF-001 and LF-008 have been deleted from the final Permit as this requirement has already been met by the Permittee. The requirement to submit a CMI Report for Landfill LF-002 has been moved</p>

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					submitted to NMED on 3 November 2006.	<p>to Table I-3 of Attachment I of the final Permit. The CMI Report for LF-002 has not been approved by the NMED because the sewer line has not been relocated.</p> <p>The requirements for Quarterly Progress Reports for all three landfills have been deleted from the final Permit.</p> <p>The requirements for Long-Term Monitoring and Maintenance Plans for all three landfills have been moved to Table I-3 of Attachment I of the final Permit. These plans, although submitted, have not been approved by the NMED.</p> <p><b>Permit Modification:</b> as indicated above.</p>
205	71	Table 4-1	Closure Report	KAFB KAFB	<p>Change 60 day submission period to 120 days.</p> <p>First entry, per Section 5.2.1 of Part 5, 90 days should be 180 days.</p>	<p>Table 4-1 of Part 4 of the draft Permit is now Table I-2 of Attachment I of the final Permit.</p> <p>With regard to the 60-day due date for <i>Closure Report</i>, NMED has removed from Table I-2 the submittal <i>Closure Report</i>, as this type of report is not normally considered a corrective-action related document. The Closure Report for the OD Unit is addressed elsewhere in the Permit (such as Part 4 and Attachment H). NMED did not change the 60-day requirement to submit the report, which is a requirement of 40 C.F.R. § 264.115.</p> <p>Regarding the due dates for the submittal of CMI Reports for Landfills LF-001, LF-002, and LF-003, see NMED response to Comment #204. The due date for the CMI Report for LF-002 has been changed in Table I-3 of Attachment I of the final Permit</p>

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						<p>to reflect that it has already been submitted to the NMED.</p> <p><b>Permit Modifications:</b> as indicated above.</p>
206	72	Table 4-2	SWMU 6-1	KAFB	<p>SWMU 6-1, LF-001, Landfill # 1, the required submittal, Remedy Completion Report (Corrective Measures Implementation Report), due 6/13/06, has already been submitted, the Corrective Measures Implementation (CMI) Report, Aug-06, AR Docs # 3037 &amp; 3038. Please delete this submission requirement.</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>The NMED has updated what is now Table I-3 of Attachment I of the final Permit. The listings for SWMUs and AOCs officially approved for Corrective Action Complete (No Further Action) have been transferred to Table K-1 of Attachment K of the final Permit.</p> <p>Any submittal that has not received official approval from the NMED prior to issuance of the final Permit will not be removed from Table I-3 regardless of whether or not the document has been formally transmitted to the NMED. However, instead of a due date, Table I-3 has been revised to indicate that such a submittal has been already provided to the NMED.</p> <p>See also NMED response to Comment # 127.</p> <p>The requirement to submit a CMI Report for LF-001 has been deleted from the final Permit. The document has already been approved by the NMED.</p> <p><b>Permit Modification:</b> as indicated above.</p>
207	72	Table 4-2	SWMU 6-1	KAFB	<p>SWMU 6-1, LF-001, Landfill # 1, the required submittal, Long Term Monitoring and Maintenance Plans, due 180 days after Remedy Completion Report approved, has already been submitted, the Long Term</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>The requirement to submit a LTM Plan for</p>

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					Maintenance (LTM) Plan, LF-001, LF-002, LF-008, Nov-06, AR Doc #3095. Please delete this submission requirement.	LF-001 is now referenced on Table I-3 of Attachment I of the final Permit as submitted. See NMED response to Comment #206. <b>Permit Modification:</b> as indicated above.
208	72	Table 4-2	SWMU 6-1	KAFB	The SWMU 6-1 the Quarterly Progress Reports were previously submitted and the CMI remedy is completed. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The requirement has been deleted. See NMED response to Comment #204. <b>Permit Modification:</b> See NMED response to Comment #204.
209	72	Table 4-2	SWMU 6-2	KAFB	SWMU 6-2, LF-002, Landfill # 2, the required submittal, Long Term Monitoring and Maintenance Plans, due 9/7/06, has already been submitted, the CMI Report, Feb-07, AR Docs # 3127 & 3128. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The requirement to submit a LTM Plan for LF-002 is now referenced on Table I-3 of Attachment I of the final Permit as submitted.. See NMED response to Comment #206. <b>Permit Modification:</b> as indicated above.
210	72	Table 4-2	SWMU 6-2	KAFB	SWMU 6-2, LF-002, Landfill # 2, the required submittal, Long Term Monitoring and Maintenance Plans, due 180 days after Remedy Completion Report approved, has already been submitted, the LTM Plan, LF-001, LF-002, LF-008, Nov-06, AR Doc #3095. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. See NMED response to Comment #209. <b>Permit Modification:</b> See NMED response to Comment #209.
211	72	Table 4-2	SWMU 6-2	KAFB	The SWMU 6-2 the Quarterly Progress Reports were previously submitted and the CMI remedy is completed. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The requirement has been deleted. See

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						NMED response to Comment #204. <b>Permit Modification:</b> See NMED response to Comment #204.
212	72	Table 4-2	SWMU 6-3	KAFB	SWMU 6-3, LF-007, Landfill # 3, the required submittal, Remedy Completion Report (Corrective Measures Implementation Report), due 12/31/07, has already been submitted and in Response to KAFB Corrective Measures Implementation (CMI) Report, Sep-06, a No Further Action Approval letter, 5-Jan-07, AR Doc #3118 was received from NMED. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The CMI Report for LF-007 has been approved. NMED has deleted the requirement in the final Permit. The listing for LF-007 has been moved to Table K-1 of Attachment K of the final Permit. <b>Permit Modification:</b> as indicated above.
213	73	Table 4-2	SWMU 6-4	KAFB	SWMU 6-4, LF-008, Landfills 4, 5, and 6, the required submittal, Remedy Completion Report (Corrective Measures Implementation Report), due 3/31/07, has already been submitted, CMI Report, LF-008, 5-Jan-06, AR Doc #3025; NMED Approval of Report, 4-May-06, AR Doc # 2985. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The CMI Report for LF-008 has been approved. Thus, the NMED has deleted the requirement in the final Permit. <b>Permit Modification:</b> as indicated above.
214	73	Table 4-2	SWMU 6-4	KAFB	SWMU 6-4, LF-008, Landfills 4, 5, and 6, the required submittal, Long Term Monitoring and Maintenance Plan, due 180 days after Remedy Completion Report approved, has already been submitted, Nov-06, AR Doc #3095. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The requirement to submit a LTM Plan for LF-008 is referenced on Table I-3 of Attachment I of the final Permit as submitted.. See NMED response to Comment #206. <b>Permit Modification:</b> as indicated above.
215	73	Table 4-2	SWMU 6-4	KAFB	In addition to the due dates for the Selenium Investigation Plan and Reports having past, the Plan and report are not necessary - selenium concentrations in	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.

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					<p>both the perched and regional aquifers have been below the UTL determined for SWMU 6-4 in the KAFB Long-Term Groundwater Plan and the MCL from September 2002 to the most recent monitoring event, September 2006. Please delete these 2 submission requirements.</p>	<p>The Upper Tolerance Limit (UTL) reported for selenium in the KAFB Long-Term Groundwater Plan has not been approved by the NMED as a background concentration for selenium. The Permittee is required to use the approved background concentrations for the KAFB area.</p> <p>The concentrations for selenium exceed the approved background level, indicating possible groundwater contamination. Thus, the NMED did not delete the requirements to investigate the potential selenium contamination.</p> <p>See also NMED response to Comment #206.</p> <p><b>Permit Modification:</b> In Table I-3 of Attachment I of the final Permit, the due date for the Investigation Work Plan was revised to 3/31/11. The due date to submit an Investigation Report was deleted from the final Permit and will be established in the future in a schedule to be included in the Investigation Work Plan, as approved by the NMED.</p>
216	73	Table 4-2	SWMU 6-11	KAFB	<p>SWMU 6-11, LF-044, Fill Area SE of Sewage Lagoons. The required submittal Remedy Completion Report, due 12/31/07, has already been submitted, 16-Mar-06. NMED Approved of KAFB's VCM Imp Report, LF-044, 23-Sep-05, AR Doc #2925; NMED NFA'd, 26-Oct-06, AR Doc #3093. Please delete this submission requirement.</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>The CMI Report for LF-044 has been approved. NMED has deleted the requirement from the final Permit. The listing for LF-044 has been moved to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modification:</b> as indicated above.</p>
217	73	Table 4-2	SWMU 6-19	KAFB	SWMU 6-19, OT-029 EOD Range, for the required	Table 4-2 of Part 4 of the draft Permit is

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					<p>submittal, Investigation Report, due 12/28/07, one 3-Aug-06, KAFB's Request for Class 3 Mod for 16 SWMUs, OT-29 was requested to be administratively removed from Table A, AR Doc #3040 - it is an active site not a SWMU. Please delete this submission requirement.</p>	<p>now Table I-3 of Attachment I of the final Permit.</p> <p>According to information provided in an October 25, 2006, letter from Carl Lanz, Restoration Section Chief, to John Kieling, Permits Management Program, NMED HWB, a potentially contaminated site occurs within the boundary of the OB and OD treatment units. Corrective action must be conducted at this site to investigate potential releases.</p> <p>NMED has changed the requirement to submit an investigation Work Plan to submitting an Investigation Report to accelerate corrective action on this site. The Permittee has been informed many times that this site needs investigation and has failed to take action.</p> <p>See also NMED response to Comment #206.</p> <p><b>Permit Modification:</b> In Table I-3 of Attachment I of the final Permit, the due date for the Investigation Report was established as 12/28/11.</p>
218	73	Table 4-2	SWMU 6-22	KAFB	<p>For SWMU 6-22, OT-046, the required Remedy Completion Report, due 12/31/07, on 27-Jul-06, AR Doc #3012, NMED Approved the VCM, OT-046, May-06; NMED NFA'd OT-046 on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>The CMI Report for 6-22 has been approved. NMED has deleted the requirement from the final Permit. The listing for 6-22 has been moved to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modification:</b> as indicated above.</p>
219	73	Table 4-2	SWMU	KAFB	VCM Work Plan to investigate TCE in the Manzano	Table 4-2 of Part 4 of the draft Permit is

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			MBG		Base area was submitted in April 2006. The report is scheduled for June 2007, as outlined in the Work Plan.	<p>now Table 1-3 of Attachment 1 of the final Permit.</p> <p>The investigation is not complete. See NMED response to Comment #206.</p> <p>NMED has removed the requirement to submit an Investigation Report, but has retained the requirement to submit an Investigation Work Plan. The due date to submit an Investigation Report was deleted from the final Permit and will be established in the future in a schedule to be included in the Investigation Work Plan, as approved by the NMED.</p> <p><b>Permit Modification:</b> As indicated above.</p> <p>Also, Table 1-3 of Attachment 1 of the final Permit has been revised to change the due date for the Investigation Work Plan to 3/31/11.</p>
220	73	Table 4-2	SWMU 6-24	KAFB	<p>A RCRA Facility Investigation (RFI) was submitted to NMED on June 13, 2006 and approved by NMED on July 27, 2006. Why is there a requirement for an additional RFI? Nothing in the July 27, 2006 letter to KAFB mentions a need for more RFIs. The agreed to plan for WP-16 was to initially install one monitoring well and sample it for Appendix IX constituents. If the results dictated the need for an additional monitoring well(s) then the location of the additional well would be determined. Nothing in the new monitoring well or an existing monitoring well indicate the need for more wells. Please delete this submission requirement.</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table 1-3 of Attachment 1 of the final Permit.</p> <p>Groundwater at this site has not been adequately characterized at this time. NMED has removed the requirement to submit an Investigation Work Plan, but has retained the requirement to submit an Investigation Report to accelerate corrective action on this site. The due date for the Report is listed as "submitted".</p> <p>See also NMED response to Comment #206.</p> <p><b>Permit Modification:</b> as indicated above.</p>
221	73-74, 76	Table 4-2	10-2-C	KAFB	The required Investigation Report, due 12/31/09, was submitted as a Request for NFA, 5-Feb-07, AR Doc	Table 4-2 of Part 4 of the draft Permit is now Table 1-3 of Attachment 1 of the final

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			SMWU ST-220 <b>10-2-D</b> SWMU ST-329 <b>10-21-A</b> SWMU ST-287 <b>10-21-B</b> SWMU ST-290 SWMU ST-292 <b>10-21-C</b> SMWU ST-295 <b>10-21-D</b> SWMU ST-297 <b>10-21-E</b> SWMU ST-300 <b>10-21-F</b> SWMU ST-301 <b>10-21-G</b> SWMU ST-302 <b>10-21-H</b> SWMU ST-		#3122. Please delete these submission requirements	Permit. SWMUs 10-2-C and 10-2-D have not yet been investigated. Investigation reports are still required for these SWMUs (see Table I-3 of Attachment I of the final Permit). However, NMED has revised the due dates for these reports as "submitted". The remaining SWMUs have been granted Corrective Action Complete status and have been deleted from Table I-3. Other than SWMUs 10-2-C and 10-2-D, the listings for all of the SWMUs mentioned in this comment have been moved to Table K-1 of Attachment K of the final Permit. <u>Permit Modifications:</u> As indicated above.

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			303 <b>10-21-I</b> SWMU ST-304 <b>10-21-J</b> SWMU ST-305 <b>10-21-AA</b> SWMU ST-342 <b>10-21-BB</b> SWMU ST-346			
222	75	Table 4-2	<b>10-21-K</b> SWMU ST-307 SWMU ST-315 <b>10-21-L</b> SWMU ST-308 <b>10-21-T</b> SWMU ST-317 <b>10-21-W</b> SWMU ST-320 <b>10-21-X</b> SWMU ST-	KAFB	The required Investigation Report, due 12/31/09, was submitted as a Request for NFA, 5-Feb-07, AR Doc #3122. Please delete these submission requirements.	Table 4-2 of Part 4 of the draft Permit is now Table 1-3 of Attachment I of the final Permit. The SWMUs addressed by this comment have been granted Corrective Action Complete status and have been deleted from Table 1-3. The listings for the SWMUs have been moved to Table K-1 of Attachment K of the final Permit. <u><b>Permit Modifications:</b></u> As indicated above.

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			323 10-21-Y SWMU ST-324			
223	75	Table 4-2	SWMU ST-340	KAFB	KAFB has sent a letter to NMED requesting NFA for this site.	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>SWMU ST-340 remains listed on Table I-3 of Attachment of the final Permit. See NMED response to Comment #206. However, NMED has revised the due date for the report as "submitted".</p> <p><b>Permit Modification:</b> As indicated above.</p>
224	76	Table 4-2	SWMU ST-70-1 SWMU ST-73 SWMU ST-106 SWMU DP-088 SWMU WP-026	KAFB	These projects are regulated by the Groundwater Quality Bureau and are not subject to the KAFB RCRA permit. Please delete these submission requirements.	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>All of these SWMUs require corrective action and will remain listed on what is now Table I-3 of Attachment I of the final Permit. Due dates have been revised to indicate that Investigation Reports are due by specific dates or listed as "submitted", as applicable, with the exception of SWMU ST-106. See NMED response to Comment #129.</p> <p>ST-106 has been combined with SS-111 and listed together as the "Bulk Fuels Facility Spill. The submittal and due date for the aforementioned SWMUs have been revised to "CME Report" and "180 days after NMED approves site characterization", respectively, to reflect recent direction by the NMED provided to the Permittee by</p>

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						letter of 4/2/10. <b>Permit Modifications:</b> As indicated above.
225	76	Table 4-2	SWMU ST-70-E	KAFB	The due date is in conflict with previous direction from NMED. An Interim Corrective Measure work plan is being developed in compliance with a November 7, 2006, NMED approval of a response to a Notice of Deficiency. The approval does not have a compliance date.	Table 4-2 of Part 4 of the draft Permit is now Table 1-3 of Attachment I of the final Permit. NMED has revised the due date for ST-70-E Investigation Report to "submitted". <b>Permit Modification:</b> As indicated above.
226	76	Table 4-2	SWMU ST-70 A-D and F-I	KAFB	A VCM report was submitted on 1 Sep 2006 that addressed investigation of ST 70 A-I with the exception of ST-70 E. The due date is in conflict with previous direction from NMED. An Interim Corrective Measure work plan is being developed in compliance with a November 7, 2006, NMED approval of a response to a Notice of Deficiency. The approval does not have a compliance date.	Table 4-2 of Part 4 of the draft Permit is now Table 1-3 of Attachment I of the final Permit. NMED has revised the due date for the Investigation Reports for each of these SWMUs to "submitted". <b>Permit Modification:</b> As indicated above.
227	76	Table 4-2	SWMU WP-26	KAFB	Unclear as to what the work plan should address. A Combined RFI report, addressing both the Sewage Lagoons and the Golf Course Main Pond will be submitted by 1 Aug 07, as approved by NMED. The report will require review by NMED prior to determination of whether or not an Investigation Work Plan is required for further investigation. Due date for the report cannot be established until NMED completes the review of the Combined RFI report to determine if an Investigation Work Plan and Report are required.	Table 4-2 of Part 4 of the draft Permit is now Table 1-3 of Attachment I of the final Permit. NMED has deleted the requirement for an Investigation Work Plan and indicated that the Investigation Report has been submitted. (Thus, the due date for the Investigation Report has been revised to "submitted"). <b>Permit Modifications:</b> As indicated above.
228	77	Table 4-2	SWMU 8-35 SWMU ST-64 SWMU ST-108	KAFB	These submissions have been completed and NMED has deemed them appropriate for NFA, which is currently pending.	Table 4-2 of Part 4 of the draft Permit is now Table 1-3 of Attachment I of the final Permit. The SWMUs addressed by this comment have been granted Corrective Action Complete status and have been deleted from

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						<p>Table I-3. The listings for the SWMUs have been moved to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
229	77	Table 4-2	SWMU TAG	KAFB	<p>CME should be corrected to CMS, based on Section 5.1.3.1 of draft permit.</p> <p>No basis for CMS due date; NMED has not responded to the TAG Investigation Report submitted in November 2005, which will be the basis for the CMS.</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>As indicated in NMED's response to Comment #1, Corrective Measures Evaluation (CME) is now the preferred term and has been used throughout the final Permit in lieu of the term "CMS".</p> <p>NMED has indicated that the Investigation Report has been submitted. (Thus, the due date for the Investigation Report has been revised to "submitted").</p> <p>NMED has deleted the due date for a CME Report as the Department has not made the decision to require such a report at this time.</p> <p><b>Permit Modification:</b> as indicated above.</p>
230	77	Table 4-2	SWMU SS-78-B SWMU SS-78-C SWMU SS-78-D SWMU ST-64	KAFB	<p>In an April 11, 2007 letter from NMED/HWB, Mr. John Kieling issued the public for an intent to Approve the sites for an NFA. Please delete the submission requirement.</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>The SWMUs addressed by this comment have been granted Corrective Action Complete status and have been deleted from Table I-3. The listings for the SWMUs have been moved to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
231	77	Table 4-2	SWMU 6-32	KAFB	<p>For SWMU 6-32 FT-014 Manzano Fire Training Area, required Investigation Report due 12/31/10, NMED</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final</p>

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					Approved of KAFB's VCM Imp Report, FT-014, Sep-05, and AR Doc #3153; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete the submission requirement.	Permit. The SWMU addressed by this comment has been granted Corrective Action Complete status and has been deleted from Table I-3. The listing for the SWMU has been moved to Table K-1 of Attachment K of the final Permit. <b>Permit Modifications:</b> As indicated above.
232	77	Table 4-2	SWMU 10-2-E	KAFB	For SWMU 10-2-E, SS-063 Jet Engine Test Cell, required Investigation Report due 12/31/10, KAFB submitted a RFI, Nov-05, AR Doc #2898 and NMED Approved the RFI and found the site Suitable for NFA, 27-Jul-06, AR Doc # 3010; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The SWMU addressed by this comment has been granted Corrective Action Complete status and has been deleted from Table I-3. The listing for the SWMU has been moved to Table K-1 of Attachment K of the final Permit. <b>Permit Modifications:</b> As indicated above.
233	77	Table 4-2	SWMU ST-348	KAFB	For SWMU ST-348 Building 610 Septic Tank, required Investigation Report due 12/31/10, on 1-Nov-05, NMED's Response to the KAFB 20-May-05 Response, 23-Feb-05 RSI 23-Nov-04 Response to RSI Release Assessment Report (SAR), NMED approved No Further Action petitions for ST-347, ST-348, ST-349, ST-350, ST-351, ST-352, ST-353, ST-354, ST-355, ST-356, AR Doc #2785; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The SWMU addressed by this comment has been granted Corrective Action Complete status and has been deleted from Table I-3. The listing for the SWMU has been moved to Table K-1 of Attachment K of the final Permit. <b>Permit Modifications:</b> As indicated above.
234	77	Table 4-2	SWMU ST-349	KAFB	For SWMU ST-349 Building 626 Septic Tank, required Investigation Report due 12/31/10, on 1-Nov-05, NMED's Response to the KAFB 20-May-05 Response, 23-Feb-05 RSI 23-Nov-04 Response to RSI Release	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The SWMU addressed by this comment has

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					Assessment Report (SAR), NMED approved No Further Action petitions for ST-347, ST-348, ST-349, ST-350, ST-351, ST-352, ST-353, ST-354, ST-355, ST-356, AR Doc #2785; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.	been granted Corrective Action Complete status and has been deleted from Table I-3. The listing for the SWMU has been moved to Table K-1 of Attachment K of the final Permit. <b>Permit Modifications:</b> As indicated above.
235	77	Table 4-2	SWMU SS-077	KAFB	For SWMU SS-077 Abandoned Railroad Spur, required Investigation Report due 12/31/10, on KAFB NFA Proposal, Jan-01, AR Doc #191; NMED Approved the NFA Proposal, 25-Jul-06, AR Doc # 3004; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The SWMU addressed by this comment has been granted Corrective Action Complete status and has been deleted from Table I-3. The listing for the SWMU has been moved to Table K-1 of Attachment K of the final Permit. <b>Permit Modifications:</b> As indicated above.
236	77	Table 4-2	SWMU ST-107	KAFB	For SWMU ST-107 Hospital Demolition Debris, required Investigation Report due 12/31/10, on 21-Oct-05, NMED found the site suitable for NFA in Response to 15-Feb-05 Response to 17-Dec-04 RSI, 7-Oct-04 Response to 13-Jul-04 ST-64 VCM Apr-03 AR Doc #2781; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The SWMU addressed by this comment has been granted Corrective Action Complete status and has been deleted from Table I-3. The listing for the SWMU has been moved to Table K-1 of Attachment K of the final Permit. <b>Permit Modifications:</b> As indicated above.
237	77	Table 4-2	SWMU ST-108	KAFB	For SWMU ST-108 Abandoned JP-4 Fuel Line (ST-108) required Investigation Report due 12/31/10, on 1-Nov-05, NMED Response to KAFB 8-Sep-05 to 11-May-05 RSI: Supp RFI Report, ST-108, Jan-05, AR Doc #2786; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.	Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit. The SWMU addressed by this comment has been granted Corrective Action Complete status and has been deleted from Table I-3.

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						<p>The listing for the SWMU has been moved to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
238	77	Table 4-2	SWMU ST-356	KAFB	<p>For SWMU ST-356 Skeet Range Septic Tank (Domestic Sewage), required Investigation Report due 12/31/10, on 1-Nov-05, NMED's Response to the KAFB 20-May-05 Response, 23-Feb-05 RSI 23-Nov-04 Response to RSI Release Assessment Report (SAR). NMED approved No Further Action petitions for ST-347, ST-348, ST-349, ST-350, ST-351, ST-352, ST-353, ST-354, ST-355, ST-356, AR Doc #2785; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.</p>	<p>Table 4-2 of Part 4 of the draft Permit is now Table I-3 of Attachment I of the final Permit.</p> <p>The SWMU addressed by this comment does not require Corrective Action and has been deleted from what is now Table I-3 of Attachment I of the final Permit. The listing for this SWMU has been moved to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
239	78	Table 4-3	Comments	KAFB	<p>Why is there a reference to the 2004 AUA? Is Table 4-3 an old table?</p>	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p> <p>References to the 2004 AUA should not have been included in the Table, as the information is not useful for the purpose of the table (which is tracking SWMUs, and AOCs not requiring corrective action). Thus all references to the 2004 AUA have been deleted from what is now Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
240	78	Table 4-3	Table Heading	KAFB	<p>Please change to read: "... is Complete Without Controls (i.e. NFA)"</p>	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p> <p>NMED has revised the title of Table K-1 similar to what was recommended in the comment.</p>

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						<p><b>Permit Modification:</b> The title of Table K-1 of Attachment K of the final Permit has been revised to read:</p> <p style="text-align: center;"><b>TABLE K-1</b></p> <p style="text-align: center;"><b>SOLID WASTE MANAGEMENT UNITS (SWMUS), AND AREAS OF CONCERN (AOCS) FOR WHICH CORRECTIVE ACTION IS COMPLETE WITHOUT CONTROLS (GRANTED NO FURTHER ACTION STATUS)</b></p>
241	78	Table 4-3	SWMU 6-8 SWMU 6-14 SWMU 6-22 SWMU 6-29 SWMU 6-31	KAFB	These sites have been deemed appropriate for NFA, which is still pending. The VCM Completion report that addresses remedy completion was submitted in May 2006. NMED has determined, that based on the report, they are appropriate for NFA.	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p> <p>NMED has updated Table K-1 of Attachment K to include all SWMUs and AOCs that have been approved for Corrective Action Complete status.</p> <p>The SWMUs addressed by this comment have been granted Corrective Action Complete status. The listings for the SWMUs have been moved to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
242	79	Table 4-3	SWMU 10-1-F	KAFB	SWMU 10-1-F ST-283 Sanitary Sewer System F is missing. Please add this site to the table.	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p> <p>NMED has added SWMU 10-1-F to Table K-1 of Attachment K of the final Permit.</p> <p><b>Permit Modification:</b> as indicated above.</p>
243	79, 90	Table 4-3, 5.2.4	SWMU 10-1-G	KAFB	SWMU 10-1-G ST-284 Sanitary Sewer System is mislabeled as 10-1-F. Please correct.	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p>

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						<p>NMED has corrected the error in the final Permit.</p> <p><b>Permit Modification:</b> Table K-1 of Attachment K has been corrected to list SWMU 10-1-G as ST-284, Sanitary Sewer System.</p>
244	79	Table 4-3	SWIMU 10-1-H	KAFB	SWMU 10-1-H ST-327 Manzano Sanitary Sewer System is mislabeled as 10-1-G. Please correct.	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p> <p>NMED has corrected the error in the final Permit.</p> <p><b>Permit Modification:</b> Table K-1 of Attachment K has been corrected to list SWMU 10-1-H as ST-327, Manzano Sanitary Sewer System.</p>
245	81	Table 4-3	LF-268	KAFB	Inclusion in table is incorrect. The site is an active C&D Landfill and corrective action has not been implemented.	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p> <p>LF-268 accepts solid waste, and therefore is a SWMU.</p> <p>The purpose of Table K-1 of Attachment K of the final Permit is for tracking SWMUs and AOCs that do not require or no longer require corrective action. It doesn't matter that corrective action hasn't been required in the past for LF-268.</p> <p><b>Permit Modification:</b> None.</p>
246	82	Table 4-3	SWMU ST-072	KAFB	SWMU ST-072, the site named is listed incorrectly as 30146. Please correct it to MWSA Security Garage Oil/Water Separator Bldg. 30146).	<p>Table 4-3 of Part 4 of the draft Permit is now Table K-1 of Attachment K of the final Permit.</p> <p>NMED has corrected the error in the final Permit.</p>

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						<p><b>Permit Modification:</b> The description of SWMU ST-072 in Table K-1 of Attachment K of the final permit has been corrected to read: <i>MWSA Security Garage Oil/Water Separator, Bldg. 30146</i></p>
247	84	5.0 (5.1.1)		KAFB	For any remaining landfills that would require a CMS, the 180 day timeframe for submittal of the CMS may not be met; a fund request must be submitted that could require up to a year to be funded.	<p>Part 5, Section 5.0 of the draft Permit is now in Part 6, Section 6.4.1 of the final Permit. Part 5, Section 5.1.1 of the draft Permit is now in Part 6, Section 6.4.1.1 of the final Permit.</p> <p>Section 6.4.1.1 of Permit Part 6 of the final Permit allows the Permittee 180 days to submit a CME Work Plan, or twice as long as normally required for CME Work Plans to be submitted (see NMED response to Comment #1 about the term "CME" versus the term "CMS"). Therefore, the Permittee already has been granted additional time for these landfill-related cases in the final Permit.</p> <p><b>Permit Modification:</b> None.</p>
248	84	5.1.1		KAFB	<p>Section 5.1.1 references Section 4.2.2.2. There is no Section 4.2.2.2. Section also states that Permittee has 180 days after the effective date to submit a CMS work plan for each landfill. Does this mean current closed landfills or future landfills? CMS work plans have already been submitted and corrective actions have been taken at current landfills.</p> <p>Please delete last sentence.</p>	<p>Part 5, Section 5.1.1 of the draft Permit is now in Part 6, Section 6.4.1.1 of the final Permit.</p> <p>The NMED did not delete the last sentence of Section 6.4.1.1 of Permit Part 6 of the final Permit. The NMED has corrected the erroneous citation.</p> <p>This section refers to any landfill at the Facility where the contents of the landfill are to remain in place. If the Permittee has already submitted a CME (CMS) Work Plan</p>

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						<p>for a particular landfill that requires one under this Section of the Permit, then the Permittee has complied with the Permit for that particular landfill.</p> <p>Nonetheless, NMED has clarified in the final Permit that the Permittee will not have to submit a CME Work Plan for any landfill where a plan has been previously transmitted to the NMED.</p> <p><b>Permit Modifications:</b> The last sentence of Section 6.4.1.1 of Permit Part 6 of the final Permit has been revised to read:</p> <p><i>Within 180 days after the effective date of this Permit, the Permittee shall submit to the Department for approval in accordance with Permit Section 6.2.4.6 a CME Work Plan for each such landfill unless a CME Work Plan has been previously submitted to the Department for the landfill.</i></p>
249	84	5.1.2		KAFB	<p>Please delete this Section. Military munitions on KAFB's ranges that are used for their intended purposes fall under the Military Munitions Rule, as adopted by New Mexico, and are not 'discarded.' Therefore, they are not solid waste as defined in § 74-4-3(M) NMSA 1978; 40 C.F.R. §§ 261.2 and 266.202. The MMRP is a CERCLA program and does not fall under the regulatory authority of the NMED/HWB.</p> <p>The MMRP Comprehensive Site Evaluation Phase I document (which contains substantial portions of Section 5.1.2) is complete and has been offered to HWB for their review. To date, there has been little interest in the document by HWB. HWB indicates it will not officially review it since they have no fee mechanism in place for the MMRP.</p>	<p>Part 5, Section 5.1.2 of the draft Permit is now in Part 6, Section 6.4.1.2 of the final Permit.</p> <p>Section 6.4.1.2 of Part 6 of the final Permit was not deleted. All active and inactive ranges will eventually be closed, and all closed ranges are fully subject to RCRA corrective action requirements.</p> <p>Furthermore, any munitions that are solid wastes (see 40 C.F.R. § 266.202(b-d)) are subject to RCRA.</p> <p>The final (and draft) Permit states specifically that this section applies to munitions that meet the definition of solid waste as defined in NMSA 1978, 74-4-3(M)</p>

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						<p>regardless of whether or not they meet the definition under 40 C.F.R. § 261.2. Munitions that are solid wastes are likely to be hazardous wastes.</p> <p>The use and storage of munitions may cause contamination of environmental media. It is NMED's position that the cleanup of such contaminated environmental media will be completed under RCRA, not the CERCLA.</p> <p>As implied in Comment #249, the MMRP Comprehensive Site Evaluation Phase 1 Report does not contain all of the information required under what is now Section 6.4.1.2 of Part 6 of the final Permit. Thus, the MMRP Comprehensive Site Evaluation Phase 1 Report apparently will not satisfy all of the requirements of the final Permit on a site by site basis. The Permittee will have to submit an Investigation Report with the required content for every site that requires one.</p> <p><b>Permit Modification:</b> None.</p>
250	85	5.1.3		KAFB	<p>What technical criteria were used in establishing that the listed sites have the potential to contaminate ground water? Groundwater investigations for the Manzano Storage Complex have not led to the determination that an impact has occurred at that site. Thus it is necessary to understand how the NMED is defining "potential to contaminate groundwater." It is also important to have this information to properly design RFI's where appropriate.</p>	<p>Part 5, Section 5.1.3 of the draft Permit is now in Part 6, Section 6.4.1.3 of the final Permit.</p> <p>The contaminants of concern for each area are specified in Section 6.4.1.3 of Part 6 of the final Permit. Sections 5.1.3.1 through 5.1.3.7 of Part 5 of the draft Permit provided details as to why these areas were selected for groundwater investigation. These areas, including now EOD Hill, were and are known to have groundwater contamination or suspected to have groundwater</p>

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						<p>contamination based on reports and other information made available to the NMED by the Permittee or Sandia National Laboratories. NMED reviews site history, geology, hydrogeologic conditions, climatic conditions, the types and quantities of hazardous waste and hazardous constituents that were known or suspected to have been managed at a site, and the mechanisms of migration (for example, vapor or aqueous transport) to determine whether there is a potential to contaminate groundwater.</p> <p>The Manzano Storage Complex was not identified as an area with groundwater contamination in either the draft or final Permits. The draft and final Permits cite the Manzano Landfill area and the Manzano Sewage Treatment Facility as areas with known or suspected groundwater contamination, respectively (see also NMED response to Comment #251 concerning the area near the Manzano Landfill).</p> <p>Section 6.4.1.3 of Part 6 of the final Permit was revised to indicate that the groundwater-related submittals required for some of the nine areas in Table I-3 of Attachment I are not investigation work plans, but instead are other types of documents.</p> <p><b>Permit Modification:</b> EOD Hill was added as Item #9 to the first paragraph of Section 6.4.1.3 of the final Permit.</p> <p>Also the first sentence of the last paragraph of Section 6.4.1.3 of Part 6 of the final Permit was revised to read:  <i>The Permittee shall complete an</i></p>

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						<p><i>Investigation Work Plan, Investigation Report, or CME Report for each of the nine areas of groundwater contamination in accordance with the compliance schedules in Table I-3 of Permit Attachment I.</i></p>
251	85-86	5.1.3, 5.1.3.3, 5.1.3.4	3	KAFB	<p>Manzano Landfill LF-020 (SWMU 6-29) was approved for NFA status by NMED on 21 September 2005. Submittal has been completed. A VCM work plan to investigate TCE in the Manzano Base area was submitted to NMED in April 2006. NMED has not responded to the proposed work plan. The plan has been implemented and the report is scheduled for June 2007, as outlined in the work plan. The VCM Completion report that addresses remedy completion was submitted in May 2006. NMED has determined that OT-046 is appropriate for NFA based on the report. Additionally, the concentrations of TCE have remained below the MCL since September 1999. Please delete this item.</p>	<p>Part 5, Section 5.1.3 of the draft Permit is now in Part 6, Section 6.4.1.3 of the final Permit.</p> <p>Part 5, Sections 5.1.3.1 through 5.1.3.7 of the draft Permit have been deleted from the final Permit.</p> <p>LF-020 was granted Corrective Action Complete (NFA) status in September 2005, and OT-046 was granted Corrective Action Complete status in July 2007. SWMUs LF-020 and OT-046 are not the subject of the referenced requirements in Sections 5.1.3, 5.1.3.3, and 5.1.3.4 of Part 5 of the draft Permit. Why SWMU OT-046 is a topic of the comment is unclear to the NMED given the sections of the draft Permit that are referenced.</p> <p>Both the draft and final Permits refer to groundwater contamination in the area <i>near</i> LF-020, not at LF-020 itself.</p> <p>The requirement to investigate contaminated groundwater near LF-020 was not deleted from the final Permit (although the name of the groundwater area has been changed from LF-020 Area in the draft Permit to Manzano Base Groundwater (MBG) in the final Permit). TCE has been detected in groundwater samples in a well located upgradient from landfill LF-020. The</p>

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						<p>source of the TCE near LF-020 has not been determined, and characterization of the contamination remains incomplete.                      See also NMED response to Comment #206.  <u><b>Permit Modification:</b></u> As indicated above.</p>
252	85	5.1.3	5	KAFB	Delete	<p>Part 5, Section 5.1.3 of the draft Permit is now in Part 6, Section 6.4.1.3 of the final Permit.                      NMED did not delete item #5 (Manzano Sewage Treatment Facility) of Section 6.4.1.3 of Part 6 of the final Permit.                      Industrial wastes may have been discharged to this sewer system and its associated surface impoundments. Thus, there is a significant potential for groundwater contamination which needs to be investigated as explained in Section 5.1.3.5 of Part 5 of the draft Permit.  <u><b>Permit Modification:</b></u> None.</p>
253	85	5.1.3	6	KAFB	Delete. This well is not KAFB's responsibility.	<p>Part 5, Section 5.1.3 of the draft Permit is now in Part 6, Section 6.4.1.3 of the final Permit.                      NMED did not delete item #6 (Monitoring well WYO-4 area) of Section 6.4.1.3 of Part 6 of the final Permit.                      The well is located on the Permittee's property (at the Facility). As explained in Section 5.1.3.6 of Part 5 of the draft Permit, groundwater contamination has been detected in water samples retrieved from this well. The source of the contamination is unknown. Characterization of the groundwater has not been accomplished.</p>

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						<b>Permit Modification:</b> None
254	86	5.1.3.1	2 <sup>nd</sup> Paragraph	KAFB	<p>What specific action does “. . . Permittee shall cooperate with Sandia National laboratories and the Department . . .” require KAFB to perform? This is overly broad. Also, there is no basis for requiring KAFB to submit this CMS Report. NMED has not responded to the TAG investigation report submitted in November 2006, which will be the basis for a CMS.</p>	<p>Part 5, Section 5.1.3.1 of the draft Permit has been deleted from the final Permit. Since issuance of the draft Permit, NMED has approved the TAG Investigation Report. There is evidence that the Permittee has contaminated groundwater in the TAG area (for example, TCE concentrations exceeding the MCL of 5µg/L at the WYO-4 Well area and known extensions of perched contaminated groundwater). This is the basis for conducting the CME.</p> <p><b>Permit Modification:</b> Part 5, Section 5.1.3.1 of the draft Permit has been deleted from the final Permit, but the requirement to submit a CME (if remediation is needed) remains in the final Permit under Section 6.4.1.3 of Part 6 of the final Permit.</p>
255	86	5.1.3.2		KAFB	<p>This Section is not necessary. Selenium is being monitored as part of the KAFB Long-Term Groundwater Plan (LTM). Concentrations of selenium in both the perched and regional aquifers have been below the UTL determined for SWMU 6-4 in the LTM and the MCL from September 2002 to the most recent monitoring event, September 2006.</p> <p>Characterization of TCE is also not necessary. TCE is being monitored as part of the LTM and has been detected in the perched aquifer since monitoring was initiated in 1996. All of the detections have been below the MCL; the greatest detections of TCE have occurred in the up-gradient well (TJA-2) indicating an up-gradient source (evaluation of the detections of TCE at</p>	<p>Part 5, Section 5.1.3.2 of the draft Permit has been deleted from the final Permit. See NMED's response to Comment #215 regarding the selenium UTL for SWMU 6-4. See NMED's response to Comment #229 regarding the submittal of the TAG Investigation Report. As the comment indicates, TCE is a contaminant. Thus, characterization of the contamination is necessary to protect human health and the environment.</p> <p><b>Permit Modification:</b> Part 5, Section 5.1.3.2 of the draft Permit has been deleted from the final Permit, but the requirement to submit a CME (if remediation is needed)</p>

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					SWMU 6-4 has been reported in the KAFB LTM). TCE was detected one time (2004) in the regional aquifer; the detection was considered the results of mixing of the perched and regional aquifer that merge in this area. The TAG Investigation report submitted to NMED in November 2005 addressed the detections of TCE at SWMU 6-4. Due date inaccurate. KAFB/SNL TAG Investigation Report submitted to NMED in November 2005.	remains in the final Permit under Section 6.4.1.3 of Part 6 of the final Permit.
256	86-87	5.1.3.5		KAFB	<p>Delete this Section. KAFB is already complying with a path forward on this site per communication with HWB. Several monitoring wells have been installed and sampled for Appendix IX constituents in and around WP-16 (SWMU 6-24). To date there are no indications of groundwater contamination in the area of WP-16 (SWMU 6-24). Therefore, the requirement to conduct another RFI (several have been conducted already) and install more monitoring wells is arbitrary and has no scientific basis for spending more taxpayer money on the site. Funding will not be provided by Air Staff for a project that has no scientific merit. Geologists and Scientists from several prominent local engineering companies have reviewed all WP-16 (SWMU 6-24) data and have come to the conclusion that the site is not a contributor to groundwater contamination and therefore does not warrant further investigation. HWB appears to ignore any recommendations.</p> <p>The soil at WP-16 (SWMU 6-24) has been sampled to a depth of 18-feet with little or no contamination present.</p>	<p>Part 5, Section 5.1.3.5 of the draft Permit has been deleted from the final Permit.</p> <p>There is evidence of reducing conditions in groundwater near the former lagoons, which is indicative of potential groundwater contamination.</p> <p>The Permittee has been unable to convince the NMED that the large data gaps associated with the characterization of groundwater at this SMWU should be considered evidence of a lack of a problem. Additional wells are needed to determine if contamination is present in the groundwater. See also NMED response to Comment #252.</p> <p><b>Permit Modification:</b> Part 5, Section 5.1.3.5 of the draft Permit has been deleted from the final Permit, but the requirement to submit a CME (if remediation is needed) remains in the final Permit under Section 6.4.1.3 of Part 6 of the final Permit.</p>
257	87	5.1.3.6		KAFB	Please delete this Section. Monitoring well WYO-4 is a Sandia National Laboratories (SNL) well and should be included in SNL's permit.	<p>Part 5, Section 5.1.3.6 of the draft Permit has been deleted from the final Permit.</p> <p>See NMED response to Comment #253.</p> <p><b>Permit Modification:</b> Part 5, Section</p>

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						5.1.3.5 of the draft Permit has been deleted from the final Permit, but the requirement to submit a CME (if remediation is needed) remains in the final Permit under Section 6.4.1.3 of Part 6 of the final Permit.
258	87-88	5.1.3.7		KAFB	Delete this section. Since the Department has indicated that the nitrate plume originates from up-gradient wells off of KAFB and has deemed SWMU OT-28 suitable for NFA, KAFB should not have to address this issue in its nitrate abatement plan. Also, this site is not a SWMU and does not fall under NMED regulatory authority. This incident has no connection to the Nitrate groundwater plume.	<p>Part 5, Section 5.1.3.7 of the draft Permit has been deleted from the final Permit.</p> <p>The Permittee has not determined the source of the nitrate plume or demonstrated that the contaminant plume originates off-site of the Facility. Nitrate sources include septic systems and sewage lagoons.</p> <p>Furthermore, regardless of the status of OT-028 as a SWMU or AOC, the NMED has the authority to regulate all groundwater contamination in New Mexico under RCRA or the NMWQCC regulations, or both.</p> <p>Nitrate sources include, but are not limited to, septic systems and sewage lagoons. See also NMED response to Comment #129.</p> <p><b>Permit Modification:</b> Part 5, Section 5.1.3.7 of the draft Permit has been deleted from the final Permit, but the requirement to submit a CME (if remediation is needed) remains in the final Permit under Section 6.4.1.3 of Part 6 of the final Permit.</p>
259	88	5.1.4		KAFB	Amend to read 24 µg/L (ppb), as per EPA's 26 Jan 2006 "Assessment Guidance for Perchlorate" memorandum. That memo established 24.5 µg/L (ppb) as the preliminary recommended remediation goal for perchlorate. Under current DoD policy, DoD samples for perchlorate as required by the National Contingency Plan (NCP). Where sampling indicates perchlorate concentrations in water exceed the level of concern (24	<p>Part 5, Section 5.1.4 of the draft Permit is now in Part 6, Section 6.4.1.4 of the final Permit.</p> <p>See NMED's responses to Comments #173 and 193.</p> <p>NMED has made revisions to the first and second paragraphs of this Section to clarify</p>

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					<p>µg/L) DoD components are directed to conduct site-specific risk assessments in accordance with CERCLA, the Defense Environmental Restoration Program (DERP), and/or the NCP to evaluate the extent of actual or potential exposures. If a site specific risk assessment indicates perchlorate concentrations could potentially result in adverse health effects, DoD components will prioritize the site for appropriate risk management. While New Mexico has listed perchlorate as a toxic pollutant (§ 20.6.2.7(WW) NMAC), it has failed to promulgate an applicable concentration standard for contamination (§ 20.6.2.3103 NMAC). Therefore, KAFB believes the DoD policy and EPA's concentration standard of 24 µg/L to be more than adequate.</p> <p>Additionally, before using 4 µg/L as the State perchlorate concentration standard for permits, NMED must follow the rulemaking procedures set forth in the New Mexico Administrative Procedures Act, (§§ 12-8-1 to 12-8-25 NMSA, 1978).</p> <p>Change this requirement to read that newly installed monitoring wells will be sampled for perchlorate for one event. In addition, delete wells KAFB-1001, 1002,1003,1004,1005, and KAFB-1901, 1903. Perchlorate sampling has been conducted 2 different time periods in LTM wells (most recently in 2006) with minimal or no exceedances of 4 ug/L. Wells listed are no longer able to be sampled.</p>	<p>the requirements and make them more consistent between the Consent Orders for Sandia National Laboratories and Los Alamos National Laboratory.</p> <p>NMED did not revise this section of the Permit so that groundwater is sampled only once for perchlorate. NMED does not want to rely on only one water sample result for a given well, as laboratory results are not always accurate.</p> <p>The Permittee did not indicate why the cited wells are no longer available for sampling. If the wells have been abandoned, then replacement wells may need to be installed.</p> <p><b>Permit Modifications:</b> Section 6.4.1.4 of Part 6 of the final Permit has been revised to read:</p> <p><i>Monitoring for perchlorate is required for eight consecutive quarters in groundwater monitoring wells installed at the Facility after the effective date of this Permit and in the following existing wells or their replacements: KAFB-1001 through KAFB-1007 (McCormick Ranch/Range wells), KAFB-1901 through KAFB-1904 (Lake Christian wells), and EOD Hill well. The Department reserves the right to include additional wells for perchlorate monitoring. The Permittee shall report all monitoring results on January 31, April 30, July 31, and October 31 of each year for at least 8 consecutive quarters to the Department, unless the Department agrees in writing to a longer reporting period. The Permittee shall determine the nature,</i></p>

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						<p><i>extent, and rate of migration of any perchlorate contamination in groundwater at the Facility and, if necessary, down gradient of the Facility. The detection limit for the monitoring of perchlorate in groundwater shall not exceed 1µg/L. If perchlorate is detected in a groundwater at a concentration greater than or equal to 1 ug/L in a groundwater monitoring well, monitoring of perchlorate in such well must continue at a frequency determined by the Department. The frequency shall not exceed one year.</i></p>
260	88	5.2.1	1, 2, 3, and 5	KAFB	<p>Delete items 1, 2, 3 and 5. The CMI report has already been completed for LF-001, LF-002, and LF-008 and the CMI completion report for SWMU 6-4 was submitted to NMED in January 2006. Samples can no longer be collected from groundwater monitor wells KAFBs-1001-1005 (McCormick Ranch/Range) due to declining groundwater levels and from KAFB-1903 (Lake Christian) as the well has been removed.</p>	<p>Part 5, Section 5.2.1 of the draft Permit has been deleted from the final Permit because the CMI Reports for the three landfills have been submitted to the NMED. The reports for LF-001 and LF-008 have been approved. The CMI Report for LF-002 has not been approved by the NMED because the sewer line has not been removed from the landfill and is addressed in Section 6.4.1.5 of Part 6 of the final Permit. See also NMED response to Comment #262.</p> <p>Regarding wells KAFB-1001 through KAFB-1005 (McCormick Ranch/Range) and KAFB-1903 (Lake Christian), see NMED response to Comment #259.</p> <p><b>Permit Modification:</b> Part 5, Section 5.2.1 of the draft Permit has been deleted from the final Permit, except the requirement to report on the removal of the sewer line.</p> <p>A sentence has been added to the end of Section 6.4.1.5 of Part 6 of the final Permit</p>

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						that reads: <i>After completion of the work, the Permittee shall augment the CMI Report for LF-002 by describing the removal or abandonment of the sewer line.</i>
261	89	5.2.1	4	KAFB	Delete this item. Groundwater monitoring data collected during implementation of the CMI was submitted as part of the Groundwater Monitoring System (NMED-GWQB) and Long-Term Groundwater Plans (NMED-HWB).	Part 5, Section 5.2.1 of the draft Permit has been deleted from the final Permit. See NMED response to Comment #260. <b>Permit Modification:</b> See NMED response to Comment #260.
262	89	5.2.1		KAFB	The LF-002 sanitary sewer line is owned by the City of Albuquerque. Therefore, any demand to remove the sanitary sewer line shall be directed to the City of Albuquerque. Also, studies have been completed by engineering companies that support leaving the LF-002 sanitary sewer line in place with appropriate leak detection devices in place. NMED/HWB does not have the engineering expertise on staff to determine whether the sanitary sewer line needs to be removed. It is constructed of vitrified clay pipe which is stronger and not susceptible to crowning corrosion like concrete pipe. Delete this provision.	Part 5, Section 5.2.1 of the draft Permit has been deleted from the final Permit. The sanitary sewer line is included in what is now 6.4.1.5 of Part 6 of the final Permit. NMED did not delete the requirement to remove the sewer line. The Permittee owns and controls the land on which the landfill and sewer line are located, and is responsible for the landfill. The sewer line, a major source of water, does not belong within or should be located too close to the landfill because of its potential to cause groundwater contamination in the future should the sewer line leak. See also NMED's responses to Comments #265-288. <b>Permit Modification:</b> None.
263	89	5.2.2		KAFB	Delete this Section. Since construction at the 3 landfills is complete and in the M&M Phase, progress reports are not longer needed.	Part 5, Section 5.2.2 of the draft Permit has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
264	89-90	5.2.3		KAFB	Delete this Section. The LTM&M Plan was submitted	Part 5, Section 5.2.3 of the draft Permit has

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					to the NMED on November 3, 2006.	<p>been deleted from the final Permit.</p> <p>The Long-Term Monitoring and Maintenance Plan has not been approved. See NMED's response to Comments #206 and 255.</p> <p><b>Permit Modification:</b> Section 5.2.3 of Permit Part 5 of the draft Permit has been deleted from the final Permit.</p>
265		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	The Water Utility Authority commits to regularly inspect the sewer line and make repairs to identified defects that may cause leakage.	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>NMED doubts that the sewer line is regularly inspected. NMED is aware of a massive spill from this sewer line downstream and not far from the landfill that apparently resulted from a leak lasting over a period of perhaps several months. During this time, it seemed apparent that the sewer line was paid no attention.</p> <p>The issue is not how often the sewer line is inspected or the quality of the Sanitary Sewer Line. Rather, the issue is the threat to human health and the environment posed by leaving a major water conveyance device within a RCRA-regulated landfill containing hazardous and other solid waste. Landfills must be closed in a manner that will be protective of human health and the environment into perpetuity with little or no maintenance.</p> <p><b>Permit Modification:</b> None.</p>
266		Paragraph 5.2.4		Albuquerque Bernalillo	The sewer line does not contact the landfill. This is because the landfill was removed during construction	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final

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		(Sanitary Sewer Line)		County Water Utility Authority	within the sewer pipe trench and the trench was replaced with clean fill.	<p>Permit.</p> <p>The sewer line is emplaced within the landfill, installed within bedding and fill material that contacts the landfill. Whether or not the pipeline directly contacts waste is immaterial. Any leaking water from the sewer pipe can move from the bedding and fill within the trench to the waste in the landfill.</p> <p>The sewer line lies uphill of most of the landfill's contents, a situation which can potentially maximize the environmental damage from a leak.</p> <p><b>Permit Modification:</b> None.</p>
267		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	The sewer system and the system performance are regulated under the Clean Water Act through EPA Region 6.	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>The landfill is a SWMU regulated under the HWA and the HWMR, 20.4.1 NMAC. Leaving the sewer line in place would fail to meet the intent of the performance standards for the closure of hazardous waste landfills expressed in 40 C.F.R. § 264.310(a), which includes the standards "Provide long-term minimization of migration of liquids through the closed landfill", "Function with minimum maintenance", "...minimize erosion and abrasion", and accommodate settling and subsidence so that the integrity of the cover is maintained". NMED uses these performance standards to address corrective action at landfills that are SWMUs under RCRA, in addition to operating units.</p>

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						<b>Permit Modification:</b> None.
268		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	We appreciated the opportunity on July 12, 2007 to hear the NMED presentation to the Water Quality Protection Advisory Board. It was helpful to finally hear a discussion of the reasons for NMED's position. We continue to welcome and request further discussion with NMED. A compliance schedule may be a part of these further discussions.	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. NMED is willing to discuss a compliance schedule with the Permittee at the Permittee's request. However, the Albuquerque/Bernalillo County Water Utility Authority is not the Permittee. <b>Permit Modification:</b> None.
269		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	We request the opportunity to review and make copies of the various documents acquired by NMED that support the requirement to move the sewer. We specifically request any engineering studies acquired by NMED.	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. The regulations at 40 C.F.R. § 264.101 requires corrective actions at SWMUs to be protective of human health and the environment. See also NMED response to Comment #267 for the regulatory citation for closure performance standards. NMED will make available to the Water Utility Authority copies of these regulations. The NMED will make available to the Water Utility Authority the engineering study completed by the Permittee on the sewer line. However, this engineering study does not address in any appreciable or detailed manner the environmental consequences to the landfill surface and groundwater should there be any serious leak from the sewer line. The Permittee has documented known breaks in sewer lines at KAFB in 1983, 1994, and 2002. NMED will make available

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						to the Water Utility Authority these reports. Please contact Ms. Pam Allen of the NMED Hazardous Waste Bureau at telephone number 505-476-6064 to make arrangements to review these records. <b>Permit Modification:</b> None.
270		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	We will be pleased to assist in the relocation of the sewer if the NMED funds this work.	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. Removing the sewer line is the Permittee's responsibility, not the NMED's. <b>Permit Modification:</b> None.
271	90	5.2.4		Albuquerque Bernalillo County Water Quality Protection Advisory Board	That the comment period for this section be extended to the end of August, 2007.	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. The comment period was extended until August 12, 2007, to allow more time for public comment on the sewer line issue. <b>Permit Modification:</b> None.
272	90	5.2.4		Albuquerque Bernalillo County Water Quality Protection Advisory Board	That NMED respond to the Utility's concerns and present this information to our Board.	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. NMED presented its position on the sanitary sewer line to the Albuquerque Bernalillo County Ground Water Quality Protection Advisory Board on July 12, 2007. <b>Permit Modification:</b> None.
273		Paragraph 5.2.4 (Sanitary		Albuquerque Bernalillo County Water Utility	The existing Interceptor is in excellent condition. a) Based on closed circuit television (CCTV) inspections, there are no indications of current	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.

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		Sewer Line)		Authority	<p>problems with the pipe line, leakage or otherwise. The Interceptor has been independently inspected twice in the last four years and no defects have been found. Both inspections were performed by an independent consultant contracted to KAFB.</p> <p>b) We recognize the concern caused by failures in downstream portions of the Tijeras Interceptor. These failures were in the concrete portion of our sewer system and were caused by biologically occurring sulfuric acid that reacts with and destroys concrete pipe.</p> <p>c) The Tijeras Interceptor Phase II was constructed with Vitrified Clay Pipe (VCP), a different pipe material that is impervious to sulfuric acid corrosion.</p> <p>d) We recognize the impact sulfuric acid corrosion has on our system and are working diligently to rehabilitate the concrete pipe portion of our system, preferably before collapse.</p>	<p>The sewer line may be in good condition now, but vitrified clay pipe (essentially pottery) is brittle and subject to failure. For example, the Old Acid Waste Line at SNL, made of vitrified clay pipe, and installed in 1948-1950, was demonstrated to have a number of broken sections along its length. All sewer lines eventually will fail.</p> <p>The fact remains that if the sewer line remains a significant water source that can mobilize contaminants from the landfill. See also NMED's response to Comment #267.</p> <p><b>Permit Modification:</b> None.</p>
274		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	<p>The sewer was carefully studied by an independent consultant contracted by KAFB. The recommendation was to "leave the existing 21-inch VCP in place and continuing to monitor for future signs of distress."</p>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>See NMED responses to Comments #267 and 273. NMED does not agree with the Permittee's consultant, who admits that certain information necessary to assess the future reliability of the sewer line, particularly concerning the data available to estimate settlement, was lacking. This lack of information does little to support the comment's statement that the sewer "was carefully studied".</p>

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						<b>Permit Modification:</b> None.
275		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	<p>This Interceptor is anticipated to have an extremely long useful life. Useful life is based on the performance of the asset and the condition of the asset, and is not based on an arbitrary number of years the asset has been in service.</p> <ol style="list-style-type: none"> <li>a. This concept of "useful life" is promoted by the USEPA in their training entitled, "Advancing Asset Management in Your Utility: A "Hands-On Workshop." This training is presented across the country and has been presented for many years. Recently, the ABCWUA was the sponsor for this two-day workshop in Albuquerque.</li> <li>b. In this Workshop, the USEPA contends that an asset's life is not dictated by a specific "design life" in terms of years.               <ol style="list-style-type: none"> <li>i. As an alternative, the asset has reached the end of its useful life when it has failed via one of four mechanisms, as follows:</li> <li>ii. Capacity – The asset no longer has the physical size; the asset is not capable of meeting the capacity demands (may occur due to growth)</li> <li>iii. Level of Service – The asset is not able to provide the requirements the system places on it (may occur if the noise, odor, or other conditions are not acceptable)</li> <li>iv. Mortality – The consumption of the asset reduces the performance below an acceptable minimum level (may</li> </ol> </li> </ol>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>See NMED's response to Comment #273. Monitoring of the landfill will probably not last forever. Should the line fail after monitoring ceases, the consequences to the environment could be disastrous.</p> <p><b>Permit Modification:</b> None.</p>

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					<p>occur due to physical degradation)</p> <ul style="list-style-type: none"> <li>v. Efficiency – The performance of the asset may be fine, but the cost of operation exceeds that of other alternatives (may occur if the cost of repair exceeds the cost of a new asset)</li> <li>c. As long as the asset has not deteriorated due to one of the conditions above, the asset is considered to be within its useful life and should remain in service.</li> <li>d. To determine if the asset has met any of the failure mechanisms above, the asset is periodically reviewed in terms of performance and periodic condition inspection. The condition can be plotted on an anticipated “asset decay curve” to estimate how much useful life the asset has. Where the asset is on the decay curve is not based on the age of the asset, but rather the condition of the asset.</li> <li>e. Theoretically, if a Facility shows no significant deterioration approaching failure and none of the other three failure mechanisms have occurred or approaching occurrence, the Facility will remain in service infinitely.</li> </ul>	
276		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	<p>The Interceptor pipe material and construction methods are the best available.</p> <ul style="list-style-type: none"> <li>a. The landfill was recognized at the time of design and the design accounted for the landfill. <ul style="list-style-type: none"> <li>i. The trench removed and disposed of the landfill under the pipe and to each side. This removal was made below the bottom of the landfill. See the</li> </ul> </li> </ul>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. See NMED’s response to Comments #266 and 273. <b>Permit Modification:</b> None.</p>

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					<p>attached excerpt from the record drawing.</p> <ul style="list-style-type: none"> <li>ii. High quality bedding was provided that will provide a high degree of support to the installed pipe. As verified through video inspections, settling of the pipe is not noted, confirming the high quality of construction.</li> </ul> <p>b. The pipe material is Vitrified Clay Pipe (VCP), which is an extremely high quality material and is the best available for this application.</p> <ul style="list-style-type: none"> <li>i. Please see the attached letter from the National Clay Pipe Institute.</li> <li>ii. We will let this letter speak for itself, but note that in it Mr. Michael Van Dine, PE, President of the National Clay Pipe Institute notes that VCP has performed for thousands of years and that VCP defects are expected within the first two years after construction.</li> </ul>	
277		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	<p>No credible failure mechanisms related to Mortality exist for the Interceptor.</p> <ul style="list-style-type: none"> <li>a. The characteristics of VCP are such that the following failure mechanisms are anticipated: <ul style="list-style-type: none"> <li>i. Damage during construction.</li> <li>ii. Settling caused by poor bedding.</li> <li>iii. Damage by contractors installing other utilities.</li> </ul> </li> <li>b. None of these failure mechanisms apply to this installation.</li> </ul>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>The comment implies that the sewer line is expected by the Water Utility Authority to last forever. See NMED's response to Comment #273.</p> <p>NMED believes that the sewer line is subject to at least these failure mechanisms:</p> <ol style="list-style-type: none"> <li>1.) subsidence and</li> <li>2.) damage caused by construction activities (which may or may not be related to</li> </ol>

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						utilities) or other activities involving heavy equipment. <u>Permit Modification:</u> None.
278		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	Sewer inspection technology has rapidly improved and the pipe condition can be ascertained with even more accuracy than was previously possible. <ul style="list-style-type: none"> <li>a. A combination inspection consisting of closed circuit television (CCTV), laser and sonar is now available. Through this process interior pipe conditions below and above the water surface can be evaluated.</li> <li>b. Please note the NCPI opinion that VCP cracks will propagate above the water surface and therefore be detectable. The lack of observable cracks is therefore proof that cracking has not occurred.</li> </ul>	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. See NMED's responses to Comments #265 and 273. If the invert of the pipe is placed under excessive stress, the part of the pipe located below the water level can crack and thus fail. <u>Permit Modification:</u> None.
279		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	Interceptor leakage would be of low impact and would be detectable at the next inspection. <ul style="list-style-type: none"> <li>a. The only credible cracking of the Interceptor would be small and would allow negligible leakage. The installed bedding is gravel that will allow significant leakage to flow down by gravity to the minimum 10-feet wide by six-inch deep bedding area below the landfill. This will allow percolation of substantial Interceptor leakage prior to overflow into the landfill.</li> <li>b. This cracking would be detected at the next inspection cycle.</li> </ul>	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. See NMED's responses to Comments #265, 266, 267 and 273. Water can migrate from the bedding into the landfill. No one can guarantee or predict with certainty that the damage to a sewer line pipe will be insignificant if the line fails. <u>Permit Modification:</u> None.
280		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	Trenchless no-by-pass repairs are commercially available in the event that a crack and leak occurred, both anticipated to be very small. An example is the Max Patch point repair system in which a carrier within	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. See NMED's responses to Comments #265,

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				Authority	the interceptor would allow repair while the flow continued. Alternate approaches such as epoxy packing, again with carrier allowing flow through, would be considered at the time repair is required.	267, 273 and 279. The failure may be so severe that trenchless repairs may not work. <b>Permit Modification:</b> None.
281		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	<p>While the existing sewer is not an imminent threat to the environment, the realigned sewer will have environmental concerns during the process of constructing the realigned sewer. Construction phase concerns include:</p> <ul style="list-style-type: none"> <li>a. Removal of the pipe may disturb some of the existing landfill.</li> <li>b. We may run into currently unknown landfill, requiring a progressive realignment of the sewer during the construction phase, degrading the constructed product and escalating the costs.</li> <li>c. Sewage spills may occur during the construction.</li> <li>d. By-pass pumping will be required to connect the realigned sewer on each end. By-pass pumping operations are by their nature difficult and can experience significant spills.               <ul style="list-style-type: none"> <li>i. The by-pass piping will be approximately 3000' long, if this can be laid over the landfill.</li> <li>ii. If the by-pass piping cannot be laid over the landfill:                   <ul style="list-style-type: none"> <li>1. Constructability issues may require the by-pass piping to be run south of the landfill, needing an additional 3000' and laying across the active portion of the Tijeras Arroyo.</li> <li>2. If the force main can be run to the north, any spill will cross the landfill.</li> </ul> </li> </ul> </li> </ul>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>The sewer line is a threat to the landfill and, thus, the environment. That the line is currently in good condition allows time to properly plan for and execute removal and relocation of the sewer line.</p> <p>Nothing is mentioned in the comment that would be an insurmountable problem with respect to removing and relocating the sewer line. No landfills are known to exist along the sewer line outside of LF-02.</p> <p>Furthermore, NMED is confident that there are contractors available that could accomplish removal and relocation of the sewer line without causing significant spills.</p> <p><b>Permit Modification:</b> None.</p>

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282		Paragraph 5.2.4 (Sanitary Sewer Line)		Albuquerque Bernalillo County Water Utility Authority	<p>Our rate payers expect their funds to be spent in the most effective manner possible. We strive in our work to maximize protection of the environment. Examples of efforts that may face reduced funding to realign this sewer include:</p> <ol style="list-style-type: none"> <li>1. The environment will be better served by spending funds to extend service to areas that currently do not have sewer service.</li> <li>2. We are recognizing the need for increased funding to rehabilitate deteriorating concrete sewers in advance of potential collapses. This will help us prevent repeats of the collapsed sewer downstream of Landfill LF-002.</li> </ol>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>Removing the sewer line from the landfill is the Permittee's responsibility.</p> <p>Residents of Albuquerque and surrounding communities also want groundwater (their drinking water source) to be protected from hazardous and solid wastes disposed of in landfills.</p> <p><b>Permit Modification:</b> None.</p>
283		Paragraph 5.2.4 (Sanitary Sewer Line)		Bruce M. Thompson	<p>Although I am Chair of the Albuquerque Bernalillo County Water Quality Protection Advisory Board, this letter is being sent to express my personal views regarding requirement 5.2.4 of the Draft RCRA Permit to Kirtland Air Force Base. This section of the draft permit requires that the Tijeras Interceptor, the sanitary sewer line through LF-002, be removed.</p> <p>I generally agree with the NMED's position that over a time period measured in decades or longer this line may pose a threat to underlying ground water resources. However, I do not believe that the risk of leaving the line in place for the next five to 10 years is sufficient to justify a requirement that it be removed immediately. Further, I think the Utility and KAFB should be allowed to explore options in which the line is abandoned instead of removed as abandonment may be a much more cost effective alternative to removal and yet done properly, can provide the same level of environmental protection.</p> <p>Therefore, while I support the requirement to remove or safely abandon the line, because of the method of</p>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>Because the line is reported to be in good condition, NMED agrees that there is time to properly plan for and execute removal of the sewer line. However, the Permittee is already in violation of the compliance schedule for removing/abandoning the sewer line and rerouting the line around the landfill as set forth in letters from NMED to Carl Lanz (July 16, 2004; September 13, 2004; and March 10, 2005). NMED believes that it would be best if the sewer line is taken out of service within the next few years.</p> <p>NMED also agrees that abandonment of the existing sewer line in place would be acceptable, provided the sewage within the line is completely drained when it is abandoned.</p> <p><b>Permit Modification:</b> Section 6.4.1.5 of</p>

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					<p>construction, the materials used, and the current condition of the line as reported to the Board. I encourage the NMED to modify section 5.2.4 of the Draft Permit to allow the Department to work with the Utility and KAFB to develop a generous implementation schedule that allows exploration of alternative alignments and strategies for the sewer line, and allows these entities to program funding for the project into future budgets.</p> <p>I do not have a specific recommendation as to when the line should be removed or abandoned, but suggest that this might be a product of the risk analysis recommended by the Water Quality Protection Advisory Board. Regardless of this analysis, I do believe it is reasonable to expect that the line be removed or abandoned before the RCRA permit expires or within 10 years, whichever comes first.</p>	<p>Part 6 of the final Permit has been revised to read:</p> <p><i>The sanitary sewer line that passes through LF-002 shall be removed in accordance with the Department's instructions (letters from NMED to Carl Lanz: July 16, 2004; September 13, 2004; and March 10, 2005). Instead of removing the sanitary sewer line, the Permittee may abandon the sanitary sewer line in place, provided that the sewage within the line is completely drained when the line is abandoned. The sewer line shall be taken out of service within two years of the effective date of this Permit. Within 180 days after the effective date of this Permit, the Permittee shall submit to the Department for approval - in accordance with Permit Section 6.2.2.2.7 - a CMI Work Plan with a schedule for removing or abandoning the sewer line. After completion of the work, the Permittee shall augment the CMI Report for LF-002 by describing the removal or abandonment of the sewer line.</i></p>
284		Paragraph 5.2.4 (Sanitary Sewer Line)		KAFB	<p>Video Analysis: Detailed review of the video provided for manhole runs 11 through 17 gave me only one indication that is of concern. In the video of the run from manhole 12 to manhole 11 there was an interesting white deposit at the crown of the pipe at 177.3 ft. as indicated in the display. This is really a very minor spot and not of any real consequence to the performance of the system especially since it is not within the boundary of the landfill. The line is in excellent condition.</p>	<p>Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit.</p> <p>See NMED's response to Comment# 273.</p> <p><b>Permit Modification:</b> None.</p>

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285		Paragraph 5.2.4 (Sanitary Sewer Line)		KAFB	CH2MHill Report: I was impressed by the thorough report provided by CH2MHill. Many potential concerns were raised and addressed. I found their calculations to be conservative but accurate. I would like to expand just a little on the nature and characteristics of Vitrified Clay Pipe to alleviate any concerns related to this line and its continued performance.	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. See NMED's responses to Comments #273 and 274. <b>Permit Modification:</b> None.
286		Paragraph 5.2.4 (Sanitary Sewer Line)		KAFB	<p>Longevity and Durability: The concern of the installed clay pipe being near the end of its design life is not accurate. Vitrified Clay Pipe is one of the only materials that have been used for over 4000 years in civil engineering. It has been installed in the United States for over 150 years. Systems over 100 years old are in service in municipalities across the country. The Army Corps of Engineers stated it this way;</p> <p>“Clay Pipe is perhaps the most inert of the common pipe materials in terms of corrosion, and it is very resistant to abrasion. A 100-year service may be assumed for most clay pipe installations.”</p> <p>From the “Life Cycle Cost for Drainage Structures”, US Army Corps of Engineers.</p> <p>Vitrified Clay Pipe was given the longest life cycle of all the materials discussed in this report. The Canadian National Research Council's Institute for Research in Construction (IRC), recently stated that the service life for Vitrified Clay Pipe was 130 years. Clay Pipe was also the highest rated material in this study.</p>	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. See NMED's responses to Comments #267, 273, 276, and 277. <b>Permit Modification:</b> None.
287		Paragraph 5.2.4		KAFB	Joint Performance and Integrity: Clay Pipe joints have designed not to leak. ASTM standard C 425 requires	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final

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		(Sanitary Sewer Line)			that the joint not leak in factory testing. This joint design and performance criteria have been used since 1965. Since this system was installed in 1977, the current ASTM C 425 Standard would have applied to this line. Based on the videos that I have reviewed, there appears to be no leaking at the joints and no bedding migration into the pipe. I will send a copy of a recent report by the University of Houston that discusses the performance of modern clay pipe joints. This report is based on the same joints used on this system and found that this type of joint does not leak.	Permit. See NMED's response to Comment #286. <b>Permit Modification:</b> None.
288		Paragraph 5.2.4 (Sanitary Sewer Line)		KAFB	<p>Structural Failure Modes: Clay pipe is a rigid conduit. As such, cracking is the primary failure mode. Clay pipe will fail in tension not typically compression. As a result, cracks will occur in the crown first then the invert and finally at the springline of the pipe. It would be extremely unlikely that the invert of a pipe would break below the waterline without also seeing visible distress at the crown. In all of the testing and analysis that NCPI has done over the years, the crown is the first area of the pipe to show a crack. In my seven years with the industry and after reviewing all the research on failure modes done in the last 20 years a crack in the invert would be proceeded by a crack in the crown. The videos showed no evidence of any breakage in the crown and as a result, experience dictates there are no cracks in the invert.</p> <p>Clay Pipe has and will continue to perform for well beyond 100 years. The line I saw was already thirty years old and in excellent condition. Any defects that were the result of construction or foundation/bedding issues typically become evident during the first two years as the soils completely consolidate. We are well past that threshold with this system. There is no reason</p>	Part 5, Section 5.2.4 of the draft Permit is now in Part 6, Section 6.4.1.5 of the final Permit. See NMED's responses to Comments# 278 and 286. <b>Permit Modification:</b> None.

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					to expect that the work done above this line will compromise the integrity of the system.	
289	91	6.0	1 <sup>st</sup> Paragraph	KAFB	The specific methods and requirements listed in the various Permit sections should be the basis on which permit compliance is evaluated. The current language is very broad and open to interpretation. Recommend changing the language to read: "The investigation, remediation and monitoring activity methods contained in this Permit shall fulfill the requirements of this Permit; provide the accurate and representative data for evaluation of site conditions, the nature, concentration, rate of migration and extent of contamination and contaminant migration; and for remedy selection and implementation, where necessary."	Part 6, Section 6.0 of the draft Permit is now in Part 6, Section 6.5 of the final Permit. NMED did not make the requested revision. Just because a method is listed in the Permit does not mean that the method is appropriate to use in all cases. For a given situation, the investigation methods actually used by the Permittee will be the basis on which compliance is evaluated. <b>Permit Modification:</b> None.
290	92	6.2	10	KAFB	Recommend changing to read: "Field monitoring data."	Part 6, Section 6.2 of the draft Permit is now in Part 6, Section 6.5.2 of the final Permit. NMED did not make the suggested revision. Monitoring of facility personnel or environmental factors may be required for some sites. <b>Permit Modification:</b> None.
291	92	6.2.1		KAFB	Delete items 4 and 5. KAFB basewide plans and implementation of best practices do not include the use of nitric acid or methanol for decontamination due to the generation of hazardous waste. What will constitute "approval" of other decontamination methods by the Department and acceptance of a site work plan that specifies those procedures? What documentation and tracking process will be used?	Part 6, Section 6.2.1 of the draft Permit is now in Part 6, Section 6.5.3 of the final Permit. Items 4 and 5 under what is now Section 6.5.3 of Part 6 of the final Permit was not deleted – note they are required only "if necessary". The use of acids or organic solvents should be limited to those cases where soap and water are not expected to or will not provide adequate decontamination of sampling equipment.

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						<p>NMED is aware of some guidance on this matter. For example:</p> <p><i>ASTM D 5088-0. 1990. Standard Practice for Decontamination of Field Equipment Used at Nonradioactive Waste Sites (<a href="http://www.astm.org">http://www.astm.org</a>).</i></p> <p><i>USEPA. 1994. "Sampling Equipment Decontamination." Environmental Response Team SOP #2006, Revision #0.0. Edison, NJ (<a href="http://www.ert.org">http://www.ert.org</a>).</i></p> <p><i>USEPA. 1996. Environmental Investigations Standard Operating Procedures and Quality Assurance Manual (<a href="http://www.epa.gov/region04/sesd/eisopqam/eisopqam.html">http://www.epa.gov/region04/sesd/eisopqam/eisopqam.html</a>), Region 4, Science and Ecosystem Support Division. Athens, GA.</i></p> <p>For decontamination of groundwater sampling equipment, see:</p> <p><i>USEPA. 1992. RCRA Ground-Water Monitoring; Draft Technical Guidance. EPA/530/R-93/001. Office of Solid waste. Washington, D.C.</i></p> <p>The NMED approves sampling and analysis plans (which may be part of Investigation Plans or other plans) on an individual basis for each SWMU or AOC. In such plans, the Permittee may propose alternative methods for decontamination such as using disposable equipment for collecting each sample, or justify why it is unnecessary to incorporate steps 4 and 5 of the decontamination procedure required in the Permit. Any variance from the approved procedure in the plan should be documented</p>

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						<p>in the Investigation Report (or other type of report documenting sampling results).  <b>Permit Modification:</b> None.</p>
292	93	6.2.3.1	1	KAFB	<p>New disposable gloves shall be used to collect each sample only if sample comes in contact with gloves. No reason to change gloves if there is no contact. Recommend changing language to read: "New disposable gloves shall be used to collect samples. If any glove is contaminated by touching the sampled material, the glove will be replaced before taking another sample."</p>	<p>Part 6, Section 6.2.3.1 of the draft Permit is now in Part 6, Section 6.5.5.1 of the final Permit.                      NMED agrees in part with the comment. A phrase has been added to make it clear that there are other materials besides the medium being sampled that could contaminate or dilute a sample, and thus, compel a change of gloves.  <b>Permit Modification:</b> The following has replaced item #1 in Section 6.5.5.1 of Part 6 of the final Permit.</p> <ol style="list-style-type: none"> <li>1. <i>Neoprene, nitrile, or other protective gloves shall be worn when collecting samples. New disposable gloves shall be used to collect samples. If any glove is contaminated by touching the sampled material, or other material that could contaminate or dilute the sample, the glove shall be replaced before taking another sample;</i></li> </ol>
293	93-94	6.2.3.1 6.2.3.2		KAFB	<p>Recommend combining both sections and changing the language to read: "The handling and shipment of all samples taken, as per the requirements of this Permit, shall comply with current industry standards and shall insure the chain of custody remains intact during the analysis process."</p>	<p>Part 6, Section 6.2.3.1 of the draft Permit is now in Part 6, Section 6.5.5.1 of the final Permit. Part 6, Section 6.2.3.2 of the draft Permit is now in Part 6, Section 6.5.5.2 of the final Permit.                      Aside from handling and shipment of samples being two distinct topics, NMED</p>

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						<p>did not make the requested revision as it lacks sufficient detail on proper handling and shipment of samples.</p> <p><b>Permit Modification:</b> None.</p>
294	94	6.2.5		KAFB	5 <sup>th</sup> line – change to read: “. . . federal, state . . .”	<p>Part 6, Section 6.2.5 of the draft Permit is now in Part 6, Section 6.5.7 of the final Permit.</p> <p>NMED has corrected the grammatical error.</p> <p><b>Permit Modification:</b> The second -sentence of Section 6.5.7 of Part 6 of the final Permit has been revised to read:</p> <p><i>All IDW shall be properly characterized and disposed of in accordance with Permit Attachment C (Waste Analysis Plan) and all federal, state, and local laws and regulations for storage, labeling, handling, transport, and disposal of waste.</i></p>
295	95	6.2.6	1 <sup>st</sup> Paragraph	KAFB	<p>Recommend changing the language to read: “The horizontal . . . location shall be determined in accordance with the State Plane Coordinate System . . . The Permittee shall prepare site maps certified as per 61-23 NMAC (1978), presenting the surveyed locations and elevations of each monitoring well required by this Permit, including relevant site features and structures, for submission with each well’s initial report to the Department. All subsequent reports for each well shall not require certification as per 61-23 NMAC (1978).”</p> <p>As per 61-23, Engineering and Surveying, NMAC (1978), a professional engineer can provide and certify the requested information, if the professional engineer is designing the project.</p>	<p>Part 6, Section 6.2.6 of the draft Permit is now in Part 6, Section 6.5.8 of the final Permit.</p> <p>NMED assumes that the comment intended to reference 61-23 NMSA 1978.</p> <p>NMED has indicated that reference to the State Plane Coordinate System applies to horizontal coordinates. The NMED has also revised the text to allow for a registered engineer to determine and provide surveying information as requested in the comment.</p> <p><b>Permit Modifications:</b> The first sentence of Section 6.5.8 of Part 6 of the final Permit has been revised as follows.</p> <p><i>The horizontal and vertical coordinates of the top of each monitoring well casing and</i></p>

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						<p><i>the ground surface elevation at each monitoring well location shall be determined by a registered New Mexico professional land surveyor or licensed Professional Engineer.</i></p> <p>All references to "registered New Mexico professional land surveyor" in Section 6.5.8 of Part 6 of the final Permit have been revised to read "<i>registered New Mexico professional land surveyor or licensed Professional Engineer.</i>" These references occur in the first and last sentences of paragraph 1, and the first sentence of paragraph 2.</p> <p>The reference to Sections 500.1 through 500.12 has been changed to "<i>12.8.2 NMAC, Minimum Standards for Surveying in New Mexico.</i>" This reference is found in the second sentence of paragraph 1 of Section 6.5.8 of Part 6 of the final Permit.</p>
296	95	6.2.6		KAFB	It appears that the reference to Sections 500.1 through 500.12 is out of date (i.e. pre-NMAC). Please revise the reference to include the most current NMAC.	<p>Part 6, Section 6.2.6 of the draft Permit is now in Part 6, Section 6.5.8 of the final Permit.</p> <p>NMED has made the recommended revision as discussed in NMED's response to Comment #295.</p> <p><b>Permit Modification:</b> The third sentence of Section 6.5.8 of Part 6 of the final Permit has been revised to read:</p> <p><i>The surveys shall be conducted in accordance with 12.8.2 NMAC -- Minimum Standards for Surveying in New Mexico.</i></p>
297	96	6.2.7		KAFB	Since HSA or DPT drilling methods are only viable in	Part 6, Section 6.2.7 of the draft Permit is

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					<p>the upper 100-150" of borings, recommend limiting this requirement to borings &lt; 150'. Also, what will constitute Department approval process for approval of drilling fluids project work plans?</p>	<p>now in Part 6, Section 6.5.9 of the final Permit.</p> <p>The NMED did not provide depth limits on drilling technologies. If a drilling method cannot achieve the desired depth, a different method must be used that can achieve the desired depth (and the objectives of the project).</p> <p>The NMED will consider the use of drilling fluids on a case-by-case basis. The Permittee will have to demonstrate to the NMED that the use of drilling fluids is necessary to complete a borehole or monitoring well, and that if drilling fluids are used, the borehole or well can provide representative and reliable information for the intended purpose of the borehole or well. The approval process is through approval of work plans.</p> <p><b>Permit Modification:</b> None.</p>
298	96	6.2.7		KAFB	<p>Please add Air Rotary Casing Hammer (ARCH) to the list of approved methods.</p>	<p>Part 6, Section 6.2.7 of the draft Permit is now in Part 6, Section 6.5.9 of the final Permit.</p> <p>NMED has revised Section 6.5.9 of Part 6 of the final Permit to include Air Rotary Casing Hammer, which is a variation of the air rotary drilling method.</p> <p><b>Permit Modification:</b> Air Rotary Casing Hammer (ARCH) has been added to the list of approved drilling methods as item #9 under paragraph 3 in Section 6.5.9 of Part 6 of the final Permit:</p> <p>"9. <i>Air Rotary Casing Hammer (ARCH).</i>"</p>

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299	96	6.2.7	2 <sup>nd</sup> Paragraph	KAFB	Referenced Section 5.4.6 does not exist. Also, please reference NM citation for proper well abandonment, as well as the technical rational for doing so.	<p>Part 6, Section 6.2.7 of the draft Permit is now in Part 6, Section 6.5.9 of the final Permit.</p> <p>NMED has corrected the erroneous citation. Well abandonment, as required under 19.27.4 NMAC, is covered under Section 6.5.17.10.9 of Part 6 of the final Permit. Wells that are not properly abandoned can act as conduits for surface contamination to reach groundwater.</p> <p><b>Permit Modifications:</b> The second paragraph has been corrected as follows:  <i>Borings that are not completed as permanent groundwater or soil-vapor monitoring wells shall be properly abandoned. Borings completed as either groundwater monitoring or soil-vapor wells shall be completed in accordance with the requirements described in this Permit Section (6.5.9).</i></p> <p>The following sentence has become the first sentence of paragraph 1 of Section 6.5.17.10.9 of Part 6 of the final Permit:  <i>Wells and piezometers shall be abandoned when they are no longer required to address corrective action requirements or when they are damaged beyond repair; however, no well or piezometer shall be abandoned without prior approval by the Department.</i></p> <p>The last sentence of paragraph 1 of Section 6.5.17.10.9 of Permit Part 6 of the final Permit has been revised to read:</p>

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						<p><i>Well abandonment must comply with current State Engineer well abandonment guidance (19.27.4.30 and 31 NMAC).</i></p>
300	96	6.2.7	3 <sup>rd</sup> Paragraph	KAFB	<p>Item 1- the requirement should have a depth threshold, unless the requirement is intended to require 25 feet of additional drilling below all soil contamination, even at shallow depths, i.e., contamination terminating at a depth of five feet below grade surface.</p>	<p>Part 6, Section 6.2.7 of the draft Permit is now in Part 6, Section 6.5.9 of the final Permit.</p> <p>Adding a depth threshold is unnecessary. The Permit requires 25 feet of additional drilling below all contamination no matter the depth of soil contamination, <i>unless otherwise specified in the Permit or approved by the Department in work plans</i> as indicated in the 6<sup>th</sup> paragraph of the subject Section. Thus, the Permittee may propose alternative drilling and sampling depths for NMED's consideration.</p> <p><b>Permit Modification:</b> None.</p>
301	97	6.2.9		KAFB	<p>Suggest specifying a numerical depth. Also, Since the EPA specifies discrete samples to be collected for VOCs, not SVOCs, delete ". . . and semivolatile organic compounds (SVOCs)" from the 2<sup>nd</sup> sentence in the 4<sup>th</sup> paragraph.</p>	<p>Part 6, Section 6.2.9 of the draft Permit is now in Part 6, Section 6.5.11 of the final Permit.</p> <p>Deep subsurface samples are those collected at depths that generally require the use of power equipment.</p> <p>NMED has added a sentence to the beginning of Section 6.5.11 of Part 6 of the final Permit describing what constitutes deep subsurface samples.</p> <p>The NMED requires discrete samples for SVOC analysis because these compounds can be partially lost through volatilization if samples were to be homogenized in the field. Thus, NMED did not make the suggested revision to remove SVOCs from</p>

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						<p>the second sentence of paragraph 4.</p> <p><b>Permit Modifications:</b> NMED has added the following sentence to the beginning of Section 6.5.11 of Part 6 of the final Permit:  <i>Deep subsurface samples are those collected at depths that generally require the use of power equipment.</i></p> <p>NMED notes that SVOCs were inadvertently left out of the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of what is now Section 6.5.12 of Part 6 of the final Permit. The first sentence of Paragraph 2 of Section 6.5.12 of Part 6 of the final Permit has been revised to read:  <i>Samples that are collected for analyses other than for VOCs or SVOCs shall be obtained using a hand-held stainless steel coring device, Shelby tube, thin-wall sampler, or other device approved by the Department.</i></p> <p>Additionally, the first sentence of Paragraph 3 of Section 6.5.12 of Part 6 of the final Permit has been revised to read:  <i>Samples obtained for VOC or SVOC analysis shall be collected using Shelby tubes, thin-wall samplers, or other device approved by the Department.</i></p>
302	98	6.2.9.1		KAFB	Please define a depth range for "shallow"	<p>Part 6, Section 6.2.9.1 of the draft Permit is now in Part 6, Section 6.5.12 of the final Permit.</p> <p>Shallow sampling depths are those from which soil and sediment samples can be collected using hand-held sampling equipment.</p>

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						<p>Surface soil and sediment samples are those collected at depths of 0 to 6 inches.</p> <p><b>Permit Modification:</b> Two sentences have been added to the beginning of Section 6.5.12 of Part 6 of the final Permit that state:  <i>Surface soil samples are those collected at depths of 0 to 6 inches. Shallow subsurface samples are those collected at depths that do not require the use of power equipment.</i></p>
303	98	6.2.9.2		KAFB	<p>Please change to read: "Samples shall be screened in the field for the presence of contaminants, if required by the project specific work plan." Also, please provide a basis for using metals screening, in that it has a potential to lead to false results based on naturally occurring metals.</p>	<p>Part 6, Section 6.2.9.2 of the draft Permit is now in Part 6, Section 6.5.13 of the final Permit.</p> <p>NMED has made the recommended revision, as field screening should not be required at all sites. The revision refers to Investigation Work Plans or other sampling and analysis plans.</p> <p>XRF is the method that is to be used to screen soil, sediment, and rock samples for the presence of metals. XRF can provide reliable sample results; however these results will not be directly comparable to results using SW-846 methods. Thus, field measurements of samples at background locations will be required in addition to samples from the SWMU or AOC of interest. If any samples from the SWMU or AOC have metal concentrations that are significantly elevated above their background level, the results of the field screening can help direct further investigation of the site.</p> <p><b>Permit Modification:</b> The first sentence of Section 6.5.13 of Part 6 of the final Permit</p>

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						<p>has been revised to read:  <i>Samples shall be screened in the field for the presence of contaminants, if required by the Investigation Work Plan or other sampling and analysis plan.</i></p>
304	99, 104	6.2.9.3  6.3.1.4	Field QC  GW Samples	KAFB	<p>(1) 2nd paragraph. Why is there a requirement for equipment blanks if disposable sampling equipment is used? This should only be if non-disposable (i.e., reusable) equipment is used.</p> <p>(2) The frequency is stated as 10% here; however, on page 104, it is 5%. Typically the frequency is 1 in 20, or 5%. Revise for accuracy and consistency.</p> <p>(3) 1st paragraph, 5th line. Should Section 6.2.3 read 6.1.3.3?</p>	<p>Part 6, Section 6.2.9.3 of the draft Permit is now in Part 6, Section 6.5.14 of the final Permit. Part 6, Section 6.3.1.4 of the draft Permit is now in Part 6, Section 6.5.17.5 of the final Permit.</p> <p>(1) Disposable equipment is not always used. For example, the collection of groundwater samples is not generally done using disposable pumps.</p> <p>(2) NMED revised the frequency for collecting and analyzing equipment blanks for soil, rock, and sediment sampling from 10% to 5%, to be consistent with that for groundwater.</p> <p>(3) For the 5<sup>th</sup> line of Section 6.3.1.4 of Part 6 of the draft Permit, the citation (6.2.3) was correct.</p> <p><b>Permit Modifications:</b> The first sentence of Paragraph 3 of Section 6.5.14 of Permit Part 6 of the final Permit has been revised to read:  <i>The Permittee shall prepare and analyze equipment blanks from all sampling apparatus at a frequency of at least five percent of the total number of samples submitted for analysis.</i></p>
305	100	6.2.9.4		KAFB	Completion of logs should not be limited to geologists; other physical scientists/engineers can be qualified to	Part 6, Section 6.2.9.4 of the draft Permit is now in Part 6, Section 6.5.15 of the final

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					log soil, rock, and sediment samples.	<p>Permit.</p> <p>NMED disagrees with the comment.</p> <p>Geologists are trained to observe and record the information required in this section of the Permit, and are much better qualified compared to most other disciplines to identify and classify minerals, rocks, and other geologic features.</p> <p><b>Permit Modification:</b> None.</p>
306	100	6.2.10		KAFB	<p>Suggest revising this entire section. Soil vapor is a fluid and should be purged and sampled in a manner similar to groundwater. The direction provided for purging and capturing a vapor sample in this section is not clear and does not seem to be the best technical approach.</p>	<p>Part 6, Section 6.2.10 of the draft Permit is now in Part 6, Section 6.5.16 of the final Permit.</p> <p>NMED agrees with comment that the text requires revision to improve clarity.</p> <p><b>Permit Modification:</b> Section 6.5.16 of Part 6 of the final Permit has been revised to read:</p> <p><i>Samples of subsurface vapors shall be collected from vapor monitoring points where required by the Department. The Permittee shall, as required by the Department, collect soil-vapor samples for field measurement of:</i></p> <ol style="list-style-type: none"> <li>1. <i>Percent oxygen;</i></li> <li>2. <i>Organic vapors (using a photo-ionization detector with a 10.6 eV lamp, a combustible vapor indicator or other method approved by the Department);</i></li> <li>3. <i>Percent carbon dioxide;</i></li> <li>4. <i>Static subsurface pressure; and</i></li> <li>5. <i>Other parameters, such as carbon</i></li> </ol>

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						<p><i>monoxide and hydrogen sulfide.</i></p> <p><i>The Permittee also shall collect soil-vapor samples for laboratory analysis of the following:</i></p> <ol style="list-style-type: none"> <li><i>1. Percent moisture;</i></li> <li><i>2. VOCs; and</i></li> <li><i>3. Other analytes required by the Department.</i></li> </ol> <p><i>When collecting soil-vapor samples for laboratory or field analysis, the Permittee shall continually monitor the concentrations of soil vapor from a given monitoring point with an appropriate field instrument (e.g., photoionization detector). The Permittee shall collect soil-vapor samples after the field instrument readings have stabilized and after the sampling tubing and soil-vapor monitoring well have been appropriately purged to remove all stagnant vapor. Soil-vapor samples for laboratory analysis shall be collected using SUMMA canisters<sup>1</sup> or other sample collection method approved by the Department. The samples shall be analyzed for VOC concentrations by EPA Method TO-15 (as it may be updated) or equivalent VOC analytical method approved by the Department.</i></p> <p><i>In the field, soil-vapor measurements, the date and time of each measurement, and the</i></p>

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<sup>1</sup> The term "SUMMA" Canister is a trademark that refers to electropolished, passivated stainless steel vacuum sampling devices, such as TO canisters, SilcoCans, MiniCans, etc, which are cleaned, evacuated, and used to collect whole-air samples for laboratory analysis

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						<p><i>type and serial number of field instrument used shall be recorded in a field log book. The method used to obtain soil-vapor field measurements and samples must be approved by the Department in writing prior to the start of monitoring.</i></p> <p><i>Soil vapor wells shall not be installed with the use of any fluids. Soil vapor wells may be completed by backfilling with native materials. If a soil vapor well is installed as a permanent monitoring point, the Permittee shall not sample the well before the expiration of the 24-hour equilibration period following completion of installation. Information on the design and construction of soil-vapor monitoring wells shall be recorded as for groundwater monitoring wells (Permit Section 6.5.17.10) as applicable.</i></p> <p><i>Soil-vapor monitoring wells shall be designed and constructed in a manner that will yield high-quality samples. The design and depth of installation must be approved by the Department.</i></p>
307	101	6.3.1	1	KAFB	Delete "historical"	<p>Part 6, Section 6.3.1 of the draft Permit is now in Part 6, Section 6.5.17.1 of the final Permit.</p> <p>Investigations always include the acquisition of any available historical information to assist with development of the conceptual model for a site. Therefore, this requirement was not be deleted from the final Permit.</p> <p><b><u>Permit Modification:</u></b> None.</p>

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308	101	6.3.1	4	KAFB	Please clarify what the Department will consider appropriate means for determining groundwater flow velocities.	<p>Part 6, Section 6.3.1 of the draft Permit is now in Part 6, Section 6.5.17.1 of the final Permit.</p> <p>The average linear velocity for groundwater flow is determined by the equation:  <math display="block">v = -Ki/n</math>                     where "v" is the average linear velocity, "K" is the saturated hydraulic conductivity, "i" is the gradient of groundwater flow, and "n" is the porosity.</p> <p><b>Permit Modification:</b> None.</p>
309	101	6.3.1	5 to 12	KAFB	Delete items 5 through 12 – these requirements exceed the realm of RCRA investigations.	<p>Part 6, Section 6.3.1 of the draft Permit is now in Part 6, Section 6.5.17.1 of the final Permit.</p> <p>NMED did not delete items #5-12 of what is now Section 6.5.17.1 of Part 6 of the final Permit. Items #5-12 must be considered for RCRA groundwater investigations. These items are related to understanding groundwater chemistry; the geologic and hydrologic characteristics of the aquifer; and characteristics of the contaminant sources, including fate and transport.</p> <p><b>Permit Modification:</b> None.</p>
310	102	6.3.1		KAFB	The requirement that all "existing wells and piezometers" be surveyed in accordance with section 6.2.6 is a retroactive requirement, which was previously submitted to the N.M. State Engineer. Therefore, the Department already has access to this information.	<p>Part 6, Section 6.3.1 of the draft Permit is now in Part 6, Section 6.5.17.1 of the final Permit.</p> <p>NMED will not ask the State Engineer to provide information for which the Permittee is responsible for submitting to the NMED.</p> <p>If the existing wells were surveyed in a manner that meets the requirements of what is now Section 6.5.8 of Part 6 of the final</p>

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						<p>Permit, then the wells do not need to be surveyed again. Thus, the requirement is not necessarily retroactive.</p> <p><b>Permit Modification:</b> None.</p>
311	102	6.3.1.1	2 <sup>nd</sup> Paragraph	KAFB	Please clarify what "24 hour time-frame"?	<p>Part 6, Section 6.3.1.1 of the draft Permit is now in Part 6, Section 6.5.17.2 of the final Permit.</p> <p>NMED means within 24 hours from start of measuring the water level in the first well to measuring the water level in the last well.</p> <p><b>Permit Modification:</b> The first sentence of the 2<sup>nd</sup> paragraph of Section 6.5.17.2 of Part 6 of the final Permit has been revised to read:</p> <p><i>Groundwater levels shall be measured in monitoring wells at frequencies required by the Department and within 24 hours from the start of monitoring the water level in the first well, unless another time frame is specified in the work plan and approved by the Department.</i></p>
312	102	6.3.1.2	1 <sup>st</sup> Paragraph	KAFB	Why must groundwater samples be collected between 10 and 30 days after well installation? Specifying a minimum timeframe before which newly installed wells can be sampled may be reasonable but why a maximum timeframe? What if wells are simply to be rotated into a next scheduled sampling event that is more than 30 days after well installation? Also, to better facilitate post-installation samples, a minimum timeframe of 48 hours would be more feasible to implement. It is likely that sample collection can be more easily conducted closer to the conclusion of well installation when other field activities may still be ongoing.	<p>Part 6, Section 6.3.1.2 of the draft Permit is now in Part 6, Section 6.5.17.3 of the final Permit.</p> <p>NMED did remove the minimum (10 days) time requirement, but not the maximum (30 days). The maximum time period will be required in order to determine the initial general chemistry of the groundwater, including oxidation/reduction potential.</p> <p><b>Permit Modification:</b> The first sentence of Section 6.5.17.3 of Part 6 of the final Permit has been revised to read:</p>

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						<p><i>Initial groundwater samples shall be obtained from newly-installed monitoring wells within 30 days after completion of well development.</i></p>
313	103	6.3.1.2	1 <sup>st</sup> Paragraph	KAFB	<p>Change to read: "Groundwater samples shall be collected, as necessary, from all..." Also, please clarify "for one or more of the following" and specify the exact requirements required of KAFB.</p>	<p>Part 6, Section 6.3.1.2 of the draft Permit is now in Part 6, Section 6.5.17.3 of the final Permit.</p> <p>NMED did not make the requested revision. Groundwater in New Mexico is subject to protection under RCRA, even groundwater occurring as perched groundwater.</p> <p>NMED did add text to the last paragraph of Section 6.5.17.3 to clarify the requirements listed in Table 6-1 (misabeled as Table 5-1 in the draft Permit).</p> <p><b>Permit Modifications:</b> The last paragraph of Section 6.5.17.3 of Part 6 of the final Permit has been revised to read:</p> <p><i>In addition to other required analyses, water samples shall be analyzed in accordance with approved work plans for one or more of the following general chemistry parameters in Table 6-1 below. The Department will specify through approved work plans which parameters in Table 6-1 that the Permittee must analyze for in water samples.</i></p> <p>The title of Table 6-1 in Permit Part 6 has been corrected to read</p> <p><i>Table 6-1. Groundwater General Chemistry Parameters</i></p>
314	103	Table 6-1		KAFB	<p>Please remove parameters not included in the KAFB Long-Term Groundwater Monitoring Plan, Rev 1</p>	<p>Table 6-1 of the draft Permit was mislabeled as Table 5-1. This has been corrected in the</p>

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					(1997)	<p>final Permit (see NMED response to Comment #313).</p> <p>NMED did not make the suggested revision. Each of the parameters listed in the table is useful and in some cases may be critical for the investigation of groundwater. This is particularly true for parameters indicating oxidation/reduction conditions, as well as major and minor cations and anions listed in Table 6-1 of Permit Part 6 of the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
315	103	6.3.1.3		KAFB	What constitutes NMED approval of measuring instruments? Approval of the project work plan?	<p>Part 6, Section 6.3.1.3 of the draft Permit is now in Part 6, Section 6.5.17.4 of the final Permit.</p> <p>Measuring instruments will be approved through the approval of work plans.</p> <p><b>Permit Modification:</b> The fourth sentence of paragraph 1 of Section 6.5.17.4 of Part 6 of the final Permit has been revised to read: <i>Measuring instruments are to be approved by the Department and are to be specified in the Investigation Work Plan or other sampling and analysis plan.</i></p>
316	104	6.3.1.4	1 <sup>st</sup> Paragraph	KAFB	Change 1 <sup>st</sup> sentence to read: "...completion or well purging or longer if necessary based on recharge rate of well". Certain LTM wells have had historically slow recharge and maybe required to sit overnight to allow for sampling after purging.	<p>Part 6, Section 6.3.1.4 of the draft Permit is now in Part 6, Section 6.5.17.5 of the final Permit.</p> <p>The NMED has revised the second sentence of the first paragraph of Section 6.5.17.5 of Part 6 of the final Permit to allow for slow recharge for low yield wells.</p> <p><b>Permit modification:</b> The following sentence was added as the second sentence</p>

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						<p>of the first paragraph of Section 6.5.17.5 of Part 6 of the final Permit:</p> <p><i>Groundwater in monitoring wells with low recharge rates and that purge dry shall be sampled when the water level in the well has recovered sufficiently to collect the required samples.</i></p>
317	104	6.3.1.4	2 <sup>nd</sup> Paragraph	KAFB	<p>What will constitute NMED approval of disposal method? Approval of the project work plan? If not, what is timeframe in which NMED will provide approval?</p>	<p>Part 6, Section 6.3.1.4 of the draft Permit is now in Part 6, Section 6.5.17.5 of the final Permit.</p> <p>NMED will normally approve the method of disposal as part of the work plan or other sampling and analysis plan. The second paragraph of Section 6.3.1.4 of part 6 of the draft Permit was deleted from the final Permit as it was redundant with Section 6.5.7 of Permit Part 6 of the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
318	104	6.3.1.4	3 <sup>rd</sup> Paragraph	KAFB	<p>The requirement for the analyses of groundwater samples for total metals will produce results that are not representative the actual metal content of the groundwater, which is determined by dissolved metal analyses.</p>	<p>Part 6, Section 6.3.1.4 of the draft Permit is now in Part 6, Section 6.5.17.5 of the final Permit.</p> <p>Total metals analysis is generally required under RCRA.</p> <p>Filtered water samples are analyzed to determine concentrations of dissolved metals; unfiltered samples are analyzed to measure the concentrations of both dissolved and suspended metals. Compared to those of filtered samples, results for total metals better represent what could actually be consumed by humans or other environmental receptors. Most humans and other environmental receptors do not drink</p>

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						<p>filtered water.</p> <p>There are some circumstances where the dissolved concentrations of metals must be determined. For example, sites where Cr <sup>+6</sup> is a concern or for situations where oxidation/reduction potential of groundwater is under investigation.</p> <p><b>Permit Modification:</b> None.</p>
319	105	6.3.1.4	3 <sup>rd</sup> Paragraph	KAFB	<p>Recommend specifying that trip blanks are required only for VOCs. Verify that trip blank is required "per shipping container" vs. per shipment.</p>	<p>Part 6, Section 6.3.1.4 of the draft Permit is now in Part 6, Section 6.5.17.5 of the final Permit. The subsection "<i>Field QC for Groundwater Sampling</i>" is now Section 6.5.17.6 of Part 6 of the final Permit.</p> <p>NMED has made the suggested revision that trip blanks should be required for only VOC analyses. NMED has also clarified that trip blanks are required in each container that contains VOC samples.</p> <p><b>Permit Modifications:</b> The first sentence of the first paragraph of what is now Section 6.5.17.6 of Part 6 of the final Permit reads:  <i>Field duplicates, field blanks, equipment rinsate blanks, reagent blanks, and trip blanks (the latter required for VOC analyses only) shall be collected or prepared and analyzed for quality control purposes.</i></p> <p>The last sentence of the last paragraph of 6.5.17.6 of Part 6 of the final Permit has been revised to read:  <i>Trip blanks shall be analyzed at a frequency of one for each shipping container holding samples for VOC analysis</i></p>

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320	105	6.3.1.5		KAFB	Change 90 days to 180 days for the KAFB FY LTM Annual Summary Report. The detail required for this annual submittal requires a longer time permitted for development and review.	Part 6, Section 6.3.1.5 of the draft Permit is now in Part 6, Section 6.5.17.7 of the final Permit. Ninety days should be sufficient to obtain data from the laboratory and complete the report. The sampling of groundwater on a quarterly basis requires that such reports be prepared within a 90-day timeframe to keep from falling behind. <b>Permit Modification:</b> None.
321	105	6.3.2		KAFB	Delete this section.	Part 6, Section 6.3.2 of the draft Permit is now in Part 6, Section 6.5.17.8 of the final Permit. The Permit requirement was not deleted. The NMED may require the Permittee to monitor springs at the Facility. Some springs on KAFB have chemistries suggestive of that of shallow groundwater, which could be contaminated by Facility operations. This section sets forth special provisions for the monitoring of surface water at springs. <b>Permit Modification:</b> None.
322	106	6.3.3		KAFB	Delete this section. Surface water discharges are regulated under the NPDES program by the U.S. EPA. It is not appropriate to include surface water discharges in the RCRA permit.	Part 6, Section 6.3.3 of the draft Permit is now in Part 6, Section 6.5.17.9 of the final Permit. NMED regulates surface water under RCRA, specifically the regulations under 20.4.1. NMAC. See NMED response to Comment #8. <b>Permit Modification:</b> None.
323	106	6.3.4	1 <sup>st</sup> Paragraph	KAFB	Recommend changing language to read: "The Permittee	Part 6, Section 6.3.4 of the draft Permit is

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					shall submit samples for laboratory analysis." KAFB DOES NOT utilize the EPA CLP program.	now in Part 6, Section 6.5.18 of the final Permit. This requirement was not deleted from the final Permit. The Contract Laboratory Program (CLP) is a national network of EPA personnel, commercial laboratories, and support contractors whose fundamental mission is to provide data of known and documented quality. <b>Permit Modification:</b> None.
324	106	6.3.4	2 <sup>nd</sup> Paragraph	KAFB	(1) Insert language allowing for other electronic data formats in lieu of Excel such as, Access. Large sets of data such as LTM for example are not conducive to management in excel. (2) Also, why will NMED not accept diluted sample results? Insert following sentence in 2 <sup>nd</sup> Paragraph: "Results for analytes that are reported as part of a method in which sample dilution is required for specific method analytes due to elevated concentrations, are acceptable to be reported with a J-qualifier for values detected below the method reporting limit. When there are elevated concentrations of a method analyte requiring the sample to be diluted for analysis, the dilution will impact any low-level sample detections as well, and therefore the lab will report those with a J-qualifier if they fall below the method reporting limit."	Part 6, Section 6.3.4 of the draft Permit is now in Part 6, Section 6.5.18 of the final Permit. (1) The requirement to use Excel <sup>TM</sup> is limited to analytical data, which generally comes to the NMED on a project by project basis. Thus, the data size will generally not be large enough that the data cannot be managed in Excel <sup>TM</sup> . If the Permittee stores data using Access <sup>TM</sup> , the data can easily be exported to Excel <sup>TM</sup> . (2) J-coded results for diluted samples may be a poor estimate of what should be a readily quantifiable result. They are often indicative of poor quality work and should not be accepted by the Permittee, much less the NMED. <b>Permit Modification:</b> None.
325	106	6.3.4.1		KAFB	Recommend changing language to read: "The Permittee shall provide the names of the contract analytical laboratories within forty-five. . ."	Part 6, Section 6.3.4.1 of the draft Permit is now in Part 6, Section 6.5.18.1 of the final Permit. NMED has revised what is now Section 6.5.18.1 of Part 6 of the final Permit as

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						<p>requested by the comment. But, the NMED expects that QA/QC manuals will be maintained by the Permittee and will be available for inspection.</p> <p><b>Permit Modification:</b> 6.5.18.1 of Part 6 of the final Permit has been revised to read:  <i>The following requirements for laboratory QA/QC procedures shall be considered the minimum QA/QC standards for the laboratories employed by the Permittee. The Permittee shall provide to the Department the names of the contract analytical laboratories within 45 days of awarding a contract for analytical services to any contract laboratory. The Permittee shall maintain copies of laboratory QA/QC manuals in the Operating Record and they shall be subject to inspection by the Department.</i></p>
326	107	6.3.4.1.3		KAFB	<p>Recommend changing language to read: “. . . Laboratory batch QC samples shall be specific to the project, or as required in the project-specific work plan.” Project specific MS/MSD samples are charged to project and in some cases, may not be required to be run on KAFB specific samples.</p>	<p>Part 6, Section 6.3.4.1.3 of the draft Permit is now in Part 6, Section 6.5.18.1.3 of the final Permit.</p> <p>The comment apparently concerns the last sentence of what is now Section 6.5.18.1.3 of Permit Part 6 of the final Permit. The requirement means that all laboratory quality control (QC) data reported with the Facility's sample results must be actually related to the analysis of the Facility's samples. NMED has revised the last sentence to clarify that the QC samples must be related to the analysis of the Facility's samples.</p> <p>MS/MSD should be related to the Facility's samples. Otherwise, the results will not be</p>

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						<p>definitive concerning the matrix effects on analytical results.</p> <p>The NMED has also corrected some typographical errors in the first sentence of Section 6.5.18.1.3 of Permit Part 6 of the final Permit.</p> <p><b>Permit Modifications:</b> The first and second sentences of Section 6.5.18.1.3 of Part 6 of the final Permit has been revised to read:  <i>Analytical procedures shall be evaluated for quality by analyzing reagent blanks or method blanks, surrogates, MS/MSDs, and laboratory duplicates, as appropriate for each method. Laboratory QC samples and frequency of analysis are documented in EPA test methods.</i></p> <p>The last sentence of Section 6.5.18.1.3 of Part 6 of the final Permit has been revised to read:  <i>All laboratory quality control data reported with the Facility's sample analysis results must be related to the analysis of the Facility's samples.</i></p>
327	107	6.3.4.2		KAFB	EPA Level IV applies to the CLP. Section 6.3.4 needs to be modified.	<p>Part 6, Section 6.3.4.2 of the draft Permit is now in Part 6, Section 6.5.18.2 of the final Permit.</p> <p>NMED did not make the requested revision. See NMED response to Comment #323.</p> <p><b>Permit Modification:</b> None.</p>
328	109	6.3.4.2		KAFB	Section 4.4 appears to be the wrong reference.	<p>Part 6, Section 6.3.4.2 of the draft Permit is now in Part 6, Section 6.5.18.2 of the final Permit.</p>

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						<p>The NMED has corrected the citation.</p> <p><b>Permit Modification:</b> The first sentence of the last paragraph of Section 6.5.18.2 of Part 6 of the final Permit has been revised to read:</p> <p><i>The Permittee shall present summary tables of these data and Level II QC results to the Department in reports or other documents prepared in accordance with Permit Section 6.2.4.</i></p>
329	109	6.3.5.1		KAFB	<p>Request that the reporting time requirements be extended to at least one week with corresponding increases in the written reports, since the one day requirement may not allow for reporting to NMED since employees on both sides may not be in the office (i.e. leave etc). Suggest new time requirements to allow for NMED and KAFB employee schedules.</p>	<p>Part 6, Section 6.3.5.1 of the draft Permit is now in Part 6, Section 6.5.18.3.1 of the final Permit.</p> <p>NMED increased the reporting time requirement by two days. NMED did not agree to increase the reporting time by a week because situations where samples need to be re-analyzed may require quick decisions to meet holding times.</p> <p><b>Permit Modifications:</b> The first sentence of the first paragraph of 6.5.18.3.1 of Part 6 of the final Permit has been revised to read:</p> <p><i>The Permittee shall require the laboratory to notify the Permittee of data quality exceptions within three working days of discovery in order to allow for sample re-analysis, if possible.</i></p> <p>The second sentence of the first paragraph of 6.5.18.3.1 of Part 6 of the final Permit has been revised to read:</p> <p><i>The Permittee shall contact the Department within three working days of receipt of the laboratory notification of data quality exceptions to discuss the implications to the</i></p>

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						<p><i>sampling data, and to determine whether the data will still be considered acceptable or if sample re-analysis or resampling is necessary.</i></p> <p>The fourth sentence of the first paragraph of 6.5.18.3.1 of Part 6 of the final Permit has been revised to read:</p> <p><i>The Permittee shall submit the letter to the Department by fax or electronic mail within five working days of the conclusion of the data quality discussion and shall mail the original signed copy of the letter to the Department within 10 days of the conclusion of the data quality discussion.</i></p>
330	109	6.3.5.1	1 <sup>st</sup> Paragraph	KAFB	Delete 2 <sup>nd</sup> sentence. KAFB and its contractors are responsible for ensuring the data will meet DQOs, not the Department. The Department will have final say in acceptance of data to achieve project objective.	<p>Part 6, Section 6.3.5.1 of the draft Permit is now in Part 6, Section 6.5.18.3.1 of the final Permit.</p> <p>NMED did not delete the subject sentence.</p> <p>The MED agrees that the Permittee is responsible for obtaining data that meets the DQOs. However, it is in the interest of all parties if a decision on the acceptability of suspect data is made by the NMED early in the investigation stage of corrective action.</p> <p><b>Permit Modification:</b> None.</p>
331	110	6.3.5.2	13	KAFB	There is no Section 5.4.5.1 in the draft permit.	<p>Part 6, Section 6.3.5.2 of the draft Permit is now in Part 6, Section 6.5.18.3.2 of the final Permit.</p> <p>The NMED has corrected the citation.</p> <p><b>Permit Modification:</b> Item #13 of Section 6.5.18.3.2 of Part 5 of the final Permit has been revised to read:</p> <p><i>13. Representativeness, comparability.</i></p>

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						<i>completeness, accuracy, and precision as required in Permit Section 6.5.18.3.1 above.</i>
332	110	6.3.5.2	1st paragraph	KAFB	Section 4.4 appears to be the wrong reference.	<p>Part 6, Section 6.3.5.2 of the draft Permit is now in Part 6, Section 6.5.18.3.2 of the final Permit.</p> <p>NMED has corrected the citation.</p> <p><b>Permit Modification:</b> The third sentence of the first paragraph of Section 6.5.18.3.2 of Part 6 the final Permit has been revised to read:</p> <p><i>A full review and discussion of QC data and all data qualifiers shall be submitted with Investigation Reports or other reports prepared in accordance with Permit Section 6.2.4.</i></p>
333	111	6.3.6.1	Line 2	KAFB	Change language to read: "...quality samples, attempt to ensure that the well ..." It is not possible for KAFB to ensure wells will last the duration of a project due to dropping regional water levels; particularly if NMED does not revise their allowed well screen lengths.	<p>Part 6, Section 6.3.6.1 of the draft Permit is now in Part 6, Section 6.5.17.10 of the final Permit.</p> <p>Even with water levels dropping on average about 1 foot per year, the Permittee should be able to design and construct wells to last the duration of most characterization or cleanup projects. Most characterization and clean up projects can be done in 10 years or less. The Permittee is responsible for replacing wells that cannot serve their intended purpose (see Section 6.5.17.10.2 of Permit Part 6 of the final Permit), including replacing wells because of dropping water levels.</p> <p>NMED will not generally allow (saturated) well screen lengths to exceed 15 feet.</p>

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						<p>Longer screen lengths can cause dilution of groundwater samples. Dilution of water samples causes levels of contaminants to be lower than their true levels, and may even result in contamination going unrecognized.</p> <p><b>Permit Modification:</b> None.</p>
334	112	6.3.6.2	Monitoring Wells	KAFB	<p>There appears to be updated versions of the documents cited for groundwater monitoring well construction.</p>	<p>The relevant text of Part 6, Section 6.3.6.2 of the draft Permit is now in Part 6, Section 6.5.17.10 of the final Permit.</p> <p>The comment does not suggest any newer guidance for NMED to consider.</p> <p>The basic design of and construction methods for the installation of conventional groundwater monitoring wells have not changed since the cited guidance documents have been published.</p> <p><b>Permit modification:</b> None.</p>
335	112	6.3.6.2	Monitoring Wells	KAFB	<p>In the first line, is the reference to Section 4.6 correct?</p>	<p>The relevant text of Part 6, Section 6.3.6.2 of the draft Permit was deleted from the final Permit. The citation in the draft Permit was incorrect.</p> <p><b>Permit Modification:</b> As indicated above.</p>
336	113	6.3.6.2.1	4	KAFB	<p>The sample requirement of 5- and 10-foot intervals is excessive. The vadose zone thickness, 200 feet or greater, at KAFB makes this sample frequency excessive and costly. It is recommended that the sample frequency be reduced to 50 feet intervals a depth greater than 50 feet below land surface.</p>	<p>Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit.</p> <p>Item #3 of the final Permit has been modified to clarify that the Permittee may propose alternative sampling intervals (with appropriate justification) for NMED approval for cases where total depths exceed 50 feet.</p>

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						<p><b>Permit Modification:</b> as indicated above.</p> <p>Also, a sentence has been added to the end of item #3 of Section 6.5.17.10.2 of Part 6 of the final Permit that states:</p> <p><i>For sites where drilling depths exceed 50 feet, the Permittee may propose for Department approval alternative sampling intervals in work plans.</i></p>
337	113	6.3.6.2.1	Alluvial Wells	KAFB	Items 4 and 5. Should the reference to Part 5 read Part 6?	<p>Part 6, Section 6.3.6.2.1 of the draft Permit is now in Part 6, Section 6.5.17.10.2 of the final Permit.</p> <p>Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit.</p> <p>NMED has corrected the citations in the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p> <p>Also, items #3 and 4 of Section 6.5.17.10.2 of Part 6 of the final Permit has been revised to read:</p> <p><i>3. Samples shall at a minimum be obtained from each boring between the ground surface and one foot below the ground surface (0.0-1.0 foot interval), at subsequent five-foot intervals, at any alluvium-bedrock contact, and at the maximum depth of each boring. For sites where drilling depths exceed 50 feet, the Permittee may propose for Department approval alternative sampling intervals in work plans.</i></p> <p><i>4. Field screening and chemical analyses of collected samples shall be conducted in</i></p>

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						<i>accordance with Permit Section 6.5.13 and in accordance with approved work plans.</i>
338	113	6.3.6.2.2	1	KAFB	<p>(1) What are the "site specific" conditions requiring geophysical surveys?</p> <p>(2) Is it based on what is specified and approved in a site work plan?</p>	<p>Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit.</p> <p>Geophysical measurements are to be taken at sites where they may be useful for identifying and locating geologic structures, for distinguishing between rock types (for example, separate sands from clays), and for estimating the location of the water table. The types of geophysical measurements that may be needed, if any, at a site are to be specified in work plans as they must be required where necessary on a site-by-site basis. In many cases where geophysical logs of well bores are needed, calibrated gamma, neutron, and induction logs are the most common types of logs that are prepared.</p> <p>As examples of how important geophysical measurements may become, most of the Site-Wide Hydrogeologic Characterization Project and TAG Investigation work that has been conducted at the Facility rely heavily on geophysical measurements to identify and correlate hydrostratigraphic units.</p> <p><b><u>Permit Modification:</u></b> As indicated above.</p>
339	114	6.3.6.2.2	3	KAFB	This requirement is vague and should be deleted. If retained, then modify to insure NMED comments are confined to the 5-day period allowable for keeping a boring open and uncased and clarify the additional conditions for well construction that may be imposed by	Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit.

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					the state as part of future site work. It is not feasible for the NMED to require a boring to be extended to the aquifer during an in-progress field effort if that was not the original plan.	NMED did not delete this requirement from the final Permit. NMED seldom has access to information that suggests that efforts should be redirected while the work is ongoing. Thus, the NMED would normally impose such conditions prior to the work being implemented or after the work has been completed in the case of a need for additional investigation for a given site. NMED did change the word "condition" to the word "requirement" as discussed in NMED response to comment #431. <b>Permit Modifications:</b> As indicated above.
340	114	6.3.6.2.2	Perched Wells	KAFB	(1) Item 6. Delete the word "Section". Also, Section 4.3 is called out here for work plans, yet in 6.3.3.2.3, Item 1, Section 4.5 is referenced. (2) Are these references each correct?	Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit. Item #6 of Section 6.3.6.2.2 of Part 6 of the draft Permit was deleted from the final Permit. The text was essentially redundant with that at the beginning of what is now Section 6.5.17.10.2 of Part 6 of the final Permit. <b>Permit Modification:</b> As indicated above.
341	114	6.3.6.2.3	3	KAFB	Does the term "geophysical measurements" mean geophysical logging of the boring is required? Conducting geophysical logging prior to well construction will limit the type of logging that can be conducted due to the use of the ARCH drilling technology used to complete groundwater monitor wells at KAFB, which uses a steel casing to keep the soil boring open prior to well construction. Geophysical logging requirements should be specified.	Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit. Geophysical measurements (in this case concerning regional aquifer wells), are measurements taken to produce geophysical logs of well bores. See also NMED response to Comment #338.

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						<p>NMED has revised the requirement to allow geophysical logging to be done before or after well construction.</p> <p>NMED also revised Section 6.2.8 of Part 6 of the draft Permit (which is now Section 6.5.10 of the Part 6 of the final Permit) to include geophysical methods applicable to borehole measurements.</p> <p><b>Permit Modification:</b> As indicated above.</p> <p>Also, Item #9 of Part 6, Section 6.5.17.10.2 of the final Permit has been revised to read:</p> <p style="padding-left: 40px;"><i>9. Geophysical measurements shall be collected from the borings in accordance with Permit Section 6.5.10 and as required by the Department;</i></p> <p>Section 6.5.10 of the Part 6 of the final Permit was revised by adding the following paragraph at the end of the Section.</p> <p><i>The Permittee shall conduct geophysical logging of boreholes using techniques such as acoustic televiewer, spinner flow, acoustic velocity/full wave form acoustic, density/porosity, gamma, neutron, single point resistance or electric (long/short normal or inductance) methods as required by the Department.</i></p>
342	14	6.3.6.2.3	5	KAFB	Please clarify how the NMED would expect wells to be constructed to accommodate vapor monitoring. Dual completion within the same well bore could result in the soil vapor migrating to the groundwater resulting in cross contamination.	<p>Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit.</p> <p>Soil-vapor and groundwater monitoring wells are possible to construct within the same borehole through use of separate</p>

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						<p>casing and screening materials. Monitoring intervals of the vapor sampling intervals are separated from each other using the same sealing techniques as for standard groundwater monitoring wells. Care must be taken to prevent the construction of poor quality seals that could lead to cross contamination.</p> <p>The alternative is to drill separate boreholes to install soil-vapor monitoring wells.</p> <p><b>Permit Modification</b> As indicated above.</p>
343	114	6.3.6.2.3	6	KAFB	Reference to Sec. 5.3.11.2 needs to be corrected; that section does not exist in the permit.	<p>Sections 6.3.6.2.1 through 6.3.6.2.3 of Part 6 of the draft Permit were combined to create Section 6.5.17.10.2 of Part 6 of the final Permit.</p> <p>NMED has corrected the citation.</p> <p><b>Permit Modification:</b> As indicated above.</p>
344	116	6.3.6.5		KAFB	<p>Pressure grouting is not necessary for monitoring wells installed at KAFB in the regional and perched aquifers due to the depth of the wells (300-500 feet) which results in sufficient weight to compress the grout to ensure that bridging does not occur and that an adequate seal is created between the casing and the boring. NMED should allow the grout to be placed by gravity feed. The thick vadose zone and hydrostatic head of the grout in the tremie pipe will result in a high quality annular seal. The requirement for pressure grouting is excessive, costly, and unnecessary.</p>	<p>Part 6, Section 6.3.6.5 of the draft Permit is now in Part 6, Section 6.5.17.10.5 of the final Permit.</p> <p>It was the intent of the NMED to prohibit the placement of grout by simply dumping it from a container at the surface into the annular space. The tremie pipe method allows the controlled placement of grout into the annular space at depth, thus, reducing the potential to damage the filter pack and filter pack annular seal, and reducing the chance that bridging of the annular space will occur.</p> <p><b>Permit Modification:</b> The second sentence of the third paragraph of Section 6.5.17.10.5 of Part 6 of the final Permit has been revised</p>

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						<p>to read:</p> <p><i>The grout shall be placed into the annular space by the tremie pipe method, from the top of the filter pack annular seal to within a few feet of the ground surface; however, the grout shall be installed at intervals necessary to allow it time to cure and not damage the filter pack or filter pack annular seal during installation of the grout.</i></p>
345	117	6.3.6.8		KAFB	There is no Section 5.4.6.10 in the draft permit.	<p>Part 6, Section 6.3.6.8 of the draft Permit is now in Part 6, Section 6.5.17.10.8 of the final Permit.</p> <p>NMED has corrected the citation.</p> <p><b>Permit Modification:</b> The second sentence in Section 6.5.17.10.8 of Part 6 of the final Permit has been revised to read:</p> <p><i>The construction log and diagram and the boring log shall contain at a minimum the information required under Permit Section 6.5.17.10.10.</i></p>
346	117	6.3.6.8		KAFB	<p>Recommend revising requirement to allow well construction summary information to be submitted as part of the project report at the time that report is scheduled for submission. As written this section will require the submittal of an additional report since the well construction info will presumably be reiterated in more detail in the actual project report most likely submitted at a later time. Otherwise, change to 90 days for the well completion report to allow for analytical sample results, well record from the driller, bore logs etc. In many cases, receiving Std lab TAT for data results can take as long as 3 weeks. Time needs to be allowed to provide bore logs etc to driller so that they can generate the well record. Many times they are busy</p>	<p>Part 6, Section 6.3.6.8 of the draft Permit is now in Part 6, Section 6.5.17.10.8 of the final Permit.</p> <p>The well completion report is intended to be a summary. Its main purpose is to provide NMED the well construction log, the well boring log, and the well development log for each well soon after the well has been completed. The completion of the work for the entire project could take several years. If the desired information was held back for the final project report, the NMED would not have access to this basic information for perhaps several years. This is unacceptable</p>

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					with other projects and we need to wait for them to provide this record.	to the NMED. Well construction logs, well boring logs, and well development logs can be completed without the assistance of analytical laboratory services. The information needed to complete these reports is gathered during well drilling, construction, and development. Therefore, 30 days should be adequate time. <b>Permit Modification:</b> None
347	117	6.3.6.9	1 <sup>st</sup> Paragraph	KAFB	Recommend adding the option to abandon wells using power-grouting technique rather than over drilling for all wells at KAFB. Over drilling is the preferred technique usually when the well materials if left in place, serve as a source for groundwater contamination, or the construction of the well could allow cross-contamination of deeper water bearing zones. Most all wells at KAFB are constructed of PVC and were installed using up to date protocol in BWP. Unless there is specific evidence that a well has been compromised or has contributed to groundwater degradation then the wells should be power grouted rather than over drilled and removed. Over drilling is a much more costly option and not necessary in most cases.	Part 6, Section 6.3.6.9 of the draft Permit is now in Part 6, Section 6.5.17.10.9 of the final Permit.  Over drilling is limited in the Permit to cases where wells have casing diameters not exceeding 2 inches. The NMED is not aware of any existing wells at the Facility that have a casing diameter of 2 inches (or less). The large depth to groundwater in most areas at the Facility precludes from a practical standpoint using wells constructed with 2 inch (or less) diameter casing. Thus, such wells are not expected to be of common occurrence at the Facility in the future.  It may be difficult to adequately grout a 2 inch (or less) diameter well to prevent the well from becoming a preferential pathway for transporting contaminants from the surface to groundwater. Thus, NMED did not make the suggested revision. <b>Permit Modification:</b> None.
348	117	6.3.6.9	2 <sup>nd</sup> Paragraph	KAFB	Recommend revising requirements for over drilling	Part 6, Section 6.3.6.9 of the draft Permit is

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					small diameter wells to include "as appropriate". It is not always technically feasible nor necessary to over drill any well vs. pressure grouting it for abandonment.	now in Part 6, Section 6.5.17.10.9 of the final Permit. See NMED response to Comment #347. <b>Permit Modification:</b> None.
349	118	6.3.6.9	3 <sup>rd</sup> Paragraph	KAFB	Please delete this paragraph or allow variances for abandoning the well in place instead of removing the well casing.	Part 6, Section 6.3.6.9 of the draft Permit is now in Part 6, Section 6.5.17.10.9 of the final Permit. NMED has revised the final Permit to allow for the abandonment of large diameter wells by grouting the well in place. <b>Permit Modification:</b> The subject text of Section 6.5.17.10.9 of Part 6 of the final Permit has been revised to read: <i>For larger-diameter wells (i.e. greater than 2-inch), the Permittee may attempt to remove the well casing or grout the well in place.</i>
350	120	6.3.6.11		KAFB	Presumably vapor well design will be "approved" by the NMED as part of overall work plan approval. Will a separate approval be required outside of the work plan? And if so what will be the mechanism to document that and what will be the turnaround for approval?	Part 6, Section 6.3.6.11 of the draft Permit is now in Part 6, Section 6.5.16 of the final Permit. The last sentence of the last paragraph of what is now Section 6.5.16 of Part 6 of the final Permit states that the design of a soil-vapor well must be approved by the NMED. Site-specific soil-vapor well designs will normally be approved by the NMED as a part of investigation work plans or other plans. So in most cases there will not be separate work plans for vapor well installations and vapor sampling. <b>Permit Modification:</b> The last sentence of the last paragraph of what is now Section

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						6.5.16 of Part 6 of the final Permit states: <i>The design and depth of installation must be approved by the Department.</i>
351	121	1.1	General Description	KAFB	2nd paragraph. Delete "(the collective name for the Open Burn Unit and Open Detonation Unit)". The EOD Range does not always imply the OB and OD units.	Section 1.1 of Attachment I of the draft Permit is now in Section 1.1 of Attachment A of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. NMED has modified the final Permit accordingly. <b>Permit Modification:</b> The first sentence of the second paragraph of Section 1.1 of Attachment A of the final Permit has been modified to read: <i>The OD Unit is located on the EOD Range in the south-central portion of KAFB.</i>
352	122	1.2	Description	KAFB	Top of page. The last sentence conflicts with Permit Part 1, page 1, Section 1.2, 4th paragraph, with respect to treatment of non-hazardous wastes. Revise to allow service in support of various agencies listed in Table 5-1 of Attachment 5.	Section 1.2 of Attachment I of the draft Permit is now in Section 1.2 of Attachment A of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. There was no conflict in the draft Permit. The subject language described what the Permittee is doing at the OD Unit aside from the treatment of hazardous wastes, and was taken from information provided in the Permittee's Application (see lines 30-32 on page 2-1 of the application). The final Permit does not authorize the treatment of nonhazardous waste. See NMED's response to Comment #21. To

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						<p>avoid confusion, NMED has deleted the subject language from what is now Attachment A of the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
353	122	1.2	Description	KAFB	<p>1st complete paragraph. Insert "NEW" after "pounds" in Line 2, and delete ", as indicated in Permit Attachment 4, Lists of Authorized Wastes". Permit Attachment 4 does not discuss treatment capacities.</p> <p>2nd paragraph. Insert "NEW" after "pounds" in Line 1 and change (i.e., correct) "18,000" to "100,000" in Line 2.</p> <p>Insert "NEW" after "pounds" in Line 2.</p> <p>In Line 3, Photo 1 is referenced, but is not included in the draft permit. Photos do not need to be included in the permit. Delete reference to photo.</p>	<p>Section 1.2 of Attachment 1 of the draft Permit is now in Section 1.2 of Attachment A of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>See NMED response to Comment #99 regarding the use of the unit NEW and changing treatment capacities. Details concerning the treatment capacity of the OD Unit have been deleted from Attachment A of the final Permit, as they were redundant with text found in what is now Section 3.1 of Permit Part 3 of the final Permit.</p> <p>Photo 1 of the draft Permit, a photograph of the OB Unit, was deleted from the final Permit for the reason mentioned above.</p> <p>However, NMED did not delete all photographs from the final Permit (see Figure 1-2 of the final Permit). NMED will include photographs in the final Permit as it deems necessary. A photograph of a hazardous waste management unit can help clarify what the unit looks like.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
354	122	1.2		KAFB	<p>3rd paragraph, 2nd sentence: Revise to read "Treatment operations shall be conducted only under the climatic conditions described in Section 2.2.6 of this Attachment (2)."</p>	<p>Section 1.2 of Attachment 1 of the draft Permit is now in Section 1.2 of Attachment A of the final Permit. Requirements and authorizations for the OB Unit have been</p>

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						<p>removed from the final Permit. See NMED response to Comment #1.</p> <p>Details concerning restrictions on treatment operations due to climatic conditions have been deleted from Attachment A of the final Permit, as they were redundant with text found in what is now Section 3.2 of Permit Part 3 of the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
355	122	1.3.1	Routes of Travel	KAFB	<p>1st paragraph, Line 1. Delete ", shown on Map 1-1,"</p> <p>Second paragraph. Revise to delete reference to Map 1-1. This map was not included in the draft permit and should not be included in the final permit.</p>	<p>Section 1.3.1 of Attachment 1 of the draft Permit is now in Section 1.3 of Attachment A of the final Permit.</p> <p>The NMED did not delete the map and the reference for the map from the final Permit as the information presented on the map may be helpful to those that are not familiar with the Facility, including members of the public. The NMED will include maps in the Permit as it deems necessary.</p> <p>If the map was missing from the Permittee's copy of the draft Permit, the Permittee should have informed the NMED so that NMED could provide KAFB with a copy of the map. Additionally, during the public comment period, the public was instructed to review the map on NMED's web site at: <a href="http://www.nmenv.state.nm.us/hwb/kafbperm.html">http://www.nmenv.state.nm.us/hwb/kafbperm.html</a>.</p> <p>Map 1-1 has been relabeled as Figure 1-1 in the final Permit. See response to Comment #353.</p> <p><b>Permit Modification:</b> As indicated above.</p>

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356	122-123		1.3 all	KAFB	Take out except where specifically related to the treatment of hazardous waste at the OB/OD unit.	<p>Section 1.3 of Attachment 1 of the draft Permit is now in Section 1.3 of Attachment A of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED deleted most of text in Section 1.3 of what is now Attachment A of the final Permit. The text that remains discusses chiefly the roads providing access to the OD Unit as requested in the comment.</p> <p><b>Permit Modifications:</b> Section 1.3 of Attachment A of the final Permit has been revised to read:</p> <p><i>A system of interior roads, shown on Figure 1-1 (Permit Part 1), is maintained at KAFB. About 78 total miles of roadway exist, of which about 33 miles are paved. Traffic access to and egress from the OD Unit is along the roads shown on Figure 1-1 (Permit Part 1). The roads along which wastes are transported to the EOD Range within KAFB include Southgate Avenue, Hardin Boulevard, Pennsylvania Street, Wyoming Boulevard, Lovelace Road, and Demolition Range Road.</i></p> <p>Sections 1.3.2 – 1.3.4 were deleted from the final Permit.</p>
357	123	1.3.2	Traffic Volume	KAFB	Last paragraph. Insert "NEW" after "pounds" in Line 4.	Section 1.3.2 of Attachment 1 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to

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						<p>Comment #1. Concerning the use of the unit "NEW", see NMED's response to Comment #99. <b>Permit Modification:</b> As indicated above.</p>
358		Attachments	General	KAFB	<p>Throughout the attachments, organics and metals are limited to certain constituents; however, the Part A lists more constituents in case they are potentially contained in future wastes to be treated. Revise to be less limiting. Replace Attachment 4 with pages 6 and 7 of 7 from the Part A which, as stated on page 3 of the fact sheet, includes a list of the types of wastes managed.</p>	<p>The comment appears to refer to Attachment 4 of the draft Permit. Attachment 4 of the draft Permit is now Attachment B. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. Thus, Attachment 4, Table 4-1, of the draft Permit has been deleted from Attachment B of the final Permit.</p> <p>Attachment 4, Table 4-2, of the draft Permit is now Table B-1 of Attachment B: List of Hazardous Wastes Authorized to be Treated at the Open Detonation Unit. Table B-1 of Attachment B lists the wastes and their associated Hazardous Waste Numbers that the Permittee is authorized to treat at the OD Unit. The wastes listed in Attachment B were obtained from the Permittee's Part A, with the exception that NMED added in the waste type and Hazardous Waste Number for benzene which according to the Permittee's application is used as a safing fluid to stabilize some explosive wastes.</p> <p>If a waste type and Hazardous Waste Number is missing, the Permittee should have specified in the comment exactly what is missing. NMED would have considered adding any missing waste types and Hazardous Waste Numbers if they were</p>

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						<p>identified in the comment as being excluded from the list of allowed wastes in what is now Permit Attachment B. However, NMED will not issue a "blanket permit" to allow treatment of anything because to do so would not be protective of human health and the environment.</p> <p>NMED did not insert pages of the Part A as Attachment B. The Part A contains information that is not needed in Table B-1 of the final Permit.</p> <p><b>Permit Modification:</b> None.</p>
359		Attachments	General	KAFB	Throughout the attachments (e.g., Attachment I, page 123, Section 1.3.2, first paragraph), references are included in the text, but no reference section is provided. Delete references within the text if a reference section will not be included in the permit.	<p>NMED has deleted many of the reference citations and their corresponding references. References cited in the final Permit are listed in the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
360		Attachments	General	KAFB	Through the attachments, acronyms are introduced and/or used inconsistently (e.g., in Section 1.6, etc.) and a list of acronyms/abbreviations is not included in the draft permit. Use acronyms consistently (and provide a list of acronyms/abbreviations) or don't use them at all.	<p>NMED is not aware of any circumstance where the use of an acronym in the draft Permit was inconsistent. A list of abbreviations/acronyms has been included in the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
361		Attachment I	General	KAFB	The information in this attachment should only address required permit conditions, either in this attachment or elsewhere in the permit. Appendices A and H that were included in the permit application were provided only to meet permit application requirements, and the information included is subject to change over the life of a 10-year permit. KAFB should not be subject to requesting a permit modification (and incurring the related unnecessary expense) any and every time a minor change to this information occurs; thus, most of	<p>Attachment I of the draft Permit is now in Attachment A of the final Permit.</p> <p>NMED agrees that much of the information that was included in Attachment I of the draft Permit was not necessary or was redundant. Thus, much of the text in Attachment I of the draft Permit was deleted from what is now Attachment A of the final Permit.</p>

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					this attachment should be deleted.	<b>Permit Modification:</b> As indicated above.
362	124	Attachment 1	1.4.2	KAFB	SWPPPs are under the purview of the Clean Water Act not RCRA. Please cite the regulatory authority for HWB to require this information in the RCRA permit.	Section 1.4.2 of Attachment 1 of the draft Permit has been deleted from the final Permit. See NMED's response to Comment #8 regarding the regulation of surface waters under RCRA. <b>Permit Modification:</b> As indicated above.
363	124	1.4.2	Floodplain Standard	KAFB	Revise first paragraph to delete reference to Map 1-1, which should not be included in the final permit. This map was provided with the application only to meet the requirements of 40 C.F.R. § 270.14(b)(19).  2nd paragraph. Storm Water Pollution Prevention Plans are required by the Clean Water Act and regulated by the NMED Surface Water Quality Bureau. Sampling/analysis data are submitted in accordance with SWQB requirements. RCRA does not require the submittal of storm water sampling and analysis data. Delete this permit condition. In addition, it has nothing to do with the floodplain standard.	Section 1.4.2 of Attachment 1 of the draft Permit has been deleted from the final Permit. See NMED response to Comment #362. See NMED's response to Comment #355 concerning Map 1-1, which is now Figure 1-1 in the final Permit. See NMED's response to Comment #8 regarding the regulation of surface waters. <b>Permit Modification:</b> See NMED's responses to Comments #8, 355, and 362.
364	124	1.5	Topographic Map	KAFB	Delete this section. Map 1-1 was provided with the application only to meet the requirements of 40 C.F.R. § 270.14(b)(19).	Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. NMED has deleted Section 1.5 of Attachment 1 from the final Permit because the maps submitted with the Permit Application are adequate. See NMED's response to Comment #355 concerning Map 1-1 of the draft Permit. <b>Permit Modification:</b> As indicated above.

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						See also NMED's response to Comment #355.
365	125			KAFB	Second bullet. If Section 1.5 is not deleted, delete this bullet and Figure 1-6. A wind rose is on Map 1-1 (Map A-1 in the application).	NMED has deleted Section 1.5 of Attachment 1 from the final Permit . See NMED's response to Comment #364. <b>Permit Modification:</b> See NMED's response to Comment #364.
366	128	Attachment 1	1.8	KAFB	The Department makes many references to the regional hydrogeologic characterization work completed by Sandia National Laboratories (SNL), thereby accepting this work as reliable for determination of regional hydrogeologic conditions. The Permit contains many requirements for the performance for regional characterization work. The Permit should specifically state that, where relevant information from SNL already exists, the data is acceptable for use by KAFB to meet is Permit condition requirements.	Section 1.8 of Attachment 1 of the draft Permit has been deleted from the final Permit as the same information is provided in the Application and is not needed in the final Permit. Accordingly, Subsections 1.8.1- 1.8.3 of Attachment 1 of the draft Permit were also deleted from the final Permit. NMED does not necessarily agree with, or accept as reliable or representative, all data or conclusions of SNL's hydrogeologic characterization study. The references in Section 1.8 (and the subsections thereof) of Permit Attachment 1 were taken from the Permittee's Application (see references in Section H.4, Appendix H). Where SNL data exists, the Permittee is free to submit the data on its behalf. However, NMED will decide whether the data are acceptable and whether any conclusions drawn from these data are acceptable <b>Permit Modification:</b> As indicated above.
367	128	1.8	Hydrology	KAFB	2nd paragraph, last line. Insert a dash in "semi confined" or make it one word.	Section 1.8 of Attachment 1 of the draft Permit has been deleted from the final Permit. See NMED's response to Comment

Comment No.	Page No.	Section No.	Subsection	Commenter's Name	Summary of Comment	NMED Response
						#366. <b>Permit Modification:</b> See NMED's response to Comment #366.
368	129	1.8		KAFB	2nd full paragraph, Line 5. Insert "available" before "hydrologic", as written in the application.	Section 1.8 of Attachment I of the draft Permit has been deleted from the final Permit. See NMED's response to Comment #366. <b>Permit Modification:</b> See NMED's response to Comment #366.
369	130	1.8.2	Vadose Zone	KAFB	1st paragraph, last sentence. This was not included in the permit application. Where was this information obtained?	Section 1.8.2 of Attachment I of the draft Permit has been deleted from the final Permit. See NMED's response to Comment #366. <b>Permit Modification:</b> See NMED's response to Comment #366.
370	130	1.8.3	Groundwater	KAFB	1st paragraph, last sentence. Replace this sentence with the one included in the permit application.	Section 1.8.3 of Attachment I of the draft Permit has been deleted from the final Permit. See NMED's response to Comment #366. <b>Permit Modification:</b> See NMED's response to Comment #366.
371	132	1.9.2	Winds	KAFB	1st paragraph, last sentence. Per the wind rose provided on Map A-1 of the permit application, prevailing winds are from the east. Replace this sentence with the language provided in the permit application, and delete the reference to Figure 1-6.	Section 1.9 of Attachment I of the draft Permit has been deleted from the final Permit as the same information is provided in the Application and is not needed in the final Permit. Accordingly, Subsections 1.9.1- 1.9.2 of Attachment I of the draft Permit were also deleted from the final Permit. <b>Permit Modification:</b> As indicated above.

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372	132	Attachment 1	1.10	KAFB	Section 1.10 of Permit Attachment 1 specifies that the Albuquerque/Bernalillo County Air Quality Control Board regulates the air quality in Bernalillo County. Therefore air quality requirements specified in the draft permit should be deleted.	<p>Section 1.10 of Attachment 1 of the draft Permit has been deleted from the final Permit as the same information is provided in the Application and is not needed in the final Permit.</p> <p>See also NMED response to Comment #8 concerning the regulation of air quality under RCRA.</p> <p><b>Permit Modification:</b> As indicated above.</p>
373	136	2.0	Introduction	KAFB	4th paragraph, last sentence. The second 10 in "1010" should be in superscript.	<p>The relevant text of Attachment 2, Section 2.0 of the draft Permit is now in Attachment A, Section 1.2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has corrected the error.</p> <p><b>Permit Modification:</b> The last sentence in the 4<sup>th</sup> paragraph of Attachment A, Section 1.2 of the final Permit has been revised to read:</p> <p><i>Fickett and Davis (1979) explain that a good solid explosive converts energy at a rate of 10<sup>10</sup> watts per square centimeter at its detonation front.</i></p>
374	136	Attachment 2	3 <sup>rd</sup> Paragraph	KAFB	Recommend changing the language to read: "... (EPA, 1986)(SW-846). Section 7.3, as amended, the definition.	<p>The relevant text of Attachment 2, Section 2.0 of the draft Permit is now in Attachment A, Section 1.2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has made the recommended change</p>

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						<p>with minor revisions.</p> <p><b>Permit Modification:</b> The 3<sup>rd</sup> sentence of the 3<sup>rd</sup> paragraph of Section 1.2 of Permit Attachment A of the final Permit has been revised to read:</p> <p><i>As stated in Chapter 7, Section 7.3, of SW-846 (EPA, 1986), as amended, the definition of reactivity "is intended to identify wastes that, because of their extreme instability and tendency to react violently or explode, pose a problem at all stages of the waste management process".</i></p>
375	137	2.1.1	The Open Burn Unit	KAFB	Delete "The" in the title of the section, to be consistent with Section 2.1.2 (Open Detonation Unit).	<p>Section 2.1 of Attachment 2 of the draft Permit has been deleted from the final Permit. Subsection 2.1.1 of Attachment 1 of the draft Permit was also deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modification:</b> As indicated above.</p>
376	none given		Roll-Off Containers	KAFB	Engineering drawings are provided that are specific to the construction and specifications for the OB Unit. Delete the Cooper Tank Roll-Off Containers page. Also, delete "is the equivalent of a Cooper Tank Roll-Off Container," on page 138, 1st paragraph, Line 2	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Figure 2-3 containing the drawings of the Cooper Tank Roll-Off Containers was deleted from the final Permit.</p> <p>Section 2.1.2 of Attachment 2 of the draft Permit has been deleted from the final Permit. See NMED response to Comment #375. Consequently, the phrase "is the equivalent of a Cooper Tank Roll-Off</p>

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						<p>Container" has been deleted from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
377	138	2.1.1	OB Unit	KAFB	<p>(1) 2nd paragraph. In Line 2, Figure 2-1 is referenced as illustrating additional details of the retractable cover, which is incorrect. Reference the correct figure, or delete this sentence. (2) Line 6 discusses the OD unit (in the OB unit section). Move this sentence to Section 2.1.2.</p>	<p>Section 2.1.1 of Attachment 2 of the draft Permit has been deleted from the final Permit. See NMED response to Comment #375.</p> <p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
378	138	2.1.2	OD Unit	KAFB	<p>Revise 2nd sentence to read "Detonations are conducted in pits, typically about 30 ft long, 15 ft wide and about 12 ft deep."</p>	<p>The relevant text of Section 2.1.2 of Attachment 2 of the draft Permit is now found in Section 1.1 of Permit Attachment A of the final Permit.</p> <p>NMED has made a similar revision to that suggested in the comment. Rather than use the term "detonation", the NMED prefers the term "treatment" because that is the purpose of the detonations.</p> <p><b>Permit Modification:</b> The fourth sentence of the second paragraph of Section 1.1 of Attachment A of the final Permit has been revised to read:</p> <p><i>Typical excavations (craters, pits) where treatment takes place are rectangular and are about 30 feet long, 15 feet wide and about 12 feet deep.</i></p>
379	138	2.1.2		KAFB	<p>The three strand fence was removed from the OB/OD unit as it is not required.</p>	<p>References to the three-strand barbed-wire fence have been removed from the final Permit.</p>

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						<p>NMED has required in the final Permit that the boundary of the OD Unit be marked (see Section 3.2.1 of Part 3 of the final Permit). Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modification:</b> As indicated above.</p>
380	139	2.2.1		KAFB	Take out Para 3--The EPA can not and should not set EOD and visitor limits.	<p>With the exception of 3<sup>rd</sup> paragraph, Section 2.2.1 of Attachment 2 has been deleted from the final Permit. The relevant text of the third paragraph has been moved to Part 3, Section 3.2.4.1 of the final Permit.</p> <p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not delete the subject requirement and does have the authority under its omnibus authority (40 C.F.R. § 270.32) to place restrictions on visitor access because of the need to protect human health. Operations conducted at the OD Unit are dangerous, and there should be considerable oversight of visitors, especially of visitors have no or little training in the hazards of explosives materials and hazardous wastes.</p> <p><b>Permit Modification:</b> As indicated above.</p>
381	139	2.2.1	SOPs	KAFB	1st paragraph, 1st line. Replace "180,000" with "100,000" and insert "NEW" between "lbs" and "of". 1st paragraph, 3rd line. Insert "NEW" between "pounds" and "uncased".	<p>With the exception of 3<sup>rd</sup> paragraph, Section 2.2.1 of Attachment 2 has been deleted from the final Permit. Relevant text is now found in Part 3, Section 3.1 of the final Permit.</p>

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						See NMED response to Comments # 99 and 353. <b>Permit Modification:</b> As indicated above.
382	139	2.2.1		KAFB	(1) 2nd paragraph. Delete the second sentence (see Comment #4) or revise to read "Non-hazardous waste shall not be treated unless it is used as fuel to sustain an open burning event, serves as packaging for the hazardous wastes that are treated in the Open Burn Unit or Open Detonation Unit, or are contraband/firearms destroyed as a service in support of the various agencies listed in Permit Attachment 5, Table 5-1." (2) Insert "NEW" after "of" in 3rd sentence.	With the exception of 3 <sup>rd</sup> paragraph, Section 2.2.1 of Attachment 2 has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. See NMED's responses to Comments #21 and 99 concerning firearms and contraband. <b>Permit Modification:</b> As indicated above.
383	139	2.2.2	Waste Screening	KAFB	Line 2. Insert "meets the operating acceptance limits indicated above and" between "waste" and "is".	Section 2.2.2 of Attachment 2 has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
384	140	2.2.2		KAFB	Take out Para 2 as air sampling is a city issue not a state requirement.	See NMED's responses to Comment# #8 and 383. <b>Permit Modification:</b> See NMED response to Comment #383.
385	140	2.2.2		KAFB	Top of page. Delete "in advance" from the first line. Some preparations are conducted after the waste is transported to the units (e.g., inspection of unit, raising range flag, etc.)	See NMED's response to Comment #383. <b>Permit Modification:</b> See NMED's response to Comment #383.

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386	140	2.2.2		KAFB	<p>1st complete paragraph, Lines 2 and 3. Delete "and direction". Neither the permit application nor Attachment 1 describes the meteorological tower as a source for measuring wind direction.</p> <p>There is no Permit Condition 2.3.6. Did you intend this to read 2.2.6?</p>	<p>See NMED's response to Comment #383.</p> <p><b>Permit Modification:</b> See NMED's response to Comment #383.</p>
387	140	2.2.4	Transportation	KAFB	<p>4th bullet. Replace "cleared" with "cleated", as indicated in the permit application.</p> <p>2nd paragraph, Line 8. Delete "ABC-type". EOD personnel are capable of determining the type of fire extinguishers needed, and they may not always be ABCs.</p>	<p>The relevant text of Section 2.2.4 of the draft Permit is now in Part 3, Section 3.8 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has corrected the error in the 4<sup>th</sup> bullet concerning the word "cleared" instead of "cleated".</p> <p>NMED did not remove the requirement for ABC-type fire extinguishers. These types of fire extinguishers can handle most fires. If additional fire extinguisher types are needed, then the Permittee should ensure that they are also available in good working condition on each transport vehicle. In accordance with 40 C.F.R § 264.32 (c), all facilities must be equipped with portable fire extinguishers, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals. The Permittee should at a minimum be prepared to fight fires that include the burning of wood and wood products and fuels, and fires caused by electric spark. ABC-type fire extinguishers can handle such fires.</p> <p>The text of this requirement has been modified to make clear that at least two</p>

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						<p>ABC-type extinguishers should be available in each transport vehicle.</p> <p><b>Permit Modifications:</b> The 3<sup>rd</sup> bullet in Section 3.8 of Permit Part 3 of the final Permit has been revised to read: <i>Strong, cleated wooden boxes</i></p> <p>The fourth sentence of the second paragraph of Section 3.8 of Part 3 of the final Permit has been modified to read: <i>Each transport vehicle shall, at minimum, carry one ABC-type portable fire extinguisher that is in operational condition.</i></p>
388	140-142	2.2.3-2.2.6		KAFB	<p>Consider re-wording. EPA shouldn't govern the concept of operations on the EOD range. The way these paragraphs read is if Step 2 was out of order then we can be fined.</p> <p>In addition the Dept shouldn't govern explosive transport routes or explosive operations unless directed by 40 C.F.R. (which there isn't any citations for these paragraphs).</p>	<p>Sections 2.2.3- 2.2.6 of Attachment 2 of the draft Permit are now in Part 3, Sections 3.7- 3.10 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>EPA is not issuing this Permit. The NMED is issuing this Permit.</p> <p>Regardless, both the EPA and the NMED have the authority to regulate "explosive operations" conducted at a Subpart X hazardous waste treatment unit. Regulatory citations to the HWMR are included mainly in the Permit Parts (1-6), which mostly contain regulatory requirements that are standard to all RCRA permits.</p> <p>The Permit Attachments (now A through M of the final Permit) are modified from language taken from the Permit Application. NMED may or may not insert additional regulatory citations into Permit</p>

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						<p>Attachments.</p> <p>Most of the requirements of the subject Sections are not requirements that must be met in a specific order. However, the NMED can enforce requirements that are not carried out properly in sequence where the specific sequence is mandated.</p> <p>Requirements concerning transportation routes were taken from the Permittee's Application (Appendix A, Section A.2.1).</p> <p><b>Permit modification:</b> None.</p>
389	141	2.2.5	Waste Staging	KAFB	<p>Last paragraph: Delete the requirement that waste remaining at the Unit "shall be watched continuously by KAFB security personnel until it is possible to perform the treatment or safely remove the waste." The security precautions (procedures and barriers to control entry) are sufficient to protect the Unit until a treatment event can be completed.</p>	<p>Section 2.2.5 of Attachment 2 of the draft Permit is now in Part 3, Section 3.9 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit modification:</b> As indicated above.</p>
390	141	2.2.6	Waste Treatment	KAFB	<p>1st paragraph, Line 9. "Team Chief" should be first letter capitals.</p>	<p>Section 2.2.6 of Attachment 2 of the draft Permit is now in Part 3, Section 3.10 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has made the requested revision.</p> <p><b>Permit modification:</b> The last sentence of Section 3.10 of Permit Part 3 has been revised to read:</p> <p><i>The Team Chief shall also ensure that treatment operations comply with all restrictions in this Permit, including Permit Section 3.2.3.</i></p>

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391	141	2.2.6		KAFB	2nd paragraph, Line 2. Replace "ten" with "five" (see Comment #116). Line 8. Replace "15" with "20" (see Comment #116).	<p>Section 2.2.6 of Attachment 2 of the draft Permit is now in Part 3, Section 3.10 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not make the requested changes. NMED requires that treatment can only be conducted when wind speeds are no greater than 15 mph, and if extreme fire conditions do not exist at the time of treatment as specified in Sections 3.2.3.2-3.2.3.3 of Part 3 of the final Permit. See also NMED response to Comment #108.</p> <p><b>Permit modification:</b> See NMED's response to Comment #108 and as indicated above.</p>
392	142	2.2.6		KAFB	<p>(1) 4<sup>th</sup> (5<sup>th</sup>) paragraph, Line 6. Delete "stored off-site of the EOD Range". Moving such waste to store off site of the EOD Range poses unnecessary safety issues. The waste remains in the OB unit until treated again.</p> <p>(2) Line 7. Delete "or shipped off-site for treatment". The waste is treated at the OB unit.</p> <p>(3) Line 9. Insert "the same or following day" after "again", per the permit application text.</p> <p>(4) Last sentence: Revise to read "Hazardous wastes shall not be stored at the OB or OD Units but may be staged at the OB Unit as described in Permit Condition 2.2.5 if a treatment event is aborted."</p>	<p>Section 2.2.6 of Attachment 2 of the draft Permit is now in Part 3, Section 3.10 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Wastes that are treated at the OD Unit are extremely hazardous to human health and must be secured at all times. Waste can not be stored at the OD Unit, and must be treated promptly (see Sections 3.9 and 3.11 of Part 3 of the final Permit). Waste that can not be treated promptly must be removed from the OD Unit and can not be stored overnight at the OD Unit.</p>

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						<b><u>Permit Modification:</u></b> As indicated above.
393	142	2.2.7	Waste Management Practices	KAFB	(1) 1st paragraph. Line 4. Insert "(if present)" after "metals". (2) Line 6. Insert ", or by knowledge of process (KOP)" after "as needed". (3) Line 7. Insert "or KOP" after "analysis". (4) Line 9. Insert "or KOP" after "analysis". (5) Line 10. Insert "off-site" after "permitted".	Section 2.2.7 of Attachment 2 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b><u>Permit Modifications:</u></b> As indicated above.
394	143	2.2.7		KAFB	(1) 2nd complete paragraph. Line 2. Insert ", if necessary," after "sampled". (2) Line 3. Replace "samples" with "treatment residue". (3) Line 4. Replace the first "samples" with "treatment residue", and replace the second "samples" with "residue". (4) Line 8. Insert a dash between "than" and "90". Insert "(if necessary)" after "analysis". (5) Last sentence: Revise to read "Treatment residues shall be removed from the OB Unit within two (2) working days after a burn or as soon as practicable in the case of inclement weather that prevents access to the Unit."	See NMED response to Comment #393. <b><u>Permit Modifications:</u></b> See NMED response to Comment #393.
395	143	2.3	IRI Wastes	KAFB	40 C.F.R. § 264.17(a) specifies that "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste. It says nothing requiring that signs be posted in languages other than English.	Section 2.3 of Attachment 2 of the draft Permit is now in Section 2.11 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. The inner fence no longer exists at the OD Unit, but the requirement to post signs also

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						<p>in Spanish is retained and is located in Section 2.1 of Permit Part 2 of the final Permit. Considerable numbers of people are located in this area of New Mexico that can only speak and read Spanish. This, NMED did not remove the requirement to post signs in Spanish in addition to English. See also NMED response to Comment #410.</p> <p><b>Permit Modification:</b> As indicated above.</p>
396	144	2.4.1	Required Equipment	KAFB	Top of page, first line. Replace "decontamination" with "spill control".	<p>Section 2.4.1 of Attachment 2 of the draft Permit is now Section 2.4.1 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Spill control and decontamination equipment are not the same thing. However, NMED has revised the requirement by adding in spill control equipment.</p> <p><b>Permit Modification:</b> The first sentence of Section 2.4.1 of Permit Part 2 of the final Permit has been revised to read:</p> <p><i>As required by 40 C.F.R. § 264.32, the OD Unit shall be equipped with or personnel shall have access to adequate emergency equipment, which includes an internal communication equipment or alarm system, telephone or two-way radio, fire extinguishers, and fire control, spill control, and decontamination equipment.</i></p>
397	144	2.4.1		KAFB	1st complete paragraph. Line 7. Replace "Two-way radios and cellular phones" with "hand-held radios", as indicated in the permit renewal application. Only radios	<p>Section 2.4.1 of Attachment 2 of the draft Permit is now Section 2.4.1 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been</p>

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					are listed in Table 8-2.	<p>removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not make the requested revision concerning hand-held radios. Two-way radio does not mean the same thing as hand-held radio. Two-way radios are capable of transmitting and receiving. It is important that personnel at the OD Unit be able to receive and transmit messages with emergency and management personnel at the Facility.</p> <p><b>Permit Modification:</b> None.</p>
398	144	2.4.1		KAFB	2nd paragraph. Line 3. Insert "A" before "portable" and replace "extinguishers" with "extinguisher".	<p>NMED assumes the comment actually refers to the 3<sup>rd</sup> paragraph of Section 2.4.1 of Permit Attachment 2 of the draft Permit. Section 2.4.1 of Attachment 2 of the draft Permit is now Section 2.4.1 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has made the requested revision that each vehicle will carry one fire extinguisher. Also, NMED has deleted the phrase "unplanned fire" and replace it with "fire", as even a planned fire could get out of control and require extinguishers.</p> <p><b>Permit Modification:</b> The first sentence of the third paragraph of Section 2.4.1 of Permit Part 2 of the final Permit has been revised to read:</p> <p><i>All vehicles used at the OD Unit shall carry a portable fire extinguisher and a shovel.</i></p>

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399	144	2.4.1		KAFB	3rd paragraph, 1st sentence: Revise to read "Shovels carried in the vehicles utilized at the Open Burn Unit and Open Detonation Unit and at the personnel bunker may also be used to manage spills." Personnel need to select the appropriate spill cleanup equipment and methods, which may or may not require the use of shovels.	<p>The comment did not clearly reference the Permit text; NMED assumes the comment actually refers to the 4<sup>th</sup> paragraph of Section 2.4.1 of Permit Attachment 2.</p> <p>Section 2.4.1 of Attachment 2 of the draft Permit is now Section 2.4.1 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did make a similar revision to the comment, clarifying that shovels must be available to manage spills, if needed for that purpose.</p> <p><b>Permit Modification:</b> The 3<sup>rd</sup> paragraph of Section 2.4.1 of Permit Part 2 has been revised to read:</p> <p><i>All vehicles used at the OD Unit shall carry a portable fire extinguisher and a shovel. At least two portable fire extinguishers and at least two shovels shall also be kept at the EOD personnel bunker for response to fires or spills.</i></p>
400	144	2.4.3	Access, etc.	KAFB	Lines 3 and 4. Replace "Two-way radios and cellular phones" with "hand-held radios", as indicated in the permit renewal application.	<p>The relevant text in Section 2.4.3 of Attachment 2 of the draft Permit is now in Section 2.4.1 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>See NMED's response to Comment #397.</p> <p><b>Permit Modification:</b> None.</p>
401	145	2.4.5		KAFB	Who keeps support agreements?	Section 2.4.5 of Attachment 2 of the draft

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						<p>Permit is now incorporated into Section 2.4.4 of Part 2 of the final Permit.</p> <p>Section 2.4.5 of Permit Part 2 of the draft Permit and Section 2.4.4 of Part 2 of the final Permit state that the Permittee shall maintain the support agreements at the Facility.</p> <p><b>Permit Modification:</b> None.</p>
402	145	2.4.6	Preventive Procedures, etc.	KAFB	<p>1st paragraph. Lines 6 and 7. Delete "prevent releases of hazardous wastes or hazardous constituents to soil, sediment, surface water, and groundwater." The concept is already covered in Line 4, "prevent runoff from escaping hazardous waste management areas".</p>	<p>Section 2.4.6 of Attachment 2 of the draft Permit is now Section 2.4.5 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not make the requested revision, as the subject phrases in the comment do not refer to the same thing. The first phrase in the comment is more general and refers to releases of contaminants to environmental media anywhere and by any mechanism; whereas, the second phrase is limited in its meaning to only the migration of contaminants via runoff.</p> <p><b>Permit Modification:</b> None.</p>
403	145	2.4.6		KAFB	<p>Take out Para 2. EOD is not the only authority that can transport to the EOD range. Manning levels make this an impossible task.</p>	<p>Section 2.4.6 of Attachment 2 of the draft Permit is now Section 2.4.5 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The language was taken from the Permit Application. NMED did not delete what was paragraph 2 of Section 2.4.6 of Part 2 of</p>

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						<p>the draft Permit. However, NMED has modified the first sentence in the final Permit to allow any properly trained personnel to transport waste to the OD Unit.</p> <p><b>Permit Modification:</b> The first sentence of paragraph 2 of Section 2.4.5 of Permit Part 2 of the final Permit has been revised to read:  <i>Only properly trained personnel shall transport waste to the OD Unit for treatment.</i></p>
404	145	2.4.6		KAFB	<p>Last paragraph, Lines 2 and 3. Delete "Open Burn Unit and". The OB unit is located within the OD unit area, and as stated here, the text implies a berm surrounds each unit.</p>	<p>Section 2.4.6 of Attachment 2 of the draft Permit is now Section 2.4.5 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has revised the subject text to remove reference to the OB Unit.</p> <p><b>Permit Modification:</b> The 2<sup>nd</sup> sentence of the 3<sup>rd</sup> paragraph of Section 2.4.5 of Permit Part 2 of the final Permit has been revised to read:  <i>A two-foot high earthen berm shall surround the OD Unit to prevent run-off from the OD Unit from flowing to other areas outside of the treatment area.</i></p>
405	146	2.4.6		KAFB	<p>1st complete paragraph. Delete " -- the actual depth is currently unknown". The actual depth being an unknown is implied by the fact that there is a depth range and that it is predicted. In addition, this statement could easily prematurely and unnecessarily outdate the permit.</p>	<p>Section 2.4.6 of Attachment 2 of the draft Permit is now Section 2.4.5 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The predicted range of depth is not a known</p>

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						<p>fact based on empirical data. However, NMED has deleted the subject text from the final Permit as it did not contain any requirements.</p> <p><b>Permit Modification:</b> As indicated above.</p>
406	146	2.4.6		KAFB	<p>2nd paragraph, Line 4. Replace "immediately" with "within a short period of time". If a forklift failed, a different forklift would most likely be brought to the site, and the failed forklift would be repaired as soon as possible rather than immediately.</p>	<p>Section 2.4.6 of Attachment 2 of the draft Permit is now Section 2.4.5 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The term "immediately" means that repairs or replacements are to be done without delay. The requirement does not mean that a repair or replacement has to be done within an instance (e.g. split second) of time.</p> <p><b>Permit Modification:</b> None.</p>
407	146	2.4.6		KAFB	<p>3rd paragraph, Line 5. Replace "had been" with "are" and replace "receipt" with "acceptance for treatment".</p>	<p>Section 2.4.6 of Attachment 2 of the draft Permit is now Section 2.4.5 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The subject text is redundant with text found in Section 1.3.1.1 of Attachment C of the final Permit. Thus, the text has been deleted from what is now Section 2.4.5 of Part 2 of the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
408	146	2.4.6		KAFB	<p>Paragraph 5, last sentence: Revise to read "The retractable cover on the OB Unit shall be closed after treatment events to prevent any treatment residues from</p>	<p>Section 2.4.6 of Attachment 2 of the draft Permit is now Section 2.4.5 of Part 2 of the final Permit. Requirements and</p>

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					escaping to the atmosphere or other media before the residues are removed."	<p>authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modification:</b> As indicated above.</p>
409	146	2.5		KAFB	2nd paragraph, Line 2. Delete "or after". Any waste that remains untreated at either unit will remain at the unit and treated again as soon as possible.	<p>Section 2.5 of Attachment 2 of the draft Permit is now incorporated into Section 2.11 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED did not make the requested revision. See NMED's response to Comment #392.</p> <p><b>Permit Modification:</b> None.</p>
410	147	2.5/2.6.2	Prevention, etc.	<p>KAFB</p> <p>KAFB</p>	<p>(1) There is no inner fence and therefore we cannot put up a No Smoking sign. As part of the safety brief given prior to each operation, each individual is instructed there is no smoking on the EOD range.</p> <p>(2) Top of page. Line 3. Replace ""wire fence surrounding the EOD Range" with "KAFB facility's property line". This meets the requirement in 40 C.F.R. § 264.176.</p> <p>(3) Line 5. Delete "and Spanish". See Comment #90 [#395].</p>	<p>Section 2.5 of Attachment 2 of the draft Permit is now incorporated into Section 2.11 of Part 2 of the final Permit. Section 2.6.2 of Attachment 2 of the draft Permit is now incorporated into Section 2.1 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>(1) The requirement to post No Smoking Signs on the inner fence (which no longer exists) has been deleted from the final Permit.</p> <p>(2) 40 C.F.R. § 264.17(a) specifies that "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste. In this case, pursuant to 40 C.F.R. §§ 264.17(a) and 264.176, NMED requires that ignitable or reactive waste to be located at least 50 feet</p>

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						<p>from the wire fence surrounding the EOD Range.</p> <p>(3) See NMED's response to Comment #395.</p> <p><b>Permit Modification:</b> As indicated above.</p>
411	147	2.6.2	Barriers and Means	KAFB	1st paragraph, Line 9. Delete "in places".	<p>The relevant text of Section 2.6.2 of Attachment 2 of the draft Permit is now incorporated into Section 1.4.2 of Attachment A of the final Permit.</p> <p>NMED made the requested revision.</p> <p><b>Permit Modification:</b> The next to last sentence of paragraph 1 of Section 1.4.2 of Permit Attachment A has been revised to read:</p> <p><i>KAFB is enclosed by a 7.5-foot chain-link fence and by barbed wire fence.</i></p>
412	148	2.7.1	Introduction	KAFB	<p>(1) This section needs to be broken out into 2 sections, because certain records will be maintained at the EOD Shop, and others will be maintained at the EM Branch Office.</p> <p>(2) Line 1 should be used as the first line in each new section, but must correctly use the location terminology (there is no "EOD Branch office", it is the "EOD Shop").</p> <p>(3) For the EOD Shop records, include only Items 1, 2a-c, 2f-g, 6, 7, 16, and 17.</p> <p>(4) For the EM Branch Office records, include only Items 2d-e, 2h, 3-5, 8-11, 13-15, and 18-20. In Item 2h, delete the second sentence.</p> <p>(5) The only equipment (with respect to Subpart BB) is the OB unit, and air emissions data are not collected for this unit.</p> <p>(6) Delete Item 12. This information for the operating</p>	<p>Attachment 2, Section 2.7.1 of the draft Permit is now incorporated into Part 1, Section 1.23.2.</p> <p>(1) NMED has made the requested revision to separate the locations of records.</p> <p>(2) NMED has made the requested revision to change references to "EOD Branch Office" to "EM Branch Office".</p> <p>(3) NMED made the requested revision. Due to incorporation of this text with other text, the Waste Analysis Plan, Emergency Coordinator information, emergency equipment, and MSDs are also included in the listing.</p> <p>(4) NMED made the requested revision. Due to incorporation of this text with other</p>

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					<p>record is the sum of all the records required in this section.</p> <p>(7) Last paragraph. Replace "also be maintained at the EOD Range personnel bunker" with "be taken in one of the vehicles to the EOD Range for each treatment operation".</p>	<p>text, corrective action documents, the Permit Application, Inspection Plan, Closure Plan, and all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) are also included in the listing.</p> <p>(4-5) NMED deleted the second sentence in Item #2h as requested in the comment.</p> <p>(6) NMED deleted Item #12 as requested in the comment.</p> <p>(7) The NMED did not remove the requirement to maintain a copy of the Contingency Plan at the EOD Personnel Bunker. This is the only way to ensure that the plan will be available on site should an emergency occur.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
413	148	2.7.1(h)		KAFB	Air emissions is a city requirement and not a mandatory record.	<p>The relevant text has been incorporated into Section 1.23.2 of Part 1 of the final Permit. NMED did not delete the requirement. See also NMED response to Comment #8.</p> <p><b>Permit Modification:</b> None.</p>
414	149	2.7.2	Biennial Report	KAFB	Item 7. Replace "Treatment notices and their certifications" with "The certification".	<p>Attachment 2. Section 2.7.2 of the draft Permit is now Part 2, Section 2.16 of the final Permit.</p> <p>NMED did not make the requested revision. There is the possibility that there can be more than one treatment notice and certification</p> <p><b>Permit Modification:</b> None.</p>

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415	150	2.7.3	Unmanifested Waste Report	KAFB	Item 1. Delete "off-site". This term is not required by 40 C.F.R. § 264.76, and waste may be accepted from SNL/NM, which is located within the KAFB "site".	<p>Attachment 2, Section 2.7.3 of the draft Permit is now incorporated into Part 2, Section 2.15 of the final Permit.</p> <p>The regulation at 40 C.F.R. § 264.76 specifically refers to off-site facilities. Thus, NMED sees no need to delete the term "off-site" from Item #1 of what is now Section 2.15 of Part 2 of the final Permit.</p> <p>Off-site means, in simple terms, located off of the KAFB Facility – e.g., SNL would be an off-site source of waste.</p> <p><b>Permit Modification:</b> None.</p>
416	150	2.7.4	Additional Reports	KAFB	<p>(1) Items 2 and 3. What are the regulatory requirements for these permit conditions?</p> <p>(2) Item 4. Insert "Reporting" before "Requirements", replace "264" with "264.1065", and add "(40 C.F.R. § 264.77(b) and § 264.115)" after "closures".</p>	<p>Attachment 2, Section 2.7.4 of the draft Permit is now incorporated into Part 2, Section 2.20 of the final Permit.</p> <p>(1) The regulatory requirements are at 40 C.F.R. § 264.77 and 40 C.F.R. § 270.30(1)(10).</p> <p>(2) NMED deleted the requirement of item #4 of Section 2.7.4 of the draft Permit. NMED has added "treatment unit closures", which is included in 40 C.F.R. § 264.77. Also, in Item #1, NMED has deleted the word "unplanned" as a modifier to the word "fire" as it does not matter whether fires are planned or unplanned for the purpose of protecting human health and the environment. NMED also added to Item #1 for purposes of clarification to include reporting of fires at or within 0.25 mile of SWMUs or AOCs.</p> <p>NMED added the regulatory citations "40 C.F.R. § 264.77(b) and § 264.115)" as requested in the comment.</p>

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						<p><b>Permit Modifications:</b> Section 2.20 of Part 2 of the final Permit has been revised to read:</p> <p><i>In accordance with the requirements of 40 C.F.R. § 264.77, the Permittee shall also report the following to the Department.</i></p> <p><i>1. Releases of hazardous waste, hazardous constituents or contaminants, or any fires at or within 0.25 mile of the OD Unit or any SWMU or AOC,</i></p> <p><i>2. Manifest discrepancies that cannot be resolved within 15 calendar days after receiving the waste,</i></p> <p><i>3. Occurrences, if any, when hazardous waste is transported to the OD Unit in a container in noncompliance with regulatory requirements and the requirements of this Permit,</i></p> <p><i>4. Treatment unit closures (40 C.F.R. §§ 264.77(b) and 264.115).</i></p>
417	151	3.2	Procedures and Methods	KAFB	<p>2nd paragraph. First sentence. Delete "both". delete "and" in Line 2, and insert ", and Federal air standards".</p> <p>Line 5. Delete sentence starting with "For the OB Unit". The constituents modeled were taken from the original permit. The constituents in the "Pollutants" column of Table 3-1 do not correlate directly with listings in Table 4-1.</p>	<p>All of Attachment 3 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
418	151	Attachment 3		KAFB	Please define the acronym "INPUFF"	<p>See NMED's response to Comment #417. The <b>INPUFF (INtegrated PUFF)</b> is a Gaussian integrated model designed to simulate dispersion of a puff generated by a single point source.</p> <p><b>Permit Modifications:</b> See NMED's</p>

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						response to Comment #417.
419	152	3.2	Results and Interpretation	KAFB	Top of page. Line 1. Delete sentence starting with "For the OD Unit". See Comment #110. Line 3. Replace "5,600" with "1,600". In Supplement H-1 of the permit renewal application, it states the nearest off-site receptor is approximately one mile (1.6 kilometers) from the EOD Range. Unclear as to why NMED changed this distance in the draft permit.	See NMED's response to Comment #417. <b>Permit Modification:</b> See NMED's response to Comment #417.
420	152	3.3		KAFB	(1) Line 2. Replace "1.5" with "1.6". (2) Line 3. Replace "national" with "Federal". (3) Line 5. Insert "In addition to criteria pollutants," before "Over". (4) Line 6. Insert "other" before "constituents".	See NMED's response to Comment #417. <b>Permit Modification:</b> See NMED's response to Comment #417.
421	153	Table 3-1		KAFB	(1) Carbon Monoxide should be italicized bold text, to be consistent with the rest of the table. (2) Non-Methane Hydrocarbons were not included in Table 1 of the permit renewal application Supplement H-1. (3) Where did the OB and OD unit numbers come from?	See NMED's response to Comment #417. <b>Permit Modification:</b> See NMED's response to Comment #417.
422	157	Attachment 4		KAFB	Tables 4-1 and 4-2. Return these tables to the Waste Analysis Plan (Permit Attachment 5) and replace with the information provided on pages 6 and 7 in the Part A.  Tables 4-1 and 4-2 list the hazardous wastes known to be treated at the OB and OD units to date; however, these tables should not be a permit condition to limit the authorized wastes that may potentially be treated at the units. That information was provided in the Part A, and it includes each listed hazardous waste that KAFB will	Attachment 4 of the draft Permit is now Attachment B of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  Table 4-1 of Attachment 4 of the draft Permit has been deleted from the final Permit.  Table 4-2 of Attachment 4 of the draft

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					(or could) handle, as required for Section XIV of the Part A and as stated on page 3 of the fact sheet.	<p>Permit is now Table B-1 of Attachment B of the final Permit.</p> <p>NMED will not issue a permit for a hazardous waste treatment unit without placing restrictions on what hazardous wastes are authorized for treatment. Some wastes should not be treated via open detonation. See also NMED response to Comment #358.</p> <p>The list of authorized wastes in Permit Attachment B of the final Permit was generated from Part A of the Permit Application.</p> <p><b>Permit Modification:</b> As indicated above.</p>
423	157	Table 4-1		KAFB	<p>Benzene was not included in Table B-2 of the permit renewal application. Why was it (and D018) added here?</p> <p>Chromium was also not included in Table B-2 of the permit renewal application. Why was it (and D007) added here?</p> <p>Move this table and Table 4-2 back into the Waste Analysis Plan.</p>	<p>Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Accordingly, Table 4-1 of Attachment 4 of the draft Permit has been deleted from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
424	157	4.0		KAFB	<p>Also precluded us from destroying guns and other evidentiary materials for many law enforcement entities. For many units the EOD unit is the only unit that can safely and securely destroy these items.</p>	<p>Section 4.0 of Attachment 4 of the draft Permit is now Section 1.0 of Attachment B of the final Permit.</p> <p>See NMED's responses to Comments #21, 22 and 422.</p> <p><b>Permit Modification:</b> None.</p>
425	157-164	Table 4-1/2		KAFB	<p>These list shouldn't be all inclusive, rather a guide to be left to the expertise of the treating unit. Not all explosives that EOD could potentially come in contact</p>	<p>Table 4-1 of Attachment 4 of the draft Permit has been deleted from the final Permit.</p>

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					with are listed here, as it would be almost impossible.	Table 4-2 of Attachment 4 of the draft Permit is now Table B-1 of Attachment B of the final Permit. The list must be all inclusive. See NMED's response to Comment #422. <b>Permit Modification:</b> As indicated above.
426	166	5.1.1	Description of Processes / Activities	KAFB	Last sentence. Some preparations are conducted after the waste is transported to the units (e.g., inspection of unit, raising range flag, etc.). Delete or revise appropriately. (See Comment #406.)	Section 5.1.1 of Attachment 5 of the draft Permit has been deleted from the final Permit. <b>Permit Modifications:</b> As indicated above.
427	166	5.1.2 and 5.1.2.1	Wastes Managed	KAFB	See Comment #55. All of the wastes listed on pages 6 and 7 of 7 in the Part A can be treated at the units (see also page 3 of the fact sheet). Return text in these sections to that provided in the Waste Analysis Plan submitted with the permit renewal application.	Section 5.1.2 and 5.1.2.1 of Attachment 5 of the draft Permit are now incorporated into Section 1.1 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. See NMED's responses to Comment #422. <b>Permit Modification:</b> See NMED's responses to Comment #422.
428	167	5.1.3	Description of Units	KAFB	Line 3. Delete "also", and direct the reader to exactly where in the referenced Parts (1, 2, 3) and Attachments (2, 3, 4, 7, 8, 9) specific information is found.	Section 5.1.3 of Attachment 5 of the draft Permit has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
429	168	5.1.3	OB Unit	KAFB	1st bullet. Insert "net explosive weight (NEW)" after "maximum" and delete "amount of hazardous waste".	Section 5.1.3 of Attachment 5 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. See also NMED's response to Comments

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						<p>#99 and 428.  <b>Permit Modification:</b> As indicated above.</p>
430	168	5.1.3	OD Unit	KAFB	1st bullet. Insert "NEW" after "maximum" and delete "amount of hazardous waste".	<p>Section 5.1.3 of Attachment 5 of the draft Permit has been deleted from the final Permit.                      See also NMED's response to Comment #99.  <b>Permit Modification:</b> As indicated above.</p>
431	168	5.2	Waste Analysis Parameters	KAFB	1st paragraph, Line 5. Is "Conditions" used consistently throughout the draft permit (i.e., with a capital "C")?	<p>Section 5.2 of Attachment 5 of the draft Permit is now incorporated into Section 1.2 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1                      To reduce confusion, NMED has replaced the word "condition" with the word "requirement" throughout the Permit whenever the two terms were intended to have the same meaning.  <b>Permit Modification:</b> As indicated above.</p>
432	168	5.2	Waste Analysis Parameters	KAFB	<p>(1) 3rd paragraph, Line 3. Insert "the first time a specific waste is treated" after "purposes". The same or similar waste types will be sampled and analyzed for LDR purposes the first time a specific waste is treated; thereafter, KOP will be used for characterization.                      (2) Insert "When sampling and analysis data for an ash residue are available, these data shall be used as KOP to characterize future identical or similar ash residues" at the end of this paragraph.</p>	<p>Section 5.2 of Attachment 5 of the draft Permit is now incorporated into Section 1.2 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.                      Treatment residues and wastes must be characterized properly by knowledge of process or by sampling and analysis as appropriate (See 40 C.F.R. § 262.11).</p>

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						<b>Permit Modification:</b> None.
433	168	5.2	Waste Analysis Parameters	KAFB	4th paragraph, Line 1. Insert "potentially contaminated" before "treatment residues" and replace "will contaminate soil" with "may remain at the unit". Potentially contaminated treatment residues at the OD unit won't necessarily contaminate the soil. Line 2. Insert "potentially" after "monitor".	Section 5.2 of Attachment 5 of the draft Permit is now incorporated into Section 1.2 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  Treatment residues at the OD Unit have and will continue to contaminate soil. Nonetheless, the NMED has deleted the subject language from the Waste Analysis Plan (Attachment C) of the final Permit. Contaminated soil will be evaluated under implementation of the Annual Soil Sampling and Analysis Plan (Attachment D) and the Closure Plan (Attachment H) of the final Permit.  <b>Permit Modification:</b> As indicated above.
434	169	5.2.1	Criteria and Rationale	KAFB	2nd paragraph, Line 3. Insert "the first time a specific waste is treated" before "using". Add "KOP will then be used to characterize the treatment residue when sampling and analysis data for an identical or similar residue are available". Using KOP for LDR purposes is allowed in 40 C.F.R. Part 268. Line 4: The permit renewal application states that treatment residues will be analyzed using the TCLP or total analysis methods, as appropriate. Revise permit condition to include or total analysis methods, as appropriate.	Section 5.2.1 of Attachment 5 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  See also NMED's response to Comment #432.  <b>Permit Modification:</b> As indicated above.
435	169	5.2.1	Criteria and Rationale	KAFB	3rd paragraph. The permit condition requires sampling and analysis of treatment residues in all but one case (i.e., if all of the listed conditions are met). In addition to the conditions listed, the permit renewal application	Section 5.2.1 of Attachment 5 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the

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					specifies that KOP may be used in lieu of sampling and analysis for treatment of residues from identical wastes. Revise permit condition to allow KOP in lieu of sampling and analysis for treatment residues from identical wastes, or delete this paragraph.	final Permit. See NMED response to Comment #1. See also NMED's response to Comment #432. <b>Permit Modification:</b> As indicated above.
436	169	5.3	Waste Characterization Procedures	KAFB	Line 5. Insert "or KOP" after "analysis".	Section 5.3 of Attachment 5 of the draft Permit is now incorporated into Section 1.3 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. See also NMED's response to Comment #432. <b>Permit Modification:</b> as indicated above.
437	170	5.3.1.2	Screening	KAFB	Line 5 references Appendix 5-1; however, this appendix was not in the draft permit. Is inclusion of such an appendix necessary, considering the EOD personnel are quite familiar with these forms and the fact that this information was provided for informational purposes only in the permit renewal application? Suggest deleting this sentence and ultimately this appendix.	Section 5.3.1.2 of Attachment 5 of the draft Permit is now incorporated into Section 1.3.1.3 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. NMED believes it provided the Permittee with a copy of Appendix 5-1 of Attachment 5. However, the Permittee could have requested a copy from the NMED if, in fact, the Permittee did not receive a copy. However, NMED has deleted Appendix 5-1 of Attachment 5 of the draft Permit from the final Permit. <b>Permit Modification:</b> As indicated above.
438	171	5.3.1.4	Phase I	KAFB	1st complete paragraph following bullets. Line 1.	Section 5.3.1.4 of Attachment 5 of the draft

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			Verification		Replace "deficiencies" with "defects".	<p>Permit is now incorporated into Section 1.3.1.3 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has made the requested revision.</p> <p><b><u>Permit Modifications:</u></b></p> <p>The first sentence of the last paragraph of Section 1.3.1.3 of Permit Attachment C of the final Permit has been revised to read:  <i>Containers will be visually examined for defects such as dents, cracks, and corrosion.</i></p>
439	171	5.3.1.6	OB Unit Treatment Residues	KAFB	1st paragraph, Line 5. Insert "or KOP" after "data".	<p>Section 5.3.1.6 of Attachment 5 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>See also NMED's response to Comment #432.</p> <p><b><u>Permit Modification:</u></b> As indicated above.</p>
440	173	5.4.2	Testing and Analytical Methods Selection	KAFB	1st line. Replace "waste" with "ash residue generated at the OB Unit". The 2nd paragraph refers to Table 5-2, which is for treatment residue generated by open burning.	<p>Section 5.4.2 of Attachment 5 of the draft Permit is now incorporated into Section 1.4 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>Table 5-2 of Attachment 5 of the draft Permit has been deleted from the final Permit.</p> <p>Section 1.4 of Attachment C of the final</p>

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						Permit is not limited solely to treatment residue. It applies to all wastes. Thus, NMED did not make the requested revision. <u>Permit Modifications:</u> As indicated above.
441	173	5.5	Waste Re-Evaluation Frequencies	KAFB	2nd paragraph, Line 1. Insert "(e.g., KOP)" after "data".	Section 5.5 of Attachment 5 of the draft Permit is now incorporated into Section 1.5 of Attachment C of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  NMED did not make the requested revision as it is unnecessary. The text does not prohibit the use of knowledge of process as data. <u>Permit Modification:</u> None.
442	173	5.6.2	LDR Requirements	KAFB	Line 3. Insert ", at the point of generation," before "must" and add "; this determination can be made either by testing the waste or using KOP" after "disposed". Either testing or using KOP is acceptable per 40 C.F.R. § 268.7(a)(1).	Attachment 5, Section 5.6.2 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <u>Permit Modification:</u> As indicated above.
443	174 - 175	5.6.2.1	Generator Requirements	KAFB	(1) 1st paragraph, Line 5. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application. (2) 1st complete paragraph, Line 6. Insert "to the receiving facility," after "sent". Replace "EOD Shop" with "EM Branch Office". (3) 2nd paragraph, Lines 2 & 5. Replace "EOD Shop" with "EM Branch Office".	Attachment 5, Section 5.6.2.1 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <u>Permit Modification:</u> As indicated above.

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					(4) 4th paragraph, Line 5. Replace "EOD Shop" with "EM Branch Office". (5) 5 <sup>th</sup> paragraph, Line 5. Replace "EOD Shop" with "EM Branch Office".	
444	174	5.6.2.1	Generator Requirements	KAFB	Item 3. Delete "and their concentrations" and insert "characteristic" before "wastes". Concentrations of UHCs are covered under Item 6, "Waste analysis data, if appropriate."	Attachment 5, Section 5.6.2.1 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
445	175	5.6.2.1	Generator Requirements	KAFB	3rd paragraph, Line 2. Replace "and" with "because it" to more clearly describes why the soil would become waste.	Attachment 5, Section 5.6.2.1 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED Response to Comment #1. <b>Permit Modification:</b> As indicated above.
446	175	5.6.2.1	Generator Requirements	KAFB	5th paragraph. Line 3. Insert "statement in 40 C.F.R. § 268.7(a)(3)(ii)" after "certification" to distinctly reference the certification statement requirements, as indicated in the permit renewal application.	Attachment 5, Section 5.6.2.1 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
447	176	5.6.2.2	Treatment Facility Requirements	KAFB	Top of page, Line 2. Insert "Only the remaining" before "residue".	Attachment 5, Section 5.6.2.2 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment

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						#1. <b>Permit Modification:</b> As indicated above.
448	176	5.6.2.2	Treatment Facility Requirements	KAFB	(1) 2nd paragraph. Line 4. Replace "notification and" with "one-time". (2) Line 6. Insert "initial" before "shipment" and add "as required by 40 C.F.R. § 268.7(b)(4)". (3) Line 7. Replace "and notice" with "shall be prepared in accordance with 40 C.F.R. § 268.7(b)(4)(iv)". (4) Line 8. Add ", as required by 40 C.F.R. § 268.7(b)(5)". Returning the language to that included in the permit renewal application more directly and completely informs the Permittee regarding these requirements. Notices are ultimately covered by the last sentence, once the original language is returned.	Attachment 5, Section 5.6.2.2 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
449	176	5.6.2.2	Treatment Facility Requirements	KAFB	(1) 3rd paragraph. Line 2. Replace "notification and" with "one-time". (2) Line 3. Insert "initial" before "shipment" and insert "", as required by 40 C.F.R. § 268.7(b)(4)". (3) Line 4. Replace "and notifications" with "shall be prepared in accordance with 40 C.F.R. § 268.7(b)(4)(v) and". Returning the language to that included in the permit renewal application more directly and completely informs the Permittee regarding these requirements. (4) Lines 5 and 8. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.	Attachment 5, Section 5.6.2.2 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
450	176	5.6.2.2	Treatment Facility	KAFB	The 3rd complete paragraph from page B-19 in the Waste Analysis Plan submitted as Appendix B in the	Attachment 5, Section 5.6.2.2 of the draft Permit was deleted from the final Permit.

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			Requirements		permit renewal application was deleted from this draft permit. Please reinsert that information.	Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
451	176	5.6.2.2	Treatment Facility Requirements	KAFB	4th paragraph, Line 2. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.	Attachment 5, Section 5.6.2.2 of the draft Permit was deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
452	177	Table 5-1		KAFB	(1) In the line for New Mexico State Police, the words "Local and" was deleted from the table provided in the permit renewal application. KAFB may accept waste from this potential waste generator; therefore, it should be reinserted.  (2) A line for "Government Contractors" was also deleted from the table provided in the application. Please reinsert.	Table 5-1 of Attachment 5 of the draft Permit is now Table 2-1 of Part 2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  Upon further consideration, NMED wants to be informed in advance of the origin of waste that is to be treated at the OD Unit. Thus, KAFB may only accept waste from specific sources located at specific locations. "Local police" and "Government Contractors" are not specific entities. However, NMED interprets "local Police" as meaning the Albuquerque Police Department (APD) and Bernalillo County Sheriff's Office (BCSO). NMED has added these entities to the listing in Table 2-1. All sources other than NM State Police, APD, BCSO, University of New Mexico, New Mexico Institute of Mining and Technology, Sandia National Laboratories/New Mexico

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						<p>and KAFB have been deleted because they are not specific enough as to source name and/or location.</p> <p>NMED is willing to add via a request for a modification of the final Permit other specific sources for law enforcement departments and government and private entities.</p> <p><b>Permit Modification:</b> Non-specific sources have been deleted from what is now Table 2-1 of Part 2 of the final Permit. These include: Drug Enforcement Agency, Bureau of Alcohol, Tobacco, and Firearms, New Mexico Engineering Research Institute, Air Force Operation Technical Evaluation Center, Federal Bureau of Investigation, Bureau of Indian Affairs, Joint Task Force 6, Edgerton, Germeshausen, and Grier, Inc., Transportation Safe Guards, Defense Evaluation Services Administration, U.S. Customs, U.S. Forest Service, Defense Logistic Agency Phoenix, Air Force Research Laboratory, New Mexico Air National Guard, U.S. Navy Weapons Facility, KAFB, Air Force 898th Air Vehicle Diagnostic System, U.S. Department of Defense, U.S. Department of Energy, and-Department of Defense Munitions Activities.</p>
453	178	Table 5-2		KAFB	<p>(1) Add "Acceptable Knowledge" back into the lines for barium, chromium, lead, and mercury; VOCs, and SVOCs.</p> <p>(2) Add the other metals listed in permit application Table B-4 (arsenic, cadmium, selenium, and silver); this will reflect all the metals listed on page 6 of 7 in the</p>	<p>Attachment 5, Table 5-2 of Attachment 5 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p>

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					<p>Part A.</p> <p>(3) Replace the rationale for VOCs and SVOCs with that provided in the permit renewal application Table B-4.</p> <p>(4) Delete Method Numbers 7080A, 7081, 7190, 7191, 7420, and 7421 for the specific metals, and add Method 7000A, as shown in Table B-4 of the application. The methods that should be deleted have been have been "Noticed for removal" from SW-846.</p> <p>(5) There is no need to determine TCLP metals concentrations when analyzing for VOCs/SVOCs.</p> <p>(6) There is no "b" in the table; however, there is a footnote "b".</p> <p>(7) There is a "c" in the table; however, there is no footnote for "c". Please correct.</p>	<p><b><u>Permit Modifications:</u></b> As indicated above.</p>
454	179	Table 5-3		KAFB	Footnotes b-d no longer apply, since NMED modified this table from Table B-5 included in the permit application. Delete these footnotes.	<p>Attachment 5, Table 5-3 of Attachment 5 of the draft Permit is now Table C-1 of Attachment C of the final Permit.</p> <p>The footnotes have been modified to better explain the information presented in the table.</p> <p><b><u>Permit Modification:</u></b> The footnotes in Table C-1 of Attachment C of the final Permit have been modified to read:</p> <p><i>a. Containers, methods and holding times from most current version of SW-846 (EPA, 1986)</i></p> <p><i>b. Other container types may be used depending upon the laboratory or the method, with prior NMED approval.</i></p> <p><b>DEFINITIONS</b>  <b>NMED</b> <i>New Mexico Environment</i></p>

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						<i>Department</i> <i>oz ounces</i> <i>°C degrees Celsius</i>
455	180 and 182	Tables 5-4 and 5-6		KAFB	Table 5-4 is very similar to Table 5-6. Why are there 2 tables addressing LDR requirements for generators, and why was Table B-6 provided in the permit renewal application revised to come up with these 2 tables? Delete and replace with Table B-6 provided with the permit application.	Attachment 5, Tables 5-4 through 5-7 of Attachment 5 of the draft Permit have been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modifications:</b> As indicated above.
456	181 and 183	Tables 5-5 and 5-7		KAFB	Table 5-5 is very similar to Table 5-7. Why are there 2 tables addressing LDR requirements for treatment facilities, and why was Table B-7 provided in the permit renewal application revised to come up with these 2 tables? Delete and replace with Table B-7 provided with the permit application.	Attachment 5, Tables 5-4 through 5-7 of Attachment 5 of the draft Permit has been deleted from the final Permit. See NMED response to Comment #455. <b>Permit Modifications:</b> As indicated above.
457	184	6.0	Introduction	KAFB	(1) 1st paragraph, Line 3. Add "or the environment" after "human health". (2) 2nd paragraph, Line 9. Add "or the environment" after "human health".	Section 6.0 of Attachment 6 of the draft Permit is now Section 1.0 of Attachment D of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. NMED did not make the requested revisions. Results of annual soil sampling are only compared to soil screening levels applicable to human health. <b>Permit Modification:</b> None.
458	184	6.1.1	Sampling Schedule and Frequency	KAFB	(1) 1st paragraph, Line 2. Replace "24" with "72", per information provided in the permit renewal application. If a treatment event were to occur on a Friday, sampling would not be conducted until at least Monday, and the "24" hour requirement is, thus, too strict.	Section 6.1.1 of Attachment 6 of the draft Permit is now Section 1.1.1 of Attachment D of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED

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					<p>(2) In the 1st sentence, it states that sampling is typically conducted during the summer months; however, in the 2nd sentence, it states sampling shall occur following the last treatment event "for the calendar year". This is contradictory if a treatment event occurs in December and sampling is typically conducted in the summer months.</p> <p>(3) Delete "for the calendar year" in Line 3.</p>	<p>response to Comment #1.</p> <p>(1-2) NMED has specified that sampling must be conducted in June of each year. The 24 hour time requirement has been deleted from the final Permit.</p> <p>(3) NMED has deleted the phrase "for the calendar year" from the final Permit.</p> <p><b>Permit Modifications:</b> The first 3 sentences of Section 1.1.1 of Attachment D of the final Permit has been revised to read:  <i>Soil samples shall be collected annually at the OD Unit during the month of June. Sampling shall be conducted at the OD Unit before any backfilling, excavation, or grading is performed at the site since the last treatment event. If no treatment events have occurred during a particular annual period, annual sampling will not be conducted for that annual period.</i></p>
459	185	6.1.2	Strategy and Analytical Parameters	KAFB	<p>Top of page. Line 4. The dimensions of the grid in the permit renewal application were 500-foot by 500-foot, and Figure 1-2 submitted in the application reflected these dimensions. NMED changed the dimensions to 150-foot by 150-foot; thus, NMED should modify Figure 6-2 in the draft permit to reflect these new dimensions.</p>	<p>Section 6.1.2 of Attachment 6 of the draft Permit is now Section 1.1.2 of Attachment D of the final Permit. Figure 6-2 of the draft Permit is now Figure D-2 of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The requirements to analyze field quality control samples for dioxins and furans were added to Table D-2 (see NMED response to Comment #120). The requirement to analyze field quality control samples for perchlorate was also added to Table D-2 (see NMED response to Comment #193);</p>

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						<p>whereas, the requirement for SVOCs was deleted because SVOCs are not analyzed for under the Annual Soil Sampling and Analysis Plan for the OD Unit.</p> <p>The 150 by 150 ft grid only applies when no craters are present.</p> <p>Where more than one crater is present, the grid (with 100 possible sampling locations) that encompasses all craters will vary in size and location. Thus, Figure D-2 only shows one possible example of such a grid, which just happens to be a 500 ft by 500 ft grid encompassing multiple craters (craters not shown for clarity). NMED has modified Figure D-2 by showing example craters that define the grid.</p> <p><b>Permit Modifications:</b> As indicated above.</p> <p>Also, Figure 6-2 (D-2) has been modified by including on the figure three example craters that define the grid.</p> <p>Furthermore, a sentence has been added after the 4<sup>th</sup> sentence of the first paragraph of Section 1.1.2 of Attachment D of the final Permit that reads:</p> <p><i>The grid will be square in shape and its overall maximum size shall be established using the maximum distance between the walls of the craters that are present at the site.</i></p>
460	185	6.1.2		KAFB	<p>(1) Table 6-2 lists benzene as a parameter for analysis; however, Line 2 in the 1st complete paragraph requires SVOC analysis. Benzene is a VOC. Thus, "semi-" in Line 2 should be deleted.</p> <p>(2) Also, Table 6-2 should be referenced in this</p>	<p>Section 6.1.2 of Attachment 6 of the draft Permit is now Section 1.1.2 of Attachment D of the final Permit. Table 6-2 of Attachment 6 of the draft Permit is now Table D-2 of Attachment D of the final</p>

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					paragraph.	<p>Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The requirements to analyze for DRO, benzene, and TPH in what is now Table D-1 of Attachment D have been deleted from the final Permit. The second paragraph of Section 6.1.2 of Attachment 6 of the draft Permit has been deleted from the final Permit.</p> <p>What is now Table D-2, concerning field quality control samples, is properly referenced in Section 1.3.2 of Attachment D of the final Permit which concerns the collection of field quality control samples.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
461	185	6.1.3	Sample Collection	KAFB	1st paragraph, Line 2. Insert "Protection" after "Environmental". Is NMED referring to SW-846 here? (There are EPA references cited, but there is no list of references.)	<p>Section 6.1.3 of Attachment 6 of the draft Permit is now Section 1.1.3 of Attachment D of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED deleted the reference to the EPA. NMED is referring to SW-846.</p> <p><b>Permit Modification:</b> The first sentence of Section 1.1.3 in Attachment D of the final Permit has been revised to read:</p> <p><i>Qualified personnel shall collect soil samples.</i></p> <p>To clarify that SW-846 methods are to be followed, a sentence has been added after the first sentence of Section 1.1.3 in</p>

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						Attachment D of the final Permit that reads: <i>Sample collection procedures, types of containers and storage procedures specific to each SW-846 method shall be strictly adhered to.</i>
462	185	6.1.3		KAFB	Sample collection procedures for white phosphorous are specific, as indicated in the permit renewal application, page 1-3, 4th bullet. This information should be added back into the permit to call special attention to the requirements for such sampling.	Section 6.1.3 of Attachment 6 of the draft Permit is now Section 1.1.3 of Attachment D of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  The specific procedures for collecting white phosphorus samples are found in SW-846 Method 7580 which is referenced in what is now Table D-1 of Attachment D of the final Permit. However, a sentence reminding Facility personnel to follow SW-846 procedures has been added to the end of the subject Permit Section.  <b>Permit Modification:</b> The following sentence has been inserted at the end of Section 1.1.3 of Attachment D of the final Permit:  <i>Samples collected for analysis of white phosphorous must the follow the special sample collection procedures in SW-846, Method 7580.</i>
463	185	Attachment 6		KAFB	The sampling requirements listed in Permit Attachment 6 are much less stringent than the sampling requirements specified in Permit Part 6. Please explain the discrepancy. Regulation cannot be by policy nor be arbitrary and capricious.	Attachment 6 of the draft Permit is now Attachment D of the final Permit.  The sampling requirements of the subject Permit Attachment are only for <i>annual screening</i> of soil contaminant levels and <i>only apply to human health under an</i>

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						<p><i>industrial risk scenario</i>. The requirements also <i>only apply to the OD Unit</i>. Other than these differences, many of the details on the collection and analysis of high quality samples are exactly the same as the sampling requirements for corrective action. Bear in mind that groundwater sampling requirements also apply to the OD Unit (see Section 3.5 of Part 3 of the final Permit.</p> <p><b>Permit Modification:</b> None.</p>
464	186	6.1.3.3	Sample Handling, Documentation, & Custody Procedures	KAFB	<p>(1) 2nd paragraph. This paragraph was not included in the application.</p> <p>(2) It cites EPA (1998); however, no list of references is included in the permit.</p> <p>(3) If NMED is referring to SW-846, this fact should be added to the paragraph.</p>	<p>Section 6.1.3.3 of Attachment 6 of the draft Permit is now Section 1.1.3.3 of Attachment D of the final Permit.</p> <p>(1) The draft Permit includes many things that were not included in the Permit Application. NMED may impose conditions necessary to protect human health and the environment, and to achieve compliance with regulatory and statutory requirements (see 40 C.F.R. § 264.32).</p> <p>(2-3) The reference has been deleted from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
465	187	6.1.3.3		KAFB	<p>Top of page, Items 5 and 6. It is not necessary to include this information on the sample labels, as it is noted on the chain-of-custody and request for analysis form(s). Delete these items.</p>	<p>Section 6.1.3.3 of Attachment 6 of the draft Permit is now Section 1.1.3.3 of Attachment D of the final Permit. Relevant text is also found in Sections 6.5.5.3 and 6.5.5.4 of Part 6 of the final Permit.</p> <p>NMED considers this sample-label information to be necessary and important. Indicating the analytical method helps to ensure that the laboratory analyzes a sample fraction for the proper constituents.</p>

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						<p>However, instead of the analytical method, it would also be acceptable to indicate the type of parameter that is to be analyzed for.</p> <p>Indicating the method of preservation is an important health and safety issue, as many chemical preservatives can be harmful if improperly handled. Thus, NMED did not make the requested revisions.</p> <p><b>Permit Modification:</b> None.</p>
466	187	6.1.3.3		KAFB	<p>1st complete paragraph. Delete. Having the sequence for affixing labels to containers should not be a permit condition. Labels may be affixed to containers after a sample is collected, especially if the outer surface of the container needs to be wiped off prior to affixing labels.</p>	<p>Section 6.1.3.3 of Attachment 6 of the draft Permit is now Section 1.1.3.3 of Attachment D of the final Permit. Relevant text is also found in Section 6.5.5.4 of Part 6 of the final Permit.</p> <p>The NMED did not delete the requirement. Labels should be affixed before sampling to reduce the chance that labels will fall off due to poor adhesion on a wet surface and to avoid labeling errors.</p> <p><b>Permit Modification:</b> None.</p>
467	187	6.1.3.3		KAFB	<p>(1) 2nd complete paragraph, 1st sentence and Item 1. Delete. The number of people on a sampling team is typically limited to few in number, so only a few people would handle samples.</p> <p>(2) Suggest combining Items 2 and 3 into a paragraph.</p>	<p>Section 6.1.3.3 of Attachment 6 of the draft Permit is now Section 1.1.3.3 of Attachment D of the final Permit. Relevant text is also found in Sections 6.5.5.3 and 6.5.5.4 of Part 6 of the final Permit.</p> <p>(1) The subject language is taken from Appendix G, Section G.2.1, page 5, lines 7 through 10 of the Permittee's application. If the number of people on a sampling team is typically few, then the Permittee should find compliance with this item to be easy. However, NMED did not delete the requirement (see Section 6.5.5.4 of Part 6 of</p>

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						<p>the final Permit) simply because the Permittee doesn't typically have large sample crews because the fewer number of times a sample is handled, the less chance that it would be inadvertently cross-contaminated.</p> <p>(2) Items 2 and 3 were incorporated into Sections 6.5.5.3 and 6.5.5.4 of Part 6 of the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
468	187	6.1.3.3		KAFB	Item 5 following 5th paragraph. Delete "Date and time of sample collection;". This same language is already in Item 6.	<p>Section 6.1.3.3 of Attachment 6 of the draft Permit is now Section 1.1.3.3 of Attachment D of the final Permit. Relevant text is now found in Section 6.5.2 of Part 6 of the final Permit.</p> <p>NMED has deleted the redundant text.</p> <p><b>Permit Modification:</b> As indicated above.</p>
469	188	6.1.3.3		KAFB	Item 3 following 2nd paragraph. If split samples are being collected, isn't it the responsibility of the facility or government agency requiring split samples to fill out a separate CoC record? Add this to Item 3 or delete.	<p>Section 6.1.3.3 of Attachment 6 of the draft Permit is now Section 1.1.3.3 of Attachment D of the final Permit.</p> <p>NMED has deleted the requirement from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
470	188	6.1.3.3		KAFB	Item 2 following 3rd paragraph. Delete Item 2. A laboratory ID number is not necessarily assigned at the time of relinquishing samples to the analytical laboratory.	<p>Section 6.1.3.3 of Attachment 6 of the draft Permit is now Section 1.1.3.3 of Attachment D of the final Permit.</p> <p>NMED did not make the requested revision. Item #2 only requires that a laboratory accession number be assigned by laboratory personnel. It does not have a time requirement to accomplish this, although normally, laboratory personnel will assign a</p>

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						number within a short time of sample receipt if not during sample receipt. <b>Permit Modification:</b> None.
471	188	6.1.3.4	Sample Shipping	KAFB	Line 3. Replace "sampling" with "samples".	Section 6.1.3.4 of Attachment 6 of the draft Permit is now Section 1.1.3.4 of Attachment D of the final Permit. Relevant text is now found in Section 6.5.5.2 of Part 6 of the final Permit. <b>Permit Modification:</b> None.
472	189	6.3.1	QC Targets	KAFB	All paragraphs. Percent is one word; "per-cent" should be replaced with "percent".  NMED added this section, but does not cite where the target values were obtained. This information should be added, or discussions of these targets deleted.	Section 6.3.1 of Attachment 6 of the draft Permit is now Section 1.3.1 of Attachment D of the final Permit.  NMED has corrected the spelling of the word "percent" in the final Permit.  Quality control (QC) targets should be included in all sampling and analysis plans. The QC targets for metals are taken from EPA guidance. The QC targets for explosives are based on experience and the fact that the laboratory analysis of many organic compounds can be problematic. Thus NMED recognized that the acceptable ranges for accuracy and precision for explosives should be large as is the case for SVOCs and VOCs.  The QC targets for SVOCs were deleted from the final Permit because SVOCs are not analyzed for under the Annual Soil Sampling and Analysis Plan for the OD Unit. <b>Permit Modifications:</b> As indicated above.
473	190	6.4.2	Contents of	KAFB	Item 4. Delete. The analytical laboratory would not	Section 6.4.2 of Attachment 6 of the draft

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			Analytical Data Report		know the specific sample location. Instead, the location would be known by the field sample identification number (Item 3).	<p>Permit is now incorporated into Section 1.4 of Attachment D of the final Permit. Relevant text is now found in Section 6.5.18 of Part 6 of the final Permit.</p> <p>NMED made the requested revision to remove the requirement for indicating the location of samples on laboratory analytical reports. However, the location of the sample should be recorded on the chain-of-custody record. The laboratory should have a copy of this record.</p> <p><b>Permit Modification:</b> As indicated above.</p>
474	191	6.4.2		KAFB	1st complete paragraph and Items 1-5. This paragraph and the numbered items would not be part of an analytical data report. This information should either be moved to become the second paragraph of Section 6.4 or deleted. Deletion is preferred, as what goes on in the analytical laboratory is already covered in Section 6.4 and this should not be a permit condition for KAFB.	<p>Section 6.4.2 of Attachment 6 of the draft Permit is now incorporated into Section 1.4 of Attachment D of the final Permit. Relevant text is now found in Section 6.5.18 of Part 6 of the final Permit.</p> <p>The requirements listed in items 1-5 are important to safeguard the integrity of samples. The Permittee needs to ensure that their contract laboratory agrees to follow these procedures, or the Permittee should utilize the services of a different laboratory.</p> <p>See NMED response to Comment #473 concerning the locations of samples.</p> <p><b>Permit Modification:</b> See NMED response to Comment #473.</p>
475	193	Table 6-1		KAFB	NMED replaced the method for TPH (8015B in the application) with 418.1 and 3550. Method 3550 is an extraction method, and Method 418.1 is not currently listed as an EPA-approved method. What is the justification for this change in methods?	Table 6-1 of Attachment 6 of the draft Permit is now Table D-1 of Attachment D of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.

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						NMED has deleted the parameter total petroleum hydrocarbons (TPH) from what is now Table D-1 of Attachment D of the final Permit. The parameter was related to sampling to be conducted at the OB Unit. <b>Permit Modification:</b> As indicated above.
476	194	Table 6-3		KAFB	For metals, Lines 8-11 are duplicates of Lines 4-7. Delete.	Table 6-3 of Attachment 6 of the draft Permit has been deleted from the final Permit. <b>Permit Modifications:</b> As indicated above.
477	195			KAFB	(1) For high explosives, "and Perchlorate" should be deleted (it is not on Table 6-1). (2) The line above "Surrogate recoveries" appears scrambled (e.g., "Once per batch of up to 20 samples" is in the QC column rather than the Frequency column), and "MS duplicate/" should be inserted before "laboratory control" in this line. (3) "Sulfides" should be deleted (it is not on Table 6-1).	Table 6-3 of Attachment 6 of the draft Permit has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
478	196			KAFB	"Total Organic Carbon" should be deleted (it is not on Table 6-1). "Total Petroleum Hydrocarbons" should be added back in since it is on Table 6-1 (this information was included in Table 1-3 of the permit application).	Table 6-3 of Attachment 6 of the draft Permit has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
479	197	Table 6-4		KAFB	(1) Some of the values in the SSL columns were changed from those provided in the permit application. The NMED SSL for mercury was changed from 100,000 to 341; however, in NMED's Technical Background Document for Development of Soil Screening Levels, Revision 4.0 (June 2006), the value for mercury is 100,000. (2) Vanadium was added to the table with a value of	Table 6-4 of Attachment 6 of the draft Permit is now Table D-4 of Attachment D of the final Permit. (1) NMED intended for the soil screening level for mercury to be set at the more rigorous industrial level for methyl mercury, not elemental mercury. The waste streams to be treated at the OD Unit are unlikely to contain elemental mercury.

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					<p>530; the value in Revision 4.0 is 1,140.</p> <p>(3) Entries for nitrobenzene, o-nitrotoluene, and p-nitrotoluene were also changed and do not reflect the most recent SSLs.</p> <p>(4) TPH was added with a value of 520; Revision 4.0 has not established a value. All entries should be revisited and the correct current values provided.</p>	<p>(2) NMED has revised the value for vanadium.</p> <p>(3) NMED revised the industrial SSLs for nitrobenzene, o-nitrotoluene, and p-nitrotoluene.</p> <p>(4) NMED has deleted benzene and TPH from Table 6-4 of Attachment 6 of the draft Permit because the analyses of these constituents are not required under what is now Attachment D of the final Permit.</p> <p><b>Permit Modifications:</b> As indicated above.</p>
480	198	Table 6-5		KAFB	<p>Surface soil values for cadmium, mercury, and copper were changed from those provided in Table I-4 of the permit application. What is the source for these changed values?</p>	<p>Table 6-5 of Attachment 6 of the draft Permit is now Table D-3 of Attachment D of the final Permit. The column for groundwater constituents was deleted from the Table as these values are not needed for annual soil sampling.</p> <p>Background values for these metals were taken from the list of approved background concentrations for the Kirtland Air Force Base area.</p> <p><b>Permit Modification:</b> None.</p>
481	200	7.0	Introduction	KAFB	<p>1st paragraph, Line 3. Revise to read "The Open Burn ... Units, located at the Explosive Ordnance...." The EOD Range is not composed solely of the OB and OD units.</p>	<p>Section 7.0 of Attachment 7 of the draft Permit is now incorporated into Section 1.0 of Attachment E of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The subject sentence has been deleted from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>

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482	200	7.1	Inspection Schedule	KAFB	Lines 5 & 6. Replace "Range personnel bunker" with "Shop" and delete "and at the Facility". As stated in Section C.3 of the permit application, inspection logs are maintained at the EOD Shop.	<p>Section 7.1 of Attachment 7 of the draft Permit is now incorporated into Section 1.1 of Attachment E of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has made the requested revision in the final Permit.</p> <p><b>Permit Modification:</b> Section 1.1 of Attachment E of the final Permit has been revised to read:</p> <p><i>The inspection schedule is presented in Table E-1 and shall be maintained at the Explosive Ordnance Disposal (EOD) Shop, as required by 40 C.F.R. § 264.15(b)(2).</i></p>
483	200	7.2.2		KAFB	Entire range inspections should occur prior to each detonation or monthly, whichever is more frequent.	<p>Section 7.2.2 of Attachment 7 of the draft Permit is now incorporated into Section 1.3 of Attachment E of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>The NMED assumes that the comment refers to Item #10 of what is now Table E-1 of Attachment E of the final Permit.</p> <p>The OD Unit area should be inspected prior to every use, and at least monthly to ensure that the treatment unit is being managed in a manner protective of human health and the environment. NMED did add the word "within" to the subject requirement to provide some flexibility as to the timing of inspections done prior to use of the OD Unit</p>

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						<p>(NMED has also made a similar change to Item #4 for the same reason).  <b>Permit Modifications:</b> As indicated above.</p>
484	200, 202	7.2.2  Table 7-1	Frequency of Inspections	KAFB  KAFB	<p>(1) In Revision 1.0 of the permit renewal application, KAFB provided 3 separate tables which will be used for inspections at the OB and OD units and at the EOD Range. The intention was to inspect for items specific to each unit and specific to the EOD Range overall. Replace Table 7-1 in the permit with the 3 separate tables, and reference the 3 tables in this paragraph. Inspections are done monthly and before and/or after each treatment event.</p> <p>(2) Insert "/or" before "after" in Line 1.</p>	<p>Section 7.2.2 of Attachment 7 of the draft Permit is now incorporated into Section 1.3 of Attachment E of the final Permit. Table 7-1 of Attachment 7 of the draft Permit is now Table E-1 of Attachment E of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>(1) The comment is not specific as to which elements of the required inspections that the Permittee disagrees with the timing, if any. Thus, NMED can not provide a detailed response.</p> <p>The Permittee is free to use whatever inspection forms they want to employ; thus, the Permittee is free to have separate inspection forms for the OD Unit and the EOD Range. The Permit only requires that certain aspects of the OD Unit be inspected at certain times. The inspection forms should include these inspection elements for the inspection frequency specified by the permit</p> <p>In some cases, NMED did not agree with the inspection requirements proposed in the Application. In those cases, NMED required alternate inspection requirements from those proposed in the Application.</p> <p>(2) Rather than insert "/or", NMED has</p>

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						<p>revised the subject sentence to refer to the inspection frequencies listed in Table 7-1 (E-1).</p> <p><b>Permit Modification:</b> Section 1.3 of Attachment E of the final Permit has been revised to read:</p> <p><i>Items listed in Table E-1 shall be inspected at the frequencies indicated in the table.</i></p>
485	201	7.3	Inspection Records	KAFB	Line 4. Replace "Range personnel bunker" with "Shop". As stated in Section C.3 of the permit application, inspection logs are maintained at the EOD Shop.	<p>Section 7.3 of Attachment 7 of the draft Permit has been deleted from the final Permit.</p> <p>However, the maintenance of inspection records is still required (see Section 1.23.2 of Permit Part 1 of the final Permit).</p> <p><b>Permit Modification:</b> As indicated above.</p>
486	203	8		KAFB	In case of major accident the FD should be contacted first. KCP notification would occur after initial life-saving calls are made.	<p>Section 8.1 of Attachment 8 of the draft Permit is now incorporated into Section 1.1 of Attachment F of the final Permit.</p> <p>NMED has revised the final Permit to indicate that both the FD and the KCP should be contacted in the case of major incidents or emergencies; the order of contact is not specified.</p> <p><b>Permit Modification:</b> The first sentence of the second paragraph of Section 1.1 of Attachment F of the final Permit has been revised to read:</p> <p><i>In the case of major incidents or emergencies that cannot be controlled with EOD Range resources, the Emergency Coordinator (EC) shall notify the KAFB Fire Department and the KAFB Command</i></p>

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						<i>Post (KCP).</i>
487	203	8.1	Purpose & Implementation	KAFB	1st paragraph. Add "outside the EOD Range" at the end of the last sentence. As stated in Section E.1 of the Contingency Plan included in the application, KAFB will handle minor incidents (i.e., those which can be controlled with EOD Range resources and do not threaten human health or the environment outside the EOD Range boundary) with trained EOD personnel, and response to minor incidents is not considered activation of the Contingency Plan.	<p>Section 8.1 of Attachment 8 of the draft Permit is now incorporated into Section 1.1 of Attachment F of the final Permit.</p> <p>NMED did not make the requested revision. The Contingency Plan must be implemented even if a minor incident occurs involving any fire, explosion, or release of hazardous waste or hazardous constituents that can threaten human health or the environment.</p> <p>The Contingency Plan was revised by the NMED to allow for EOD personnel to handle minor incidents or emergencies. However, there are reporting requirements in the Contingency Plan that must be met whether the incident or emergency is minor or major.</p> <p><b>Permit Modification:</b> The first sentence of the second paragraph of Section 1.1 of Attachment F of the final Permit has been revised to read:</p> <p><i>In the case of major incidents or emergencies that cannot be controlled with EOD Range resources, the Emergency Coordinator (EC) shall notify the KAFB Fire Department and the KAFB Command Post (KCP).</i></p>
488	203	8.1		KAFB	2nd paragraph, 1st sentence. Delete. See comment above. Revise paragraph accordingly (see permit application language in Section E.1 of the application).	<p>Section 8.1 of Attachment 8 of the draft Permit is now incorporated into Section 1.1 of Attachment F of the final Permit.</p> <p>See NMED response to Comment #487.</p> <p><b>Permit Modification:</b> See NMED response to Comment #487.</p>

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489	203	8.1.1	Distribution	KAFB	2nd paragraph, Line 2. Replace the 1st "EOD" with "EM Branch", and replace "at the personnel bunker at" with "in a vehicle driven to". Insert "for each planned treatment event" after "EOD Range". The personnel bunker is not the best location for storing any kind of records (e.g., potential rodent infestations, which could threaten human health).	<p>Section 8.1.1 of Attachment 8 of the draft Permit is now incorporated into Section 1.2 of Attachment F of the final Permit.</p> <p>NMED has revised the subject sentence to reference the EM Branch Office instead of the EOD Office.</p> <p>NMED did not remove the requirement to maintain a copy of the Contingency Plan at the personnel bunker. See NMED response to Comment #84.</p> <p>For the purpose of health and safety, the Permittee should do something to eliminate its rodent problem at the bunker if the bunker is to be used by EOD personnel.</p> <p><b>Permit Modification:</b> The first sentence of the 2<sup>nd</sup> paragraph of Section 1.2 of Attachment F of the final Permit has been revised to read:</p> <p><i>A copy of this Contingency Plan and any subsequent revisions to the plan shall be maintained at the Environmental Management (EM) Branch Office and a current copy shall be maintained at the KCP, and at the personnel bunker at the EOD Range.</i></p>
490	204	8.1.2	Operations & Activities at the OB/OD Units	KAFB	<p>(1) Top of page, Line 6. Replace "EC/RSO" with "generator and EOD personnel".</p> <p>(2) 2nd complete paragraph, Line 5. Add "if the material is of a classified nature or contraband" to the end of the sentence. This will more accurately reflect the language included in the permit application.</p>	<p>Section 8.1.2 of Attachment 8 of the draft Permit has been deleted from the final Permit.</p> <p>See NMED's response to Comment #21 regarding contraband.</p> <p><b>Permit Modification:</b> As indicated above.</p>
491	204	8.1.4		KAFB	Who is required to maintain these and are they needed as KAFB is self contained in emergency situations?	Section 8.1.4 of Attachment 8 of the draft Permit is now incorporated into Section 1.4

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						<p>of Attachment F of the final Permit.</p> <p>Section 1.4 of Attachment F of the final Permit is clear in that the Permittee shall maintain these support agreements. As stated in the referenced Section, such agreements are necessary in the event of a major catastrophe or multiple emergencies when the Facility's resources are overwhelmed. By rule (40 C.F.R. § 264.37), the Permittee is required to seek such agreements.</p> <p><b>Permit Modification:</b> None.</p>
492	204	8.1.4	Support Agreements with Outside Facilities	KAFB	<p>40 C.F.R. § 264.37 requires a facility to attempt to make arrangements with local authorities. However, neither 40 C.F.R. § 264.37 nor 40 C.F.R. § 270.14 require documentation of those attempts. Delete the permit condition requiring the Permittee to maintain documentation of failed attempts to obtain agreements with various outside facilities.</p>	<p>Section 8.1.4 of Attachment 8 of the draft Permit is now incorporated into Section 1.4 of Attachment F of the final Permit. Other relevant text is found in Section 2.4.4 of Part 2 of the final Permit.</p> <p>Written documentation is the only way to prove that the agreements were or were not reached, and that the Permittee made an attempt to reach such agreements. Thus, NMED did not delete the permit condition as requested.</p> <p>The text in what is now Section 2.4.4 of Part 2 of the final Permit (Section 2.3.5 of Part 2 of the draft Permit) was expanded to provide more detail on what is required to be provided to local authorities for response to emergencies. The text was revised due to concerns raised by the U. S. Environmental Protection Agency that on a national level hazardous waste facilities have not been providing sufficient information to local authorities to allow emergency responses to</p>

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						<p>be carried out with a better understanding of the hazards that potentially could be faced by emergency responders.</p> <p><b>Permit Modification:</b> As indicated above.</p>
493	205	8.3	Response Procedures	KAFB	<p>(1) 1st paragraph, Line 3. Replace "EC" with "Base Civil Engineer". Line 4.</p> <p>(2) Insert "or Base Civil Engineer" after "EOD RSO".</p> <p>(3) Line 7. Delete "control to the KCP, which may in turn relinquish (sic)". The sequence of events was described in Section E.3 of the application, and should be maintained in the permit.</p>	<p>Section 8.3 of Attachment 8 of the draft Permit is now incorporated into Sections 1.5 and 1.6 of Attachment F of the final Permit.</p> <p>(1) NMED did not make the requested revision. The Base Civil Engineer is an alternate EC, not the primary EC. However, NMED has modified the text to include notification of the Base Civil Engineer at the same time.</p> <p>(2) NMED did not make the requested revision. The Base Civil Engineer is an alternate EC, not the primary EC. The Base Civil Engineer is not likely to normally be on site during treatment operations.</p> <p>(3) The rationale supporting the comment is not specific as to what sequence of events is considered by the Permittee to be inappropriate. The Application contains conflicting language as to whether the KCP or the FD has initial responsibility for a major incident or emergency (see line 24-32 on page E-4 and lines 7-13 on page E-6 of the Application). NMED chose to have the KCP take initial responsibility.</p> <p>NMED has corrected the typographical error for the word "relinquish".</p> <p>Finally, to eliminate confusion, the NMED has replaced the term "RSO" with "EC" everywhere in the final Permit where the emergency coordinator has specified duties.</p>

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						<b>Permit Modifications:</b> As indicated above.
494	205	8.3		KAFB	(1) 2nd paragraph, Line 3. Insert "during an incident or emergency" after "assistance".  (2) Line 4 and Items 1-3. The way NMED has changed the language from that provided in the application is confusing. Return to the language provided in the application or else add "unless" after "Unit:", delete "When" in Item 1, delete "Until" in Item 2, and "and/or" at the end of Item 2, and delete "Until" from Item 3. As currently written in paragraph 2 and Items 1-3, an inspection could never be conducted.	Section 8.3 of Attachment 8 of the draft Permit is now incorporated into Sections 1.5 and 1.6 of Attachment F of the final Permit. The subject language was deleted from the final Permit.  <b>Permit Modifications:</b> As indicated above.
495	205	8.3		KAFB	3rd paragraph, Item 1. Delete "To".	Section 8.3 of Attachment 8 of the draft Permit is now incorporated into Sections 1.5 and 1.6 of Attachment F of the final Permit. NMED has made the requested revision.  <b>Permit Modification:</b> Item #1 of the third paragraph of Section 1.5 of Attachment F of the final Permit has been revised to read:  <i>1. Assess the situation. By observing the scene, interviewing personnel, and/or reviewing records, the EC shall gather information relevant to the response, such as the type of event, quantity and type of released material, and actual or potential hazards to human health or the environment.</i>
496	206	8.3		KAFB	1st complete paragraph, Line 2. The permit condition requires a person to be assigned to stand by at a safely located telephone. Telephones are not required emergency equipment at the EOD Range. Revise permit condition to read "In the event that the EOD RSO determines an incident or an emergency to be minor, a	Section 8.3 of Attachment 8 of the draft Permit is now incorporated into Sections 1.5 and 1.6 of Attachment F of the final Permit. NMED made the requested revision, except NMED requires that the radio be capable of both receiving and transmitting

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					person shall be assigned to stand by with a hand-held radio at a safe distance."	communications. <b>Permit Modification:</b> The first sentence of the 3 <sup>rd</sup> paragraph of Section 1.6 of Attachment F has been revised to read: <i>In the event that the EC determines an incident to be minor, a person shall be assigned to stand by at a safe distance with a two-way radio.</i>
497	206	8.3		KAFB	After the 1st complete paragraph, insert the language included in the permit renewal application on pages E-5 and E-6, beginning with "For the following reasons, most unplanned incidents involving the EOD Range will initially be considered minor incidents:" and include the 4 bulleted items included therein.	Section 8.3 of Attachment 8 of the draft Permit is now incorporated into Sections 1.5 and 1.6 of Attachment F of the final Permit. The subject text has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
498	206	8.3		KAFB	(1) 2nd complete paragraph, Line 2. Insert "and activate this Contingency Plan" after "846-3777". (2) Line 4. Delete "and the Department". 40 C.F.R. § 264.56(d) only requires notification to the National Response Center.	Section 8.3 of Attachment 8 of the draft Permit is now incorporated into Sections 1.5 and 1.6 of Attachment F of the final Permit. (1) NMED did not make the requested revision. See NMED response to Comment #487. (2) Under its omnibus authority pursuant to 40 C.F.R. § 270.32(b)(2), NMED wants to be notified of all incidents or emergencies, if any should occur, at the OD Unit. Thus, NMED did not delete the requirement to notify the NMED. <b>Permit Modification:</b> None.
499	206	8.3.1	Spills	KAFB	(1) Line 1. Insert "liquid" after "If any". Solid form wastes would not require spill cleanup measures included in this permit condition because they would not contaminate any media.	Section 8.3.1 of Attachment 8 of the draft Permit is now incorporated into Section 1.6.1 of Attachment F of the final Permit. (1) NMED did not make the requested revision. Spills can include solid forms of

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					(2) Line 5. Delete the sentence beginning with "Waste not authorized". If a waste is not authorized for treatment by OB or OD, it will not be accepted for treatment in the first place, and it would be up to the generator to manage the path forward for the waste.	waste, and solids can contaminate media. (2) The NMED did not make the requested revision. Due to inadvertent errors or deliberate causes, it is possible that waste could show up on site that is not authorized for treatment. <b>Permit Modification:</b> None.
500	206	8.3		KAFB	Accident scenario: the FD is called and is ER coordinator and where is the requirement to call the NRC for an explosive accident on a military installation?	Section 8.3 of Attachment 8 of the draft Permit is now incorporated into Sections 1.5 and 1.6 of Attachment F of the final Permit. The requirement to contact the National Response Center originally came from the Permittee's Part B Application, Appendix E, Section E.3: "The EM Branch Chief will notify the National Response Center (1-800-424-8802) with the details of the emergency, in accordance with 20.4.1 NMAC [incorporating 40 C.F.R.] § 264.56(d)(2)". <b>Permit Modification:</b> None.
501	207	8.3.4	Unplanned Fire etc.	KAFB	(1) Line 4. Replace "occurs" with "threatens areas outside the EOD Range boundary", as indicated in the permit renewal application. (2) Line 4. Insert "in this situation" after "activated", as indicated in the application.	Section 8.3.4 of Attachment 8 of the draft Permit is now incorporated into Section 1.6.3 of Attachment F of the final Permit. (1) NMED did not make the requested revision. The area encompassed by the EOD Range is large. Any fire or explosion that is big enough to affect a significant area within the boundary of the EOD Range is an emergency that NMED doubts that EOD personnel could handle by themselves. (2) NMED did not make the requested revision. See also NMED response to Comment #487.

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						<b>Permit Modification:</b> None.
502	207	8.3.6	Evacuation	KAFB	Replace "two-way" with "hand-held", as indicated in the application.	Attachment 8, Section 8.3.6 of the draft Permit is now Attachment F, Section 1.6.5 of the final Permit. NMED did not make the requested revision. See NMED's response to Comment #496. <b>Permit Modification:</b> None.
503	208	8.3.6.2	Evacuation Route	KAFB	Line 3. Delete "EOD office" and replace "EC" with "RSO". There is no need to post the evacuation route at the EOD Shop (office), as it is not located near the EOD Range.	Section 8.3.6.2 of Attachment 8 of the draft Permit is now incorporated into Section 1.6.5.2 of Attachment F of the final Permit. NMED deleted the phrase "EOD Office" of the subject sentence from the final Permit. Although the RSO may be considered to be the primary EC, it is possible that a secondary EC will take over the responsibility of the primary EC. Thus, NMED did not make the second requested revision. <b>Permit Modification:</b> The last sentence of Section 1.6.5.2 of Permit Attachment F as been revised to read: <i>The map shall be posted at the EOD Range personnel bunker and carried by the EC on all treatment operations.</i>
504	208	8.5.1	Post-Emergency Inspections & Activities	KAFB	(1) Item 1. Replace "EOD RSO" with "EC", as indicated in the permit renewal application. (2) Insert "that requires implementing the Contingency Plan" after "emergency", as indicated in the application.	Section 8.5.1 of Attachment 8 of the draft Permit is now incorporated into Section 1.8.1 of Attachment F of the final Permit. (1) NMED made the requested revision. See NMED response to Comment #493. (2) NMED did not make the requested revision. See also NMED response to

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						<p>Comment #487.  <b>Permit Modifications:</b> As indicated above.</p>
505	209	8.5.2	Post-Emergency Reports	KAFB	<p>(1) Item 2. Delete "or" in the first line, or delete "emergency or incident" instead. 40 C.F.R. § 264.56(j) requires "a written report".</p> <p>(2) Item 2a. Delete ", the EOD RSO, and the EM Branch Chief of Compliance". 40 C.F.R. § 264.56(j)(1) requires the name, address, and telephone number of the owner or operator, not the others listed in this item.</p> <p>(3) Item 2b. Replace "responsible official" with "EOD Shop", as indicated in the application. 40 C.F.R. § 264.56(j)(1) requires the name, address, and telephone number of the facility, which in this case is the EOD Shop (as they are in charge of the EOD Range).</p>	<p>Section 8.5.2 of Attachment 8 of the draft Permit is now incorporated into Section 1.8.2 of Attachment F of the final Permit.</p> <p>(1) NMED did not make the requested revision. It is clear that the purpose of the "written report" is to document details concerning an emergency or incident.</p> <p>(2) NMED did not make the requested revision. The Commander, EC, and Branch Chief of Compliance represent the owner and operator and should be the persons most familiar with the details of the emergency or incident.</p> <p>(3) NMED did not make the requested revision. The EOD Shop is not a person. The Permittee must supply a name as the main Facility contact and who has the authority to respond to the NMED concerning an emergency or incident report.</p> <p><b>Permit Modification:</b> None.</p>
506	210	8.5.3	Emergency Response Evaluation	KAFB	<p>(1) Item 1. Delete ", or applications,". 40 C.F.R. § 264.54(a) requires an amendment of the contingency plan only when "The facility permit is revised". It does not require amendment of the plan when applicable regulations are revised.</p> <p>(2) Item 4. Add "significantly" after "changes". Minor changes to the list of emergency equipment should not force amending the plan.</p>	<p>Section 8.5.3 of Attachment 8 of the draft Permit is now incorporated into Section 1.8.3 of Attachment F of the final Permit.</p> <p>(1) The word "applications" does not exist in Item #1. However, the comment appears to refer to amending the Contingency Plan when applicable regulations are changed. The Permit, which includes the Contingency Plan, must be modified anytime that regulations applicable to the Permit are revised (40 C.F.R. § 270.41(a)(3)).</p>

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						<p>(2) The rule (40 C.F.R. §.264.54(e)) does not differentiate between minor or significant changes in emergency equipment. Thus, NMED did not make the requested revision.</p> <p><b>Permit Modification:</b> None.</p>
507	210	8.5.3		KAFB	Lines 2 and 3. Delete the sentence beginning with "A copy of".	<p>Section 8.5.3 of Attachment 8 of the draft Permit is now incorporated into Section 1.8.3 of Attachment F of the final Permit.</p> <p>Table 8-1 of Attachment 8 of the draft Permit is now Table F-1 of Attachment F of the final Permit.</p> <p>NMED did not make the requested revision. See NMED's response to Comment #84.</p> <p><b>Permit Modification:</b> None.</p>
508	211	Table 8-1		KAFB	Need additional Emergency coordinator. The EC is not the Range Safety Officer that is the 7-level EOD technician on scene during explosive operations.	<p>Table 8-1 of Attachment 8 of the draft Permit is now Table F-1 of Attachment F of the final Permit.</p> <p>Section 2.5.4 of Part 2 of the final Permit requires the Permittee to revise Table F-1 of Attachment F of the final Permit. This revision should include other persons that will act as primary and alternate ECs.</p> <p><b>Permit Modification:</b> None.</p>
509	211	Table 8-2		KAFB	<p>(1) The permit renewal application does not list a demolition kit, spill containment kit, eye wash kit, or brooms in the list of required emergency equipment. Delete these items from Table 8-2. Eye washes are included in first-aid kits.</p> <p>(2) Delete "-- ABC" from the fire extinguishers entry. See comment related to Section 2.2.4 above.</p>	<p>Tables 8-2 and 8-3 of Attachment 8 of the draft Permit have been combined as Table F-2 of Attachment F of the final Permit.</p> <p>(1) NMED did not make the requested revision (note that "demolition kit" should actually be "decontamination kit"). Spill containment kits, decontamination kits and brooms are standard equipment for handling</p>

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					(3) Replace "Two-way" with "Hand-held" in the first line, as indicated in Table E-3 of the permit renewal application.	<p>spills. If eye washes are included in the first-aid kits, then that requirement has been met. NMED did not remove the requirement to have an eye wash kit, as not all first-aid kits contain eye wash kits.</p> <p>(2) NMED did not make the requested revision. See NMED's response to Comment #387.</p> <p>(3) NMED did not make the requested revision. See NMED response to Comment #397.</p> <p><b>Permit Modification:</b> On Table F-2 of Permit Attachment F, "Demolition kit" has been revised to read:  <i>"Decontamination Kit"</i></p>
510	212	Table 8-3		KAFB	<p>(1) Under Medical Supplies, replace with the language submitted in Table E-4 of the permit application, and delete the second sentence.</p> <p>(2) Under Safety Supplies, delete the second and third sentences. These entries were not included in Table E-4 of the application.</p> <p>(3) Under Transportation, replace with the language submitted in Table E-4 of the permit application. NMED's additions to these entries are far too specific.</p>	<p>Tables 8-2 and 8-3 of Attachment 8 of the draft Permit have been combined as Table F-2 of Attachment F of the final Permit. NMED has made the requested revisions to what is now Table F-2 of Attachment F of the final Permit.</p> <p><b>Permit Modifications:</b> Permit Attachment F, Table F-2:</p> <p>(1) The second sentence under "Description" for "<i>Medical Supplies</i>" has been deleted.</p> <p>(2) The second and third sentences under "Description" for "<i>Safety Supplies</i>" have been deleted.</p> <p>(3) The Description of Transportation equipment has been changed to reflect that in the Permit Application.</p>

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511	213	9.0	Introduction	KAFB	<p>(1) 1st paragraph, Lines 3 and 4. The New Mexico Hazardous Waste Management Regulations (HWMR) are referenced in this permit attachment. To be consistent with other parts of the permit, 40 C.F.R. regulations should be cited. In this case, replace "New Mexico Hazardous Waste Management Regulations (HWMR)" with "40 C.F.R. § 264.16".</p> <p>(2) 2nd paragraph, Line 3. Insert a period before "EOD".</p>	<p>Section 9.0 of Attachment 9 of the draft Permit is now incorporated into Section 1.0 of Attachment G of the final Permit.</p> <p>(1) The Permit cites, <u>generally</u>, the federal equivalent of the State regulations. The HWMR are appropriately referenced here, so NMED did not make the requested revision. Additionally, occasional reference to the HWMR reminds everyone that the Permit is based on State regulations, and thus, NMED is the administrative authority.</p> <p>(2) NMED has added the punctuation (period).</p> <p><b>Permit Modification:</b> As indicated above.</p>
512	213	9.1	Training Program	KAFB	<p>The permit condition states that training is the overall responsibility of the EOD Flight Chief and the Range Safety Officer. The permit renewal application states only that the Flight Chief is responsible. Revise to reflect permit renewal application language [i.e., delete "and the Range Safety Officer (RSO)"].</p>	<p>Section 9.1 of Attachment 9 of the draft Permit is now Section 1.1 of Attachment G of the final Permit.</p> <p>NMED has made the requested revision.</p> <p><b>Permit Modification:</b> The first sentence of Section 1.1 of Attachment G of the final Permit has been revised to read:</p> <p><i>Training for personnel is the overall responsibility of the EOD Flight Chief.</i></p>
513	213	9.1.2	Training Content, etc.	KAFB	<p>Line 4. The HWMR are referenced in this section. To be consistent with other parts of the permit, 40 C.F.R. regulations should be cited. In this case, replace "HWMR" with "40 C.F.R. § 264.16".</p>	<p>Section 9.1.2 of Attachment 9 of the draft Permit is now Section 1.1.3 of Attachment G of the final Permit.</p> <p>NMED did not make the requested revision. See NMED's response to Comment #511.</p> <p><b>Permit Modification:</b> None.</p>

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514	213	9.2	Training Director	KAFB	Line 4. The HWMR are referenced in this section. To be consistent with other parts of the permit, 40 C.F.R. regulations should be cited. In this case, replace "HWMR" with "40 C.F.R. § 264.16".	Section 9.2 of Attachment 9 of the draft Permit is now Section 1.2 of Attachment G of the final Permit. NMED did not make the requested revision. See NMED's response to Comment #511. <b>Permit Modification:</b> None.
515	216	10.0	Introduction	KAFB	(1) 1st paragraph, Line 3. Delete "and approved by the New Mexico Environment Department (Department)" (i.e., return to the language included in the permit renewal application). NMED does not certify closures; a registered professional engineer does. (2) Lines 4 & 5. The New Mexico Hazardous Waste Management Regulations (HWMR) are referenced in this permit attachment. To be consistent with other parts of the permit, 40 C.F.R. regulations should be cited. In this case, replace "New Mexico Hazardous Waste Management Regulations" with "40 C.F.R. Part 264, Subpart G" or with "40 C.F.R. § 264.115".	Section 10.0 of Attachment 10 of the draft Permit is now Section 1.0 of Attachment H of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. (1) The NMED approves both the completion of closure and the certification of closure. NMED has revised the text to better clarify this fact. (2) NMED did not make the requested revision. See NMED response to Comment #511. <b>Permit Modification:</b> The second sentence of Section 1.0 of Attachment H of the final Permit has been revised to read: <i>Until final closure is complete and certification of closure has been approved by the Department, a copy of the approved Closure Plan and all approved revisions shall be maintained in the Operating Record.</i>
516	216	10.1	General Closure Information	KAFB	The plan was also prepared in accordance with Subpart H. Insert ", H," after "Subparts G", as indicated in the permit renewal application.	Section 10.1 of Attachment 10 of the draft Permit is now Section 1.1 of Attachment H of the final Permit. NMED did not make the requested revision as it is unnecessary. Subpart H (financial

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						assurance) requirements do not apply to federal facilities such as KAFB (40 C.F.R. § 264.140(c)). <b>Permit Modification:</b> None.
517	216	10.1.1	Closure Performance Standard	KAFB	The last paragraph from Section F.1.1 included in the application, which summarizes how the closure performance standards will be met, was deleted. Reinsert that paragraph.	Sections 10.1.1 and 10.1.2 of Attachment 10 of the draft Permit are now Sections 1.1.1 and 1.1.2 of Attachment H of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  The Closure Plan has been revised in the final Permit to indicate that all structures and equipment are to be removed from the OD Unit at closure. <b>Permit Modification:</b> Attachment H, Section 1.1.2, second paragraph, Item #1 has been revised to read: <i>Removing all structures and equipment used at the OD Unit</i>  Section 1.1.2, third paragraph, Item #2 has been revised to read: <i>All structures and all equipment have been removed from the OD Unit</i>
		10.1.2	Partial and Final Closure Activities	NMED	All structures used for open detonation treatment and open burning treatment will be removed and disposed of as hazardous waste.	
518	217	10.1.3	Maximum Extent of Operations	KAFB	1st paragraph, second sentence. NMED added this sentence. However, closure activities will be limited to the inner fenced area (the area containing the units). Anything beyond that area would be covered by corrective actions. Clarify or delete.	Section 10.1.3 of Attachment 10 of the draft Permit is now Section 1.1.3 of Attachment H of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  See NMED response to Comment #113

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						<p>regarding the inner fence.</p> <p>NMED did not allow the Permit to contain language that limits conducting closure activities to only the area once contained within the inner fence, as it is possible that some closure activities may need to address contamination located outside of this boundary. Any contaminated area caused by OD Unit operations is subject to corrective action requirements regardless of the whether the lies within or outside the former inner fence boundary.</p> <p><b>Permit Modification:</b> None.</p>
519	217	10.1.3		KAFB	<p>(1) 2nd paragraph, Line 1: Revise to read "No more than 100,000 lbs NEW of hazardous wastes..."</p> <p>(2) Line 2. Revise to read "No more than 80,000 lbs NEW of hazardous waste..." These changes will reflect the correct language, as indicated in Section F.1.3 of the application.</p> <p>(3) Line 3. Replace "present" with "2005". The maximum inventory (of 151,000 pounds) was an estimate when the revised permit renewal application was submitted to NMED in December 2005.</p>	<p>Section 10.1.3 of Attachment 10 of the draft Permit is now Section 1.1.3 of Attachment H of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>(1, 2 and 3) The subject text was deleted from the final Permit.</p> <p><b>Permit Modification:</b> As indicated above.</p>
520	217	10.1.5	Amendment of the Closure Plan	KAFB	<p>1st paragraph. 40 C.F.R. § 264.112(c) requires the owner/operator to submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan; the written notification or request must include a copy of the amended closure for review or approval. This language was deleted from the first paragraph. Revise to reflect language in Section F.1.5, paragraph 1, of the permit renewal application.</p>	<p>Section 10.1.5 of Attachment 10 of the draft Permit has been deleted from the final Permit.</p> <p>However, the requirement to amend the closure plan under certain conditions is still present in Section 4.1 of Part 4 of the final Permit, including the reference to the requirements at 40 C.F.R. § 264.112(c).</p> <p><b>Permit Modification:</b> As indicated above.</p>

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521	217	10.1.5		KAFB	Item 5 requires closure plan amendment for "Changes in state law that affect the Closure Plan.". 40 C.F.R. § 264.112(c)(2) does not require amendment of the closure plan in response to changes in state law; it requires an amendment to the plan only for conditions in Items 1-4. Delete Item 5.	<p>Section 10.1.5 of Attachment 10 of the draft Permit has been deleted from the final Permit.</p> <p>However, the requirement to amend the closure plan if changes to state law affect the plan is still present in Section 4.1 of Part 4 of the final Permit. NMED, using its omnibus authority under 40 CFR 272.32, did not delete the requirement because the final Permit is being issued under state laws and regulations (New Mexico Hazardous Waste Act and the New Mexico Hazardous Waste Management Regulations). Changes in state law could affect a Closure Plan.</p> <p><b>Permit Modification:</b> As indicated above.</p>
522	218	10.2.1	Closure Report	KAFB	Item 1. The certification is not described in Section 13.1.7. Replace "13.1.7" with "10.2".	<p>Section 10.2.1 of Attachment 10 of the draft Permit is now Section 1.2 of Attachment H of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p>NMED has corrected the erroneous citation.</p> <p><b>Permit Modification:</b> Item #1 under Attachment H, Section 1.2 has been revised to read:</p> <p><i>1. The certification described in Permit Section 4.7;</i></p>
523	219			KAFB	Item 9 requires a survey plat. The 40 C.F.R. § 264.116 survey plat requirements pertain only to hazardous waste disposal units. The OB and OD Units are not hazardous waste disposal units; therefore, a survey plat is not required. KAFB does not intend to let waste remain after closure. Delete Item 9.	<p>Section 10.2.1 of Attachment 10 of the draft Permit is now Section 1.2 of Attachment H of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p>

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						<p>NMED has made the requested revision. However, if the OD Unit can not be clean closed, a survey plat will be required.  <b>Permit Modification:</b> as indicated above.</p>
524	219	10.2.2		KAFB	Delete this permit condition section. See previous comment for justification.	<p>Section 10.2.2 of Attachment 10 of the draft Permit has been deleted from the final Permit.            See NMED response to Comment #523.  <b>Permit Modification:</b> See NMED response to Comment #523.</p>
525	219	10.3	Closure Procedures	KAFB	2nd paragraph, Line 1. Replace the second "of" with "at".	<p>Section 10.3 of Attachment 10 of the draft Permit is now Section 1.3 of Attachment H of the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.            NMED did not make the requested revision. A survey <i>at</i> the OD Units is not necessarily a survey <i>of</i> the OD Unit. NMED expects the survey to be of the OD Unit.  <b>Permit Modification:</b> None.</p>
526	219	10.3.1	OB Unit	KAFB	The first paragraph of Section F.2.1 included in the permit renewal application was deleted. That paragraph discussed using swipe sampling as the first step in closing the OB unit. Swipe sampling has been used successfully for closures at other federal facilities in New Mexico. Reinsert that paragraph to allow for swipe sampling.	<p>Section 10.3.1 of Attachment 10 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.  <b>Permit Modification:</b> As indicated above.</p>
527	219	10.3.1		KAFB	(1) 1st paragraph, Line 1. Insert "If the analyses indicate that decontamination is necessary," before "The steel container". The steel container will be washed	<p>Section 10.3.1 of Attachment 10 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for</p>

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					<p>down only if results from swipe sampling indicate a need for decontamination by washing.</p> <p>(2) Delete "and Open Detonation Unit". This section describes closure procedures for the OB unit, not the OD unit.</p>	<p>the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modification:</b> As indicated above.</p>
528	219	10.3.1		KAFB	<p>(1) 2nd paragraph, Line 1. Delete "warm". There is no need for the detergent and water solution to be "warm" to be effective in decontamination.</p> <p>(2) Line 5. Delete "wash or". The wash water may have toxicity characteristic contaminants; if so, the data will be used for subsequent management of the wash water. Data from the rinse water will determine if any contaminants remain on the steel container and another wash/rinse cycle is required.</p> <p>(3) Line 8. Delete "wash and" for the same reason.</p>	<p>Section 10.3.1 of Attachment 10 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modification:</b> As indicated above.</p>
529	220	10.3.1		KAFB	<p>(1) 1st paragraph, Line 1. Insert "(if necessary)" after "decontaminated". See first comment related to 10.3.1 above for justification. Line 4.</p> <p>(2) Delete "wash and". See comment above for justification.</p>	<p>Section 10.3.1 of Attachment 10 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modification:</b> As indicated above.</p>
530	220	10.3.1		KAFB	<p>(1) 3rd paragraph, Line 2. There are no background levels for organics and HE. Revise appropriately (see 4th paragraph of Section F.3 in the permit renewal application).</p> <p>(2) Line 7. Replace "residential" with "industrial". The 1st paragraph in Section 3.5 of Part 3 in this draft permit states "industrial scenario", which is justified. The EOD Range at KAFB will not be converted to residential use.</p>	<p>Section 10.3.1 of Attachment 10 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1.</p> <p><b>Permit Modification:</b> As indicated above.</p>

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531	220	10.3.1		KAFB	5th paragraph. Line 2. Replace "as hazardous waste" with "appropriately". Second sentence. Delete. PPE won't necessarily become hazardous waste. To assume the PPE is contaminated with all the hazardous waste constituents ever treated at the OB unit is not justified.	Section 10.3.1 of Attachment 10 of the draft Permit has been deleted from the final Permit. Requirements and authorizations for the OB Unit have been removed from the final Permit. See NMED response to Comment #1. <b>Permit Modification:</b> As indicated above.
532	220	10.3.2	OD Unit	KAFB	(1) Line 2. Soil sampling procedures are described in Section 10.4.1. Replace "10.3" with "10.4.1". (2) Line 5. There are no background levels for organics and HE. Revise appropriately.	Section 10.3.2 of Attachment 10 of the draft Permit has been incorporated into Section 1.3 of Attachment H of the final Permit. NMED has corrected the erroneous citation. The draft Permit and the final Permit do not refer to background levels for organics and HE. <b>Permit Modification:</b> As indicated above.
533	221	10.3.2		KAFB	Line 3. Replace "residential" with "industrial". The 1st paragraph in Section 3.5 of Part 3 in this draft permit states "industrial scenario", which is justified. The EOD Range at KAFB will not be converted to residential use.	Section 10.3.2 of Attachment 10 of the draft Permit has been incorporated into Section 1.3 of Attachment H of the final Permit. The NMED did not make the requested revision. The Permittee must clean up to an unrestricted residential land-use scenario because the Permittee can not ensure that the land will not be used contrary to the level of clean up if the land is transferred to another entity. <b>Permit Modification:</b> None.
534	221	10.4	Sampling, Decontamination Procedures, & PPE	KAFB	(1) 1st paragraph, Line 5. Replace "analytical" with "sampling". This section is about sampling, not analysis. (2) Line 6. Delete "of waste". Sampling will be conducted to determine if any media are contaminated;	Section 10.4 of Attachment 10 of the draft Permit has been incorporated into Section 1.4 of Attachment H of the final Permit. (1) NMED has made the requested revision. The requirement to submit analytical data in the closure report occurs elsewhere in the

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					<p>if so, the media will be "waste".</p> <p>(3) Line 8. The word "or" should not be italicized nor underlined.</p>	<p>Permit.</p> <p>(2) NMED did not make the requested revision. Waste may be present at the site at closure, including contaminated media that becomes waste.</p> <p>(3) NMED has corrected the grammar.</p> <p><b>Permit Modifications:</b> The third sentence of the first paragraph of Attachment H, Section 1.4 of the final Permit has been revised to read:</p> <p><i>All sampling methods and procedures used shall be described in the Closure Report.</i></p> <p>Also, the last sentence of the 1<sup>st</sup> paragraph of Section 1.4 of Attachment H of the final Permit has been revised to read:</p> <p><i>Sampling of waste shall be conducted in accordance with procedures given below in this Permit Attachment (H) and in <u>Samplers and Sampling Procedures for Hazardous Waste Streams (EPA, 1980)</u> or <u>SW-846</u>.</i></p>
535	221	10.4		KAFB	<p>(1) 2<sup>nd</sup> Paragraph, Line 1. Insert "reusable" after "The". If the tools and equipment are disposable, there is no need to scrape and clean them.</p> <p>(2) Line 5. Here, Tables 10-2 through 10-4 are referenced, whereas in Section 10.3.1, 2nd paragraph, Table 1 of 40 C.F.R. 261.24 is used for wash and rinse water. This is inconsistent. Revise appropriately.</p>	<p>Section 10.4 of Attachment 10 of the draft Permit has been incorporated into Section 1.4 of Attachment H of the final Permit.</p> <p>(1) The word "reusable" has been inserted into the first sentence of the second paragraph.</p> <p>(2) NMED has deleted the subject text from the final Permit. All equipment and structures are to be removed from the OD Unit to complete closure.</p> <p><b>Permit Modifications:</b> The first sentence of the second paragraph of Section 1.4 of Attachment H of the final Permit has been</p>

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						revised to read: <i>Reusable tools and equipment shall be scraped as necessary to remove any contaminated soil, debris, or residue; cleaned with detergent and water solution; and rinsed with clean water.</i>
536	226	10.5.2	Waste Containers	KAFB	5th bullet. Delete. This is already covered with Item 7 in Section 10.5.1.	Section 10.5.2 of Attachment 10 of the draft Permit has been deleted from the final Permit. This includes the bullet that is the subject of the comment. <b>Permit Modification:</b> As indicated above.
537	228	Table 10-1		KAFB	Add "Extensions to the schedule may be requested, as necessary" to the footnote, as indicated in Table F-1 of the permit renewal application.	Attachment 10, Table 10-1 of the draft Permit is now Attachment H, Table H-1 of the final Permit. NMED did not make the requested revision. Extensions for reports may be requested as provided under Section 1.38 of Part 1 of the final Permit. Extensions for closure activities may be requested under certain conditions pursuant to 40 C.F.R. § 264.113(a). <b>Permit Modification:</b> None.
538	229	Table 10-2		KAFB	This is not the same table as Table F-2 submitted with the permit renewal application. Most of the methods NMED substituted have been "Noticed for removal" from SW-846, and the target detection limits for the few methods (7061A, 7470A, and 7471A) that have not been "Noticed for removal" do not list the correct target detection limits provided in those methods. In addition, NMED added "mg/kg" to the target detection limit column, but does not provide values in both units, and thallium is listed twice (with different detection limits). Replace this table with the original Table F-2 included	Attachment 10, Table 10-2 of the draft Permit is now Attachment H, Table H-2 of the final Permit. NMED has revised the subject table (but did not replace it with Table F-2 of the Application). Some parts of the table were unnecessary, some detection limits were too high, and the table inadvertently did not include detection limits for constituents in soil. Furthermore, it was not clear in the

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					in the application.	<p>draft Permit what detection limits would have applied to soil samples and which would be applied to water samples.</p> <p>The column titled <i>Instrumentation</i> on the right side of the table has been deleted from the final Permit as it does not add information beneficial to the purpose of the table.</p> <p><b>Permit Modifications:</b> Table H-2 of Permit Attachment H of the final Permit has been revised:</p> <ol style="list-style-type: none"> <li>1. The duplicate entry for thallium was removed.</li> <li>2. The analytical method and associated detection limits have been revised.</li> <li>3. The column <i>Instrumentation</i> on the right side of the table was deleted.</li> <li>4. The title of Table H-2 was revised to read: <i>Maximum Detection Limits and Analytical Methods for Analysis of Metals</i></li> </ol>
539	230	Table 10-3		KAFB	This table is not particularly useful if NMED is not going to provide compound specific detection limits.	<p>Attachment 10, Table 10-3 of the draft Permit is now Attachment H, Table H-3 of the final Permit.</p> <p>NMED has revised the table to include detection limits for specific compounds.</p> <p><b>Permit Modification:</b> As indicated above.</p>
540	230	Table 10-3		KAFB	Again, this is not the same table as Table F-3 submitted with the permit renewal application. NMED has listed a range for target detection limits; however, the target detection limits in Methods 8260B and 8270C are chemical and/or compound specific. This should be reflected in the table.	<p>Attachment 10, Table 10-3 of the draft Permit is now Attachment H, Table H-3 of the final Permit.</p> <p>See NMED response to Comment #539.</p> <p><b>Permit Modification:</b> See NMED's</p>

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						response to Comment #539.
541	231	Table 10-4		KAFB	It appears that the target detection limits do not line up with the specific HE listed. Reformat table to align specific analyte with specific target detection limit. The last value of 1.0 in the TDL column should be deleted.	Attachment 10, Table 10-4 of the draft Permit is now Attachment H, Table H-4 of the final Permit. NMED has corrected the table and improved the readability of the table. The column <i>Instrumentation</i> on the right side of the table has been deleted as it does not add information beneficial to the purpose of the table. NMED notes also that references to "Target Detection Limits" should actually be "Maximum Detection Limits" and has been revised to reflect this case in what is now Table H-4 of the final Permit. <b>Permit Modifications:</b> As indicated above.
542	232	Table 10-5 Table 10-6		KAFB	Suggest removing these tables. NMED can require KAFB to use SW-846 methods which will have associated sample preservation and container requirements. It is not necessary for that specific information to be part of the permit.	Attachment 10, Tables 10-5 and 10-6 of the draft Permit is now Attachment H, Tables H-5 and H-6 of the final Permit. NMED did not make the requested revision. The Closure Plan contains a sampling and analysis plan. Preservation and container requirements are common components of sampling and analysis plans. <b>Permit Modification:</b> None.
543	234	Table 10-7		KAFB	The sample matrix type for equipment blanks (i.e., equipment rinsate blanks) would be water only. Delete "Soil/".	Attachment 10, Table 10-7 of the draft Permit is now Attachment H, Table H-7 of the final Permit. NMED has made the requested revision. <b>Permit Modification:</b> As indicated above.

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544	235	Table 10-8		KAFB	Add "7000 Series" to "Metals". See comment related to Table 10-2 above.	Attachment 10, Table 10-8 of the draft Permit has been deleted from the final Permit. <b>Permit Modification:</b> As indicated above.
545	General			KAFB	<p>The only plans that should be included as attachments in the permit are the Waste Analysis Plan (Attachment 5), the Soil Sampling and Analysis Plan (Attachment 6), the Inspection Plan (Attachment 7), the Contingency Plan (Attachment 8), the Personnel Training Plan (Attachment 9), and the Closure Plan (Attachment 10).</p> <p>The information in Attachments 1 and 2 should be reduced to reflect actual permit conditions (perhaps as a module).</p> <p>The information in Attachment 3 was provided to meet Subpart X requirements, and should not be included in the permit.</p> <p>The information in Attachment 4 needs to be replaced with the information presented on pages 6 and 7 of 7 from the Part A, which summarized the types of wastes managed at each unit.</p>	<p>NMED did not delete completely Attachments 1-2 of the draft Permit (now combined into Attachment A of the final Permit). The information retained in Attachment A of the final Permit concerns the location and other basic details of the Facility and security.</p> <p>NMED deleted Attachment 3 of the draft Permit (see NMED response to Comment #417).</p> <p>Regarding replacement of information in Permit Attachment 4 of the draft Permit, NMED did not make this revision (see NMED's response to Comment #422).</p> <p><b>Permit Modification:</b> As indicated above.</p>
546	Throughout	Text		KAFB	Throughout this permit, the words "This Permit Condition shall not be construed to limit the Dept's authority..." From our understanding this means even if a condition is not in the Permit, and we don't know about it, the "Dept" can fine us without reprieve. In addition, how can the Dept hold us to rules that are "self-imposed" or imposed by another governing body?	<p>With respect to RCRA facilities for RCRA matters, NMED enforces the regulations and statutory requirements that the agency has been authorized to enforce under the Hazardous Waste Act and the New Mexico Environmental Improvement Board.</p> <p>There are state RCRA regulations that are addressed or not addressed in detail in the Permit that apply to the Permittee. It is the responsibility of the Permittee to inform itself of these regulations and to comply with them.</p>

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						<b><u>Permit Modification:</u></b> None.
547	Throughout	Text		KAFB	The language throughout this Permit isn't "public" friendly. Re-write so all users, who are not EPA types can understand. This would alleviate a lot of confusion when it comes to compliance.	The rules and technical requirements under RCRA are unfortunately complex. The NMED has made an effort to write this Permit using language and a structure that is as simple as possible to understand. The Permittee and the public can always ask the NMED questions if they don't understand a provision in the Permit. <b><u>Permit Modification:</u></b> None.
548	Throughout	Text		KAFB	Re-number paragraphs. Some are numbered while others are not. When making reference to another paragraph, cite the exact reference paragraph to eliminate confusion.	See NMED's response to Comment #1. <b><u>Permit Modification:</u></b> See NMED's response to Comment #1.
549	Throughout	Text		KAFB	"Compliance with this permit (pg. 2 paragraph 1.2.1) Compliance with the permit is the only defense we have. The permit is our operating guidelines. If we can't stand on it, why do we have it?"	See NMED's response to Comment #546. <b><u>Permit Modification:</u></b> None.