TWP987

Memorandum

To: Susan McMichael, Assistant General Counsel, Office of General Counsel

From: Susan Hoines, RCRA Permits Management Program, HRMB

Through: Jerry Bober, Supervisor, RCRA Permits Management Program, HRMB

CC: Benito Garcia, Bureau Chief, HRMB

Date: February 28, 1997

Subject: Corrective Action Plan for Roswell Compressor Station No. 9 Surface Impoundments

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I have completed my review of the Corrective Action Plan for Roswell Compressor Station No. 9 Surface Impoundments, submitted by the Transwestern Pipeline Company (**TPC**) on December 2, 1996. As per your instruction, the review was to answer the following question: Did TPC include the correction to the Corrective Action Plan for Roswell Compressor Station No. 9 Surface Impoundments that HRMB requested in the November 3rd letter to TPC?

At this time I recommend that the Corrective Action Plan for Roswell Compressor Station No. 9 Surface Impoundments be approved only with revisions supplied by the HRMB. Comments, suggested revisions, and justification will be summarized and enumerated in Attachment A to this memorandum.

Attachment A

The following comments are provided as a review of the technical completeness of Corrective Action Plan for Roswell Compressor Station No. 9 Surface Impoundments, focusing on Transwestern Pipeline Company's (**TPC**) response to the November 3rd letter from Hazardous and Radioactive Materials Bureau (**HRMB**) to TPC. The first category below gives a summary of the RCRA Permits Management Program (**RPMP**) comments. The second category lists specific RPMP comments.

SUMMARY:

The November 3rd letter from HRMB to TCP requested that language be changed on pages 35 and 49, Section 4.7 and 5.8, paragraphs 1 such that the sentence "Only wastes determined to be characteristically hazardous will be managed as RCRA hazardous wastes." shall be struck out and the sentence "IDW which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent levels under the Hazardous Waste Management Regulations (20 NMAC 4.1) may be treated on-site as agreed upon by TPC and NMED to reduce hazardous constituents within the IDW to levels which are protective of human health and the environment." shall be added in.

Comments:

Transwestern moved Section 4.7 to Section 4.8 in the December 2nd submittal. NMED suggested language was not used. The TPC language was similar to NMED language but differed in only one significant way. NMED stipulated that if the IDW did not exceed TCLP levels, then it may be treated on site by a method agreed upon by the TPC and NMED. TPC does not mention anything about an agreed upon method. There is no language requiring NMED approval of the treatment method TPC will use on IDW that did not exceed TCLP*.

Transwestern moved Section 5.8 to Section 5.9 in the December 2nd submittal. NMED suggested language was not used. The TPC language was similar to NMED language but differed in only one significant way. NMED stipulated that if the IDW did not exceed TCLP levels, then it may be treated on site by a method agreed upon by the TPC and NMED. TPC does not mention anything about an agreed upon method. There is no language requiring NMED approval of the treatment method TPC will use on IDW that did not exceed TCLP*.

*Given the recalcitrant nature of TPC in the past, it would seem prudent to require NMED approval of any treatment method TPC proposes.

TPC proposed an inadequate procedure for determining the range of background inorganic concentrations in the soil and ground water and an inadequate procedure for comparing sample concentrations to background concentrations. The TPC proposed method for comparing soil sample concentrations to standards is unacceptable. Revisions will be necessary and are provided in the specific comments section.

Minor editing changes will have to be made on pages 36 and 51.

SPECIFIC COMMENTS:

The following are specific comments which provide the RPMP rationale for revisions of particular items found in the Corrective Action Plan for Roswell Compressor Station No. 9 Surface Impoundments. Reference to the response text is located by section, page, and paragraph, where applicable. The specific text is quoted and highlighted in bold. Following are the RPMP comments.

ITEM	COMMENT
1	Section 4.8, last sentence, page 35, "**All contaminated media (soil and ground water) which are managed at the site, including investigation derived waste (IDW), which contain hazardous constituents at a concentration above the performance standards set forth in Section 7.2 and 7.3 of this CAP, yet which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent concentration levels under the hazardous waste management regulations (20 NMAC 4.1) may either: 1)be treated on-site to reduce the concentration of hazardous constituents within the media to the levels set forth as performance standards within this CAP; or 2) be disposed of off-site as non-hazardous wastes in accordance with all other applicable laws and regulations.**" The November 3rd letter from HRMB to TCP requested that the following sentence be added on pages 35 and 49, Section 4.7 and 5.8, paragraphs 1: "IDW which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent levels under the Hazardous Waste Management Regulations (20 NMAC 4.1) may be treated on-site as agreed upon by TPC and NMED to reduce hazardous constituents within the IDW to levels which are protective of human health and the environment.". [*Note-- TPC changed section 4.7 to 4.8 and section 5.8 to 5.9] As noted in the general comments above, TPC left out HRMB's approval of the on-site treatment method. The last sentence on page 35 is revised in redline/~~strikeout~~ form by RPMP and shall be included in the CAP as follows: "All contaminated media (soil and ground water) which are managed at the site, including investigation derived waste (IDW), which contain hazardous constituents at a concentration above the performance standards set forth in Section 7.2 and 7.3 of this CAP, yet which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent concentration levels under the hazardous waste management regulations (20 NMAC 4.1) may either: 1)be treated on-site ~~with NMED approved methods~~ to reduce the concentration of hazardous constituents within the media to the levels set forth as performance standards within this CAP; or 2) be disposed of off-site as non-hazardous wastes in accordance with all other applicable laws and regulations."

ITEM	COMMENT
2	Section 4.8, fourth paragraph (only one sentence long), page 36, "**PPE and dry waste associated with these activities will be disposed of in a sanitary landfill.**" This sentence is revised in redline/~~strikeout~~ form by RPMP and shall be included in the CAP as follows: "Non-hazardous PPE and dry waste associated with these activities will be disposed of in a sanitary landfill. "
3	Section 5.9, last sentence, page 50, "**All contaminated media (soil and ground water) which are managed at the site, including investigation derived waste (IDW), which contain hazardous constituents at a concentration above the performance standards set forth in Section 7.2 and 7.3 of this CAP, yet which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent concentration levels under the hazardous waste management regulations (20 NMAC 4.1) may either: 1)be treated on-site to reduce the concentration of hazardous constituents within the media to the levels set forth as performance standards within this CAP; or 2) be disposed of off-site as non-hazardous wastes in accordance with all other applicable laws and regulations.**" The November 3rd letter from HRMB to TCP requested that the following sentence be added on pages 35 and 49, Section 4.7 and 5.8, paragraphs 1: "IDW which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent levels under the Hazardous Waste Management Regulations (20 NMAC 4.1) may be treated on-site as agreed upon by TPC and NMED to reduce hazardous constituents within the IDW to levels which are protective of human health and the environment.". [*Note-- TPC changed section 5.8 to 5.9] As noted in the general comments, TPC left out HRMB's approval of the on-site treatment method. The last sentence on page 35 is revised in redline/~~strikeout~~ form by RPMP and shall be included in the CAP as follows: "All contaminated media (soil and ground water) which are managed at the site, including investigation derived waste (IDW), which contain hazardous constituents at a concentration above the performance standards set forth in Section 7.2 and 7.3 of this CAP, yet which do not exceed any Toxicity Characteristic Leaching Procedure (TCLP) constituent concentration levels under the hazardous waste management regulations (20 NMAC 4.1) may either: 1)be treated on-site with NMED approved methods to reduce the concentration of hazardous constituents within the media to the levels set forth as performance standards within this CAP; or 2) be disposed of off-site as non-hazardous wastes in accordance with all other applicable laws and regulations."

ITEM	COMMENT
4	Section 5.9, fourth paragraph (only one sentence long), page 51, "**PPE and dry waste associated with these activities will be disposed of in a sanitary landfill.**" This sentence is revised in ~~redline/strikeout~~ form by RPMP and shall be included in the CAP as follows: "~~Non-hazardous~~ PPE and dry waste associated with these activities will be disposed of in a sanitary landfill. "
5	Section 7.2.3 and 7.3.2, second paragraphs, pages 64 and 66 : "**For the purpose of this plan, a measured concentration of an inorganic constituent which falls within three standard deviations (99.7 percent range) of the mean concentration will be considered within the range of background concentrations. Mean background concentrations will be established from published literature and/or site specific information if available. In addition, the upper limit of the range of background concentration (i.e., three standard deviations above the mean concentration) for each inorganic constituent will establish a floor for the performance standard for that constituent.**" RPMP comment: The background constituent comparisons proposed by TPC is inadequate. In these cases, NMED requires that the on-site data be compared to the background data, using standard parametric (e.g., a t test) or nonparametric methods (e.g., the Wilcox Rank Sum test), depending upon the distributions of the data sets involved. Therefore, TPC must submit all of the background data it used, all of the equations it used for the background constituent comparisons, and the justification for choosing a particular parametric or nonparametric method in the applicable corrective action report. This sentence is revised in the ~~redline/strikeout~~ form by RPMP and shall be included in the CAP as follows: ~~"For the purpose of this plan, a measured concentration of an inorganic constituent which falls within three standard deviations (99.7 percent range) of the mean concentration will be considered within the range of background concentrations. Mean background concentrations will be established from published literature and/or site specific information if available. In addition, the upper limit of the range of background concentration (i.e., three standard deviations above the mean concentration) for each inorganic constituent will establish a floor for the performance standard for that constituent."~~ " Appropriate background data will be collected. The background dataset shall undergo a statistical analysis for outlier values. Any outliers should be removed from the dataset before the other statistical calculations are done. The on-site data will be compared to the background data, using standard parametric (e.g., a t test) or nonparametric methods (e.g., the Wilcox Rank Sum test), depending upon the distributions of

ITEM **COMMENT**

~~the data sets involved. This procedure will determine whether or not an analytical result from an on-site sample represents a background concentration. The complete background data set, the statistical calculations, the justification for choosing a particular calculation, and a table of the mean, maximum, and minimum for each dataset shall be included in the corrective action report.~~"

6 Section 7.2.3 and 7.3.2, third paragraphs, pages 64 and 66 : "**Finally, as previously discussed, the performance standard will be subject to a floor established at the upper limit of the range of background concentrations.**" This sentence will have to be revised to reflect the changes made in item #5. This sentence is revised in the ~~redline~~/~~strikeout~~ form by RPMP and shall be included in the CAP as follows: "~~Finally, as previously discussed, the performance standard will be subject to a floor established at the upper limit of the range of background concentrations.~~ ~~A background concentration may be used as a performance standard when appropriate.~~"

7 Section 7.2.3, last sentence of page 64: "**In order to achieve this performance standard, the measured concentration of each inorganic constituent in 90% of all confirmation soil samples must be below the established performance standard and no single soil sample may contain a concentration greater than 2.5 times the performance standard.**" RPMP recommends that this sentence be deleted. Allowing 10% of the sample population to exceed standards before a site is considered contaminated is completely arbitrary. The same can be said for allowing samples to exceed 2.5 times the performance standard. Unless a sample result can be discarded based on lab error or sampling error, NMED uses all sampling results to determine whether or not a site is contaminated and also to detect the presence of hot spots of contamination.