

Job No. 960591.00

#29

FAX COVER SHEET

To: Cornelius Amindvas
Company: HAZARDOUS Waste Bureau of N.M.
Regarding: Triassic Park
RCRA Facility
Date: 8/7/96
Pages including cover sheet: 5

From: John Weaver
WEAVER BOOS CONSULTANTS, INC.
520 N. Michigan Avenue, 15th Flr.
Chicago, Illinois 60611
Telephone (312) 670-0041
Fax (312) 670-0044
Fax: 505.827.1544

Signed: _____

Hard Copy to Follow: via Regular Mail, via Express Mail

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File 96059.00

PROJECT MEMORANDUM

DATE: August 7, 1996
TO: Betty Richards
FROM: John W. Weaver II, P.E.
Weaver Boos Consultants, Inc.
RE: **PERMIT APPLICATION REVIEW**
Triassic Park RCRA Facility

We have reviewed the Triassic Park RCRA Permit Application, dated March 14, 1996 and associated response to New Mexico Environment Department (NMED) comments report dated September 29, 1995. This memorandum includes only a general discussion and summary of some of our findings and is not intended to be a comprehensive review.

Generally, it is our opinion that this Permit Application is seriously deficient and does not satisfy RCRA permitting requirements as set forth in 40 CFR, Sections 270.10 through 270.26. Further, there are provisions in the draft Permit granted by NMED which appear to violate environmental statutes and regulations and there are significant inconsistencies in the Application which must be resolved before a detailed review is possible.

In our opinion, this Application illustrates a serious lack of understanding of the RCRA permitting process. This Application merely consists of two conceptual drawings, a restatement of the regulations, and promises to provide more detailed plans in the future. A RCRA Permit is the sole Permit needed to site, construct, and operate a hazardous Treatment, Storage and Disposal (TSD) facility, and requires completed, detailed drawings and plans. The RCRA Permit should demonstrate in detail how the proposed facility will, in fact, comply with the appropriate regulations, not merely promise to provide that detail in the future.

The requirements of what must be in the Permit Application are set forth in 40 CFR § 270. In particular, for this proposed site the most relevant sections include:

- § 270.14 *Contents of part B: General Requirements;*
- § 270.15 *Specific part B information requirements for containers;*
- § 270.16 *Specific part B information requirements for tank systems;*
- § 270.17 *Specific part B information requirements for surface impoundments;*
- § 270.20 *Specific part B information requirements for land treatment facilities; and,*
- § 270.2 *Specific part B information requirements for landfills.*

These requirements are set forth and explained more fully in the EPA's, *Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage, and Disposal Facilities*, Final Draft, May 1984, EPA 530 SW-84-004.

Even a cursory review of these regulations and the guidance document shows that this Application is fundamentally incomplete. Several of the more outstanding examples of this fact include:

1. There are no detailed design plans for the landfill, the leachate evaporation pond a surface impoundment, and the land-based and containerized treatment units.
2. None of the "Coordinating Agreements" has been received. It is inconceivable to promise to do this as a condition of the Permit - what if they cannot obtain one of the agreements?
3. No waste/liner compatibility testing or analysis has been performed or is proposed.
4. The Application includes numerous statements such as "*Procedures will be developed to ensure that precautions are taken to prevent reactions...*" (page 2-27). This approach is not sufficient. Such procedures should have been developed and presented in detail in this Permit Application to allow for detailed regulatory review, and to facilitate public comment.

Next, certain provisions in the Permit may violate environmental statutes and regulations. Several of more outstanding examples include:

- 1 The liner system does not meet RCRA MTR standards.
- 2 Daily cover is inadequate.
- 3 Rainfall into an enclosed area of the landfill and wash water become hazardous wastes by the mixture rule and must be handled appropriately.
- 4 No provision to stop operations if the ALR is exceeded.
- 5 Inadequate secondary containment is provided.
- 6 Required agreements, calculations, drawings, and plans are not included in the Permit Application.

Lastly, there are numerous provisions in the Permit Application which are inconsistent with, and contrary to fundamental environmental and industry practices. Several examples of these provisions include:

- 1 The Permit allows for mixing of ignitable waste in a steel tank with a backhoe.
- 2 There is evidence which shows this site maybe a net recharge area with rainfall exceeding evaporation. There are no calculations or analysis showing that an evaporation pond is even feasible, let alone how effective it might be.
- 3 There is no assessment showing that in fact the on-site stabilization and evaporation treatment units may legally treat the leachate from the landfill.
- 4 The proposed contingency plan for the surface impoundment may require over 700 tanker trucks - hardly practicable.
- 5 The alternative liner equivalency demonstration does not demonstrate equivalency; rather, it demonstrates that the proposed liner design does not satisfy RCRA Standards.
- 6 The air permitting section conspicuously omits the largest potential source of air contamination - the evaporation pond.

7. The geologic assessment states that caliche fills fractures in the consolidated siltstones, but there is no follow up assessment of these fractures and their potential impacts on contaminant migration.

In summary, our initial review has revealed that:

1. The Permit Application does not meet minimum applicable regulatory requirements.
2. The Permit is not consistent with prescribed regulatory procedures.
3. The facility's siting, design, and operations cannot be technically evaluated due to the dearth of detail submitted.

Additional review and comment can be provided at your request.