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*Memo not used -
Cornelius drafted letter in
reply to r/s. Richards.*

[Handwritten signature]

NEW MEXICO ENVIRONMENT DEPARTMENT
Hazardous and Radioactive Materials Bureau

MEMORANDUM

Date: August 8, 1996

To: Benito Garcia, Chief, HRMB

Thru: Barbara Hoditschek, Manager, RCRA Permits Management Program

From: Cornelius Amindyas and Bob Sweeney, RCRA Permits Management Program

Re: Reply to "Permit Application Review - Triassic Park RCRA Facility".

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The following comments are in reply to the Weaver Boos Consultants, Inc. memorandum to Betty Richards which was sent via fax from Weaver Boos to Cornelius Amindyas, Hazardous and Radioactive Materials Bureau (HRMB), yesterday afternoon. The Weaver Boos memorandum states their opinion that the permitting process the New Mexico Environment Department (NMED) is pursuing for the Triassic Park Hazardous Waste Disposal Facility is incorrect.

The reply format is as follows: **Fax page number; paragraph number:** HRMB's reply.

Page 2; Paragraph 1: The RCRA Permit Application submitted by Gandy Marley Inc. (GMI) for the Triassic Park Hazardous Waste Disposal Facility (TPDF) was dated November 1994. The Permit Application revision of March 14, 1996 incorporated GMI's response, dated September 29, 1995, to a NMED Notice of Deficiency (NOD).

Page 2; Paragraph 2: NMED has not granted any draft permit to Gandy Marley Inc., the owners of the Triassic Park Waste Facility. Rather, the draft permit was issued to the public for review, in order that members of the public might submit any comments on the draft permit **during, NOT AFTER the 45 day public comment period** that started on April 8, 1996 and ended on May 23, 1996.

Page 3; Paragraph 2: The following requirements which must be in a RCRA Permit can be found in the permit text as follows:

§270.14; Contents of Part B: General Requirements can be found in Modules I, and II, and Attachments A (Waste Analysis Plan), Attachment B (Security and Safety Plan), C (Inspection Plan), D (Personnel Training), E (Procedures For Handling Ignitable, Reactive, or Incompatible Waste), F (Contingency Plan), G (Facility Description), H (Closure Plan), I (Post-Closure Care Plan), J (Ground Water Protection), K (Site Characteristics), L (Recordkeeping), M (Waste Minimization), N (Cost Estimates), and O (Part A Permit Application, and Waste Description).

§270.15; Specific Part B Requirements for Containers: The permit Conditions for Containers can be found in permit Module IV of the subject Permit text. Additional information on the procedures for Containers can be found in Permit Attachment G, Pages 22-30.

§270.16; Specific Part B Requirements for Tanks: The permit Conditions for Tank Systems can be found in permit Module V of the subject Permit text. Additional information on the procedures for Tanks can be found in Permit Attachment G, Pages 31-40.

§270.17; Specific Part B Requirements for Surface Impoundments: The permit Conditions for Surface impoundments can be found in permit Module III of the subject Permit text. Additional information on the procedures for Surface Impoundments can be found in Permit Attachment G, Pages 12-22.

§270.20; Specific Part B Requirements for Land Treatment Units: The permit Conditions for Land Treatment units can be found in permit Module V of the subject Permit text. Additional information on the procedures for Land treatment units (which include landfills and surface impoundments, can be found in Permit Attachment G, Pages 1-60.

270.21; Specific Part B Requirements for Landfills: The permit Conditions for Landfills can be found in permit Module VI of the subject Permit text. Additional information on the procedures for Land treatment units, which include landfills can be found in Permit Attachment G, Pages 40-60.

Page 3; Paragraph 3: The concerns of Weaver Boos Consultants, as listed in Paragraph 3, were earlier concerns of NMED also. Several meetings between NMED and GMI and their consultants, the September 29, 1995 response by GMI to NMED's NOD, and the determination by EPA Region 6 that the landfill design meets regulatory requirements satisfied NMED's concerns regarding adequacy of GMI's plans, procedures, testing, etc. The draft Permit issued for Public Notice is considered complete.

Page 4; Paragraph 1: With the assistance of NMED's Solid Waste Bureau, HELP model output files submitted by GMI for the landfill design were reviewed and approved. The design satisfies the regulatory requirements of 40CFR264.301.

Page 4; Paragraph 2: The provisions in this paragraph are mostly of a general nature and need to be more specific for NMED to provide adequate replies.

Page 5; Paragraph 2: The summary provided by Weaver Boos Consultants indicates they completed only a perfunctory review of the draft Permit. It is NMED's opinion the answers to most, if not all, of Weaver Boos's questions regarding TPDF and regulatory requirements would be answered by an proper review.