F A X

#4

TO: Ken Schultz
Gandy Marley
505-332-7283

FROM: Jerry Bober
NMED/HMRB

DATE: January 24, 1997

RE: Rough Draft on Comments from A.T.Kearney

Here is a copy of the rough draft generated by A.T.Kearney concerning the application for the Triassic Park Landfill. Also included is a copy of a memorandum from the EPA which outlines the criteria being used by A.T.Kearney to do the evaluation.

I will keep you informed of any additional information we receive.

SEE ITEMS # 2 & #3

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
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DEPUTY SECRETARY

Fax Cover Sheet

Date 1/24/97

To: Ken Schultz
Company:
Phone:
Fax: 505 332-7283 — 275-5750

From: Gerry Baber
Company Hazardous & Radioactive Materials
Phone: (505)- 827-1557
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Pages including this cover page: 21

Comments:

Revision 8, 12/93

Facility Name Triassic Park Waste Disposal Facility
ID No. None
Date Part B Received _____
Date Review Due _____

COMPLETENESS/TECHNICAL EVALUATION CHECKLIST

		Complete (Y/N)	Technically Adequate (Y/N)	See Attached Comment	See Attached Exhibit	Location of Information
A. PART A APPLICATION		N	Y	A-1	—	Part A
B. FACILITY DESCRIPTION						
B-1	General description	Y	Y	—	—	Sections 1.2 and 1.4
B-2	Topographic map	Y	N	B-2a	—	Figures 1-2, 3-2 and Plate 3-7
B-2a	General requirements	Y	N	B-2a	—	" " " "
B-2b	Additional requirements for land disposal facilities	N	N	B-2b	—	
B-3	Location information	Y	Y	—	—	Sections 1.2, 1.4 and 3.4
B-3a	Seismic standard	Y	Y	—	—	Section 3.5
B-3b	Floodplain standard	Y	Y	—	—	Section 1.4
B-3b(1)	Demonstration of compliance	N/A	—	—	—	
B-3b(1)(a)	Flood proofing and flood protection measures	N/A	—	—	—	
B-3b(1)(b)	Flood plan	N/A	—	—	—	
B-3b(2)	Plan for future compliance with floodplain standard	N/A	—	—	—	
B-3b(3)	Waiver for Land Storage and Disposal Facilities	N/A	—	—	—	
B-4	Traffic information	Y	N	B-4	—	Section 1.5

C. WASTE CHARACTERISTICS

COMPLETENESS/TECHNICAL EVALUATION CHECKLIST

		Complete (Y/N)	Technically Adequate (Y/N)	See Attached Comment	See Attached Exhibit	Location of Information
C-1	Chemical and physical analyses	N	N	C-1	—	
C-1a	Containerized waste	N	N	C-1a	—	
C-1b	Waste in tank systems	N	N	C-1b	—	
C-1c	Waste in piles	N/A	—	—	—	
C-1d	Landfilled wastes	Y	Y	—	—	Section 5.2
C-1e	Wastes incinerated and wastes used in performance tests	N/A	—	—	—	
C-1f	Wastes to be land treated	N/A	—	—	—	
C-1g	Wastes in miscellaneous treatment units	N/A	—	—	—	
C-1h	Wastes in boilers and industrial furnaces	N/A	—	—	—	
C-2	Waste analysis plan	—	—	—	—	Section 5
C-2a	Parameters and rationale	Y	Y	—	—	5.5
C-2b	Test methods	Y	Y	—	—	5.5
C-2c	Sampling methods	Y	Y	—	—	5.4
C-2d	Frequency of analyses	Y	Y	—	—	5.2
C-2e	Additional requirements for wastes generated off-site	Y	Y	—	—	5.2
C-2f	Additional requirements for ignitable, reactive or incompatible wastes	Y	Y	—	—	5.2
C-2g	Additional requirements pertaining to boilers and industrial furnace facilities	N/A	—	—	—	

COMPLETENESS/TECHNICAL EVALUATION CHECKLIST

		Complete (Y/N)	Technically Adequate (Y/N)	See Attached Comment	See Attached Exhibit	Location of Information
C-2h	Additional requirements pertaining to containment buildings	N/A				
C-3	Waste analysis requirements pertaining to land disposal restrictions	Y	Y			5.2
C-3a	Waste analysis	Y	Y			5.2
C-3a(1)	Spent solvent and dioxin wastes	N	N		C-3a(1)	
C-3a(2)	California list wastes	N	N		C-3a(2)	
C-3a(3)	Listed wastes	Y	Y			5.2
C-3a(4) C-3a(5)	Characteristic wastes Radioactive mixed waste	Y	Y			5.2
C-3a(6)	Leachates	Y	Y			5.2
C-3a(7)	Lab packs	N	N		C-3a(7)	
C-3a(8)	Contaminated debris	N	N		C-3a(8)	
C-3a(9)	Waste mixtures and wastes with overlapping requirements	N	N		C-3a(9)	
C-3a(10)	Dilution and aggregation of wastes	N	N		C-3a(10)	
C-3b	Notification, certification and recordkeeping requirements	N	N		C-3b	5.2
C-3b(1)	Retention of generator notices and certifications	Y	Y			5.2
C-3b(2)	Notification and certification requirements for treatment facilities	N/A				
C-3b(3)	Notification and certification					

COMPLETENESS/TECHNICAL EVALUATION CHECKLIST

		Complete (Y/N)	Technically Adequate (Y/N)	See Attached Comment	See Attached Exhibit	Location of Information
	requirements for land disposal facilities	Y	Y			5.2
C-3b(4)	Wastes shipped to Subtitle C facilities	N/A				
C-3b(5)	Wastes shipped to Subtitle D facilities	N/A				
C-3b(6)	Recyclable materials	N/A				
C-3b(7)	Recordkeeping	N	N	C-3b(7)		5.2
C-3c	Requirements pertaining to the storage of restricted wastes	N	N	C-3c		
C-3c(1)	Restricted wastes stored in containers	N	N	C-3c(1)		
C-3c(2)	Restricted wastes stored in tanks	N	N	C-3c(2)		
C-3c(3)	Storage of liquid PCB wastes	N	N	C-3c(3)		
C-3d	Exemptions, extensions, and variances to land disposal restrictions	N/A				
C-3d(1)	Case-by-case extensions to an effective date	N/A				
C-3d(2)	Exemption from prohibition	N/A				
C-3d(3)	Variance from a treatment standard	N/A				
C-3d(4)	Requirements for surface impoundments exempted from land disposal restrictions	N/A				
C-3d(4)(a)	Exemption for newly					

9524.1984(01)

OCT 5 1984

MEMORANDUM

SUBJECT: Use of Compliance Schedules in RCRA Permits

FROM: Bruce R. Weddle
Division Director
Permits and State Programs Division

TO: Hazardous Waste Directors, Region I-X

Many Regions have requested guidance on the appropriate use of compliance schedules in RCRA permits. In response to those requests, the Permits Branch has developed the attached guidance.

To summarize the main points, compliance schedules in RCRA permits cannot be used to satisfy, after the permit has been issued, the information requirements of Part 270. Compliance schedules can be used to allow facilities to come into compliance with Part 264 standards that are not required under Part 265.

Please distribute this guidance to your respective staffs. Any questions regarding when compliance schedules can be used in RCRA permits should be referred to Elizabeth Cotsworth at FTS 382-4751.

Attachment

WH-563:RChrismon:srm:S243:24691:8/12/84:Randy's disk "Memos"

USE OF COMPLIANCE SCHEDULES IN RCRA PERMITS

A number of Regions have asked about the appropriate use of compliance schedules in RCRA permits. The following explains Agency policy on this issue.

Compliance Schedules in Permits

In general, compliance schedules in permits should be used to allow the construction or installation of equipment that is not required under Part 265 but that is required to comply with Part 264 standards. To be acceptable, compliance schedules must be specific, enforceable, allow for public notice and comment on the detailed permit condition, and allow the applicant additional time only where that time is legitimately needed.

Specificity means that the compliance schedule must set forth, in detail, what the applicant is supposed to do, when the applicant is supposed to do it, and when the work is to be completed. Thus, the schedule should include the design and construction specifications, interim milestones for construction, and a specific date for completion. The schedule must also require the applicant to notify the Director within 14 days of each interim date and the final completion date.

Enforceability means that the requirements imposed by the compliance schedule on the owner/operator can be achieved and that the Agency can confirm that the owner/operator has successfully met his responsibilities. It also means the scheduled activities must comply with the technical standards of Part 264. The permit writer must have an opportunity to evaluate the details of design, construction, and operation to assure their adequacy in light of Part 264 requirements.

The complete compliance schedule must be included in the draft permit so the public will have an opportunity to comment on its content. The compliance schedule must be complete as to the details of what is to be done, when, and by whom.

Suggested Uses of Compliance Schedules in RCRA Permits

1. Should a compliance schedule in a RCRA permit be used to bring a facility into compliance with Part 265 standards?

No. A facility should be in compliance with Part 265 standards at the time a RCRA permit is issued. In situations where the facility is not in compliance with the requirements of Part 265, especially when compliance problems will prevent development of a draft permit, the permit writer should refer the case to the enforcement staff. The enforcement staff will make decisions as to the appropriate enforcement action to pursue. When enforcement actions result in administrative orders, a compliance schedule may be included in the order.

2. Can a compliance schedule be used to allow a facility additional time to provide Part B application information after the permit is issued?

No. Use of a compliance schedule for this purpose is unacceptable and may be illegal. For example, the RCRA regulations provide that the Director must specify detailed ground-water monitoring conditions in the facility permit. To develop these permit conditions, information on ground-water monitoring at the facility is necessary and, generally, should be drawn from the Part B permit application. Without adequate ground-water monitoring data, it is impossible to know whether a facility should be conducting detection or compliance monitoring or corrective action. In addition, there may be no information that would support the details of a ground-water monitoring plan, such as number, location and design of wells. Without this information, the Agency cannot develop a permit that complies with the Subtitle C regulations. Additionally, the public is not given adequate notice or opportunity to comment on the ground-water monitoring program. Because the Agency does not have adequate information on these items, it cannot issue a permit.

3. Can compliance schedules be used to bring a facility into compliance with Part 264 standards not required under Part 265?

Yes. Where a facility, which is in compliance with Part 265, must undertake new construction or installation of equipment in order to comply with Part 264, a RCRA permit should be issued with an attached compliance schedule.

For example, although an interim status storage facility does not require secondary containment, secondary containment is required under Part 264. Accordingly, the permit applicant must submit design, construction and operating specifications for a secondary containment system in his application. The permit writer may then approve those specifications and make them part of the draft RCRA permit. A compliance schedule would be included in the draft permit, setting forth milestones for various tasks, a final completion date for construction and a requirement for the permitee to notify the director within 14 days of complying with each interim date and the final date. See §270.33. Incorporation of the compliance schedule in the draft permit would provide the public with notice of the details of the proposed design, construction, and operation of the secondary containment

system, and also the proposed schedule for completion of the work. After addressing the public comments, the permit writer can issue the final permit and attached compliance schedule.

Note the important factors of this scenario:

A. All information requirements of Part 270 are satisfied before the draft permit is written.

B. The permit writer has an opportunity to assess the adequacy of the design, construction, and operation details.

C. The compliance schedule is specific as to what is to be done, who is responsible for seeing that activities are completed, and when those activities are to be completed.

D. The public has a full opportunity for notice and comment.

4. Should a compliance schedule be used to issue a permit and allow modifications to an existing incinerator that has failed the trial burn?

No. The Agency should not issue a permit to a facility which has failed to demonstrate, in accordance with Part 270, compliance with the Part 264 performance standards.

This scenario appears to be similar to the secondary containment situation described previously. There is, however, a fundamental difference between the two situations. With respect to secondary containment, it can be ascertained from the applicant's proposed designs and specifications that the containment structures will comply with the Part 264 technical standards. With respect to an incinerator, however, there is a much higher level of uncertainty that proposed modifications will result in the incinerator achieving compliance with the performance standards in Part 264, Subpart O. The Agency cannot issue a permit to an incinerator that cannot demonstrate its ability to comply with the regulations.

Generally, the permit writer has several options. The Agency can delay any final action, send a letter to the applicant saying that we will deny the permit unless we get trial burn results demonstrating compliance with the Part 264 performance standards within a specified time period. The Director could also issue an administrative order to achieve the same results. The applicant, of course, can submit a new trial burn plan using different operating parameters or modify the facility and submit a new trial burn plan incorporating the new modifications. This order likely would contain a compliance schedule. Finally, in some circumstances, it may be appropriate to deny the permit.

5. For incinerators, should a RCRA permit be issued with an attached compliance schedule to bring an existing incinerator into compliance with Part 264 monitoring requirements necessary for an adequate trial burn?

No. All continuous monitoring instrumentation should be installed for the trial burn. Under §§270.19(d) or 270.62(b)(5), the Director must find that the trial burn will allow him to set operating conditions for the unit before he can approve the trial burn plan. If the continuous monitoring equipment is not installed during the trial burn, the Director cannot set operating conditions. Therefore, under the authority of Part 270, the Director can require continuous monitors to be installed before the trial burn is conducted and the permit issued.

6. Should permits with compliance schedules be used to correct deficiencies in interim status ground-water monitoring data?

Where the ground-water monitoring data are lacking or questionable due to poor sampling and analytical techniques, improper well placement, or lack of monitoring, the Agency cannot issue a RCRA permit with an attached compliance schedule to develop adequate data. Rather, the permit writer should refer the case to the enforcement office for action. Close coordination between the permits and enforcement staffs will, of course, be necessary to ensure that the relief sought through enforcement action will be consistent and compatible with the Part B information requirements.

7. May the permit writer develop permit conditions in areas where the Part B is deficient? For example, if an applicant fails to specify information regarding fire prevention and control can the permit writer still draft permit conditions in that area?

Yes. It should be kept in mind that the applicant is not the sole source of information available to the permit writer. For example, the permit writer's knowledge of safety codes, such as the National Fire Protection Association Code, can provide the basis for permit conditions. The permit writer can impose draft permit conditions on necessary fire prevention and control measures based on the NFPA code, even though the applicant has failed to specify this information in the Part B application. The permit writer, in essence, is completing the application for the applicant by drawing on his own knowledge and best engineering judgement.

For More Information

The above examples cover the situations where use of compliance schedules has been suggested. Headquarters will be working with the Regions to establish a national clearing house for sharing "model" permits, permit conditions, NODs, and compliance schedules. In the meantime, any questions regarding when compliance schedules can be used should be referred to Elizabeth Cotsworth at FTS-8-382-4751.

A.T. Kearney, Inc.
One Tabor Center, Suite 950
1200 Seventeenth Street
Denver, Colorado 80202
303 572 6175
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Management Consultants

AT KEARNEY

To Jerry Bober

Date 1/22/97

Company NMED

Fax Number 505 827 1544

From Greg Stankebaum

Number of Pages (Including this Page) 11

Telephone Number (303) 572-6175

Charge Number

Message

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TRANSACTION REPORT

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RCRA PART B PERMIT APPLICATION DEFICIENCY COMMENTS

TRIASSIC PARK WASTE DISPOSAL FACILITY
GANDY MARLEY, INC.
TATUM, NEW MEXICO

ROUGH DRAFT
1/22/97

SUBJECT REQUIREMENT: 40 CFR Section Numbers.

A PART A APPLICATION: 270.10(d), 270.11(a) and (d), 270.13

1. The permit application must be signed in accordance with 40 CFR Section 270.11(a). In addition, indicate whether the facility has obtained an EPA I.D number.

B. FACILITY DESCRIPTION

B-2 Topographic Map

B-2a General Requirements: 270.14(b)(19)

The application does not provide appropriate scale maps to show the details and features of the facility and the surrounding area. The topographic maps presented in the application are at a scale of 1"= 1000' and 1" = 2000'. In addition, facility location is not marked on some of the figures provided (e.g., Figure 3-2). Submit a topographic map that shows the facility and a distance of 1,000 feet around it at a scale of 1 inch equal to not more than 200 feet. The map must include contours sufficient to show surface water flow in the vicinity of and from each operational unit (e.g., contours of 5 feet if relief is greater than 20 feet; contours of 2 feet if the relief is less than 20 feet). The map must include map date, 100-year floodplain area, surface waters, surrounding land uses, a wind rose, map orientation, and legal boundaries of facility site. The map must also indicate the location of access control, injection and withdrawal wells, buildings, structures, sewers (storm, sanitary and process), loading and unloading areas, fire control facilities, flood control or drainage barriers, run-off control systems, and (proposed) new and existing hazardous waste management units and solid waste management units. Note: Multiple maps may be submitted, but all must be at a scale of 1 inch equal to not more than 200 feet.

those presenting the above info.

B-2b Additional Requirements for Land Disposal Facilities: 270.14(c)(3) and (4)(i), 264.95, 264.97

The topographic map also must indicate the waste management area boundaries, the property boundaries, the proposed point of compliance, the proposed groundwater monitoring well locations, the locations of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility (including flow direction and rate), and if present: the extent of the plume of contamination that has entered the groundwater from a regulated unit. Note: Multiple maps may be submitted, but all must be at a scale of 1 inch equal to not more than 200 feet.

B-4 Traffic Information: 270.14(b)(11)

Provide the following traffic-related information:

- Traffic patterns on-site;
- Estimated volumes, including number and types of vehicles;
- Adequacy of access roadway surfaces and load-bearing capacity for expected traffic on-site.

ROUGH DRAFT

C. WASTE CHARACTERISTICS

C-1 Chemical and Physical Analyses: 270.14(b)(2), 264.13(a), 266.102(a)(2)(ii), 266.102(b)

For each hazardous waste and hazardous debris to be stored, treated or disposed at the facility, describe the waste, the hazard characteristics, the basis for hazard designation, and provide a laboratory report detailing the chemical and physical analyses of representative samples. At a minimum, the analyses must include all the information that must be known to treat, store, or dispose of the waste in accordance with Parts 264 and 268 requirements or conditions of a permit issued under Part 270.

C-1a Containerized Waste: 264.172, 270.15(b)(1)

Demonstrate that wastes are compatible with container construction materials.

If containers of wastes will be stored without a secondary containment system, provide the test procedures and results, or other documentation or information, which show that the wastes do not contain free liquids. A suggested test for free liquids is the Paint Filter Liquids Test, Method 9095 in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846. If such storage will not occur on site, state so in the text of the Part B permit application.

C-1b Waste in Tank Systems: 264.190(a), 264.191(b)(2), 264.192(a)(2)

Provide the hazardous characteristics of the wastes to be handled in the tank systems, and demonstrate that the tank construction materials are compatible with the wastes stored in the tank.

C-3a(1) Spent Solvent and Dioxin Wastes: 264.13(a)(1), 268.2(l)(1), 268.7, 268.30, 268.31

Describe procedures that will be used to determine whether F001-F005 spent solvent wastes and F020-F023 and F026-F028 dioxin-containing wastes meet the applicable treatment standards or to demonstrate that the waste has been treated by the appropriate specified treatment technology. Process knowledge can be used to make this determination, as appropriate.

C-3a(2) California List Wastes: 264.13(a)(1), 268.7, 268.32, 268.42(a), RCRA section 3004(d)

Describe procedures that will be used to determine whether a waste is a California list waste prohibited from land disposal and whether the waste is subject to treatment standards outlined in 268.42(a). Process knowledge can also be used to make this determination.

Although California list restrictions have largely become obsolete as treatment standards have been issued for specific hazardous wastes, California list restrictions still apply in the following instances:

- Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm;
- Liquid characteristic wastes containing over 134 mg/l nickel and/or 130 mg/l thallium;
- Characteristic wastes containing Halogenated Organic Compounds (HOCs) at concentrations greater than or equal to 1000 mg/l (liquids) or mg/kg (solids), where the HOCs are not derived from listed hazardous wastes (i.e., F-, K-, P- or U-listed wastes); and
- During any nation-wide extension to the effective date for either a characteristic or listed waste.

Newly listed or newly identified wastes are not subject to the California list prohibitions.

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C-3a(7) Lab Packs: 268.7(a)(7), 268.7(a)(8), 268.42(c), Part 268 Appendix IV, Part 268 Appendix V

Prior to being land disposed, the wastes contained in a lab pack must meet all applicable treatment standards for each waste type. Describe procedures that will be used to determine whether lab-pack wastes meet the applicable treatment standards or to demonstrate that the waste has been treated by the appropriate specified treatment technology. Process knowledge can be used to make this determination. Discuss procedures to ensure labpack wastes will meet land disposal requirements.

Alternatively, a generator can establish two general lab pack categories: (1) organometallic lab packs and (2) organic lab packs. Permissible waste code components of these two lab pack categories are listed in Appendix IV and Appendix V of Part 268. Treatment of organic lab packs requires incineration. Treatment of organometallic lab packs requires incineration followed by treatment of the residue to meet D004, D005, D006, D007, D008, D010, and D011 characteristic waste treatment standards. Lab-packs containing California list PCBs or dioxins must be treated according to special incineration requirements detailed in 268.42(a). Discuss procedures to ensure that lab pack wastes will meet land disposal requirements.

If lab pack hazardous waste is combined with non-lab pack hazardous waste prior to or during treatment, indicate that the entire mixture will be treated to meet the most stringent treatment standard for each waste constituent before being land disposed.

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C-3a(8) Contaminated Debris: 268.2(g), 268.7, 268.9, 268.36, 268.45, 270.13(n)

Identify the hazardous debris category or categories (i.e., glass, metal, plastic, rubber, brick, cloth, concrete, paper, pavement, rock, wood) and the contaminant category or categories (i.e., toxicity characteristic, contaminated with listed wastes, cyanide reactive debris) associated with each type of hazardous debris.

Identify how hazardous debris will be managed. Prior to land disposal the hazardous debris must be treated according to standards provided in 268.45 (except that debris contaminated with wastes having a specified treatment technology listed in 268.42 must be treated as required in 268.42). Alternatively, the hazardous debris may be treated to meet the existing treatment standards for each waste constituent specified in 268.41, 268.42, and 268.43. Note that hazardous debris that exhibits the characteristics of ignitability, corrosivity, or reactivity must be treated using one of the extraction, destruction, or immobilization technologies identified in Table 1 of 268.45.

C-3a(9) Waste Mixtures and Wastes with Overlapping Requirements: 264.13(a)(1), 268.7, 268.9, 268.41(b), 268.43(b), 268.45(a)

Describe the procedures that will be used to demonstrate that waste mixtures and wastes carrying multiple waste codes are properly characterized and meet treatment standards prior to land disposal. Wastes that carry more than one characteristic or listed waste code must be treated to the most stringent treatment requirement for each hazardous waste constituent of concern prior to land disposal.

When wastes with differing treatment standards are combined solely for purposes of treatment, indicate that the most stringent treatment standard specified will be met for each constituent of concern in the combined waste prior to land disposal.

C-3a(10) Dilution and Aggregation of Wastes: 268.3

If the Facility is to perform dilution or aggregation of hazardous wastes, it must demonstrate that these activities are not in violation of land disposal regulations. Listed wastes, if destined for land disposal, may never be diluted. Characteristic wastes that are not toxic (i.e., D001 through D003) may be diluted. Characteristic wastes that are toxic (i.e., D004 through D043) may be diluted only if: (1) the waste is to be underground injected and the characteristic is to removed prior to injection, (2) the waste has a concentration-based and not a technology-based treatment standard, is not a D003 reactive waste, and is being treated in a system pursuant to the Clean Water Act, or (3) the waste is not destined for land disposal. Provide specific discussion addressing this issue.

A facility cannot dilute or partially treat a listed waste to switch treatability categories (e.g., switch from non-wastewater to wastewater), in order to comply with different treatment standards. Note that EPA does not consider dewatering technologies (i.e., filtration, centrifugation, etc.) that produce a wastewater fraction and a nonwastewater fraction to be impermissible category switching.

Aggregation of wastes for treatment is not considered impermissible dilution, if wastes are all legitimately amenable to the same type of treatment to be performed.

C-3b Notification, Certification, and Recordkeeping Requirements: 264.73, 268.7, 268.9(d)

The waste analysis plan does not provide adequate procedures for preparing and/or maintaining:

- applicable notifications and certifications to comply with land disposal restrictions.
- applicable notifications and certifications for treatment residues.

C-3b(7) Recordkeeping: 264.73, 268.7(a)(5), 268.7(a)(6), 268.7(a)(7), 268.7(d)

ROUGH DRAFT

Provide specific commitment and/or statements supporting that the following requirement will be met by Gandy Marley, Inc.

Treatment, storage, and/or disposal facilities that manage wastes generated on-site must (1) determine if the waste is restricted from land disposal and keep documentation of that determination, and (2) maintain documentation to indicate where restricted wastes were treated, stored, and/or disposed.

Facilities managing wastes generated on-site that use only process knowledge to determine compliance with land disposal restrictions, must retain all data used to make this determination. If the owner/operator tests a representative sample of the waste to determine compliance with land disposal restrictions, all waste analysis data must be retained on-site in the facility's files.

The owner/operator of a treatment, storage and/or disposal facility managing any waste subject to land disposal restrictions must demonstrate that all notifications and certifications submitted by waste generators or other treatment, storage and/or disposal facilities will be reviewed and will be maintained as part of the operating record until closure of the facility, in accordance with recordkeeping requirements of 264.73.

Land disposal facilities are required to keep records of the quantities and date of placement of each shipment of waste placed in a land disposal unit under an extension to the effective date of any land disposal restriction pursuant to 268.5, or a no-migration petition pursuant to 268.6.

C-3c Requirements Pertaining to the Storage of Restricted Wastes: 268.50

As an owner/operator of a treatment, storage and/or disposal facility storing hazardous wastes that are restricted from land disposal, Gandy Marley, Inc. must demonstrate that (1) they are storing such wastes in tanks, containers, or containment buildings on-site and (2) such storage is solely for the purpose of accumulating sufficient quantities of waste to facilitate proper treatment, recovery, or disposal.

If prohibited wastes are stored beyond one year, the owner/operator has the burden of proving, in the event of an enforcement action, that storage is for allowable reasons. Prior to one year, EPA maintains the burden of proving that storage has occurred for the wrong reason.

Storage requirements do not apply to restricted wastes that:

- Meet the applicable treatment standards; or
- Have received a nationwide variance; or
- Have received an exemption under 268.6; or
- Have received a case-by-case extension under 268.5.

C-3c(1) Restricted Wastes Stored in Containers: 268.50(a)(2)(i)

If wastes are stored in containers, demonstrate that each container will be clearly marked to identify its contents and the date each period of accumulation begins.

C-3c(2) Restricted Wastes Stored in Tanks: 268.50(a)(2)(ii)

If wastes are stored in tanks, demonstrate that each tank will be clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins. Alternatively, demonstrate that such information will be recorded and maintained in the operating record at the facility for each restricted waste storage tank.

C-3c(3) Storage of Liquid PCB Wastes: 268.50(f)

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If liquid hazardous wastes containing concentrations of PCBs greater than or equal to 50 ppm will be stored at the facility, demonstrate that the facility meets the requirements of 40 CFR 761.65(b). The owner/operator must describe procedures for removal of these wastes from storage within one year and treatment or disposal of the wastes in compliance with land disposal restrictions.

D. PROCESS INFORMATION

TO BE COMPLETED

E. GROUNDWATER MONITORING

E-4 Topographic Map Requirements: 270.14(c)(2),(3),(4)(I)

Unless exempt from groundwater monitoring requirements, the application must include the following information on the topographic map:

- Groundwater flow direction and rate (isometric graph);
- Point of compliance;
- Groundwater monitoring wells;
- The extent of any plume (horizontal and vertical);
- Hazardous waste management area; and
- Property boundary.

The following required information may be incorporated into the topographic map if possible, or at least should be discussed in the text:

- Boundaries of uppermost aquifer; and
- Underlying interconnection between uppermost aquifer and lower aquifer.

(Although many of these items can be shown on a single map, it is allowable to use additional maps to display some of the information. Presentation of all of this information on a single map may sacrifice clarity.)

A CURSORY REVIEW OF THE GROUNDWATER SECTION REQUIREMENTS WAS CONDUCTED. HOWEVER, DUE TO TIME CONSTRAINTS A THOROUGH REVIEW AND SUBSEQUENT COMMENTS COULD NOT BE ACCOMPLISHED. THIS SECTION WILL BE THOROUGHLY REVIEWED AND COMMENTED ON IN THE NEAR FUTURE.

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F. PROCEDURES TO PREVENT HAZARDS

F-2b(4)(a)(1) Overtopping Control System: 264.226(b)(1)

The scheduled inspection must include assessment of deterioration, malfunctions, or improper operation of overtopping control system.

F-2b(4)(b) Structural Integrity: 264.226©

Specify the procedure to be followed for assessing the structural integrity of the surface impoundment dike, including that portion of any dike that provides freeboard. Prior to issuance of the permit, and after any extended period of time during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer. The certification must establish that the dikes will withstand the stress of the pressure exerted by the types and amount of wastes to be placed in the impoundment and will not fail due to scouring or piping without dependence on any liner system included in the surface impoundment construction.

F-2b(6) Landfill Inspection: 264.303(b)

Section 6.2.2 of the permit application states that the landfill and associated equipment will be inspected weekly and after storm. However, the checklist provided in Appendix 6A specifies the schedule as "daily/weekly as noted." Please reconcile these differences.

F-4c Water Supplies: 270.14(b)(8)(iii)

Section 6.4.4, page 6-11, states that "... no non-hazardous liquid waste will be placed in the landfill." Please clarify this statement or change the word "non-hazardous" to "non-containerized".

F-5b General Precautions for Handling Ignitable or Reactive Waste and Mixing of Incompatible Waste: 270.14(b)(9), 264.17(b)

Describe the precautions taken by a facility that treats, stores, or disposes of ignitable or reactive waste, or accidentally mixes incompatible waste or incompatible wastes and other materials, to prevent reactions that: (1) generate extreme heat or pressure, fire or explosions, or violent reactions; (2) produce uncontrolled flammable fumes, dusts, or gases in sufficient quantities to threaten human health or the environment; (3) produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions; (4) damage the structural integrity of the device or facility; (5) by similar means threaten human health or the environment.

F-5c Management of Ignitable or Reactive Wastes in Containers: 270.15(c), 264.176

Although the facility is not constructed yet, provide sketches, drawings, or data demonstrating that containers of ignitable or reactive waste are located at least 15 meters (50 feet) from the facility's property line.

F-5d Management of Incompatible Wastes in Containers: 270.15(d), 264.177

If a storage container holds a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments, document that the wastes are separated from other materials or protected from them by a dike, berm, wall or other device.

F-5e Management of Ignitable or Reactive Wastes in Tank Systems: 270.16(j), 264.198

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Describe the operational procedures used for storing such wastes in tank systems that includes specific information on: (1) how the waste is treated, rendered, or mixed before or immediately after the placement in the tank so that it is no longer considered ignitable or reactive and complies with §264.17(b); or the waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to react or ignite; or the tank is used solely for emergencies; (2) how facilities that treat or store ignitable or reactive waste in tanks maintain protective distances between the tank(s) and any public ways, streets, alleys, or adjoining property lines than can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code."

F-5f Management of Incompatible Wastes in Tank Systems: 270.16(j), 264.199

Demonstrate that incompatible wastes and materials are not stored in the same tank or in an unwashed tank that previously held an incompatible waste or material unless §264.17(b) is compiled with. Provide specific information for the four storage tanks proposed.

F-5i Management of Ignitable or Reactive Wastes Placed in Surface Impoundments: 270.17(h), 264.229

Except for surface impoundments to be used solely for emergencies, if ignitable or reactive wastes are to be placed in the surface impoundment, provide a description of how the wastes will be mixed, treated, or otherwise readered non-ignitable and/or reactive. Alternatively, describe the procedures for managing the waste in such a way that it is protected from any material or conditions that may cause it to ignite or react.

F-5j Management of Incompatible Wastes Placed in Surface Impoundments: 270.17(h), 264.230

If incompatible wastes, or incompatible wastes and materials are to be placed in the surface impoundment, provide a demonstration that such activities will not:

- Generate extreme heat or pressure, fire, explosions, or violent reactions;
- Produce uncontrolled toxic or flammable emissions in significant quantities;
- Damage the unit's structural integrity; or
- Otherwise threaten human health or the environment.

This demonstration must be thoroughly documented.

G. CONTINGENCY PLAN: 270.14(b)(7), 264.50 through 264.56, 264.52(b)

G-2 Emergency Coordinators: 264.52(d), 264.55

The application merely promises to provide a list containing names, addresses, office and home phone number of personnel qualified to act as Emergency Coordinators. The application further states that the list will be provided to the Director, NMED or designee prior to receipt of waste.

G-4g Incompatible Waste: 264.56(h)(1)

Describe provisions for prevention of incompatible waste from being treated, stored, or located in the affected areas until clean-up procedures are completed.

G-4k Surface Impoundment Spills and Leakage: 264.227

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G-4k(l) Emergency Repairs: 264.227

The permit application merely states that a written procedure for complying with the objectives stated in Section 7.4.5.3 will be prepared and submitted prior to acceptance of waste at the facility. Describe the procedures to be used for removing a surface impoundment from service when the level of the liquid in the impoundment suddenly drops and the drop is not known to be caused by changes in the flow into or out of the impoundment or when the dike leaks. Address the following:

G-4k(l)(a) Stopping Waste Addition: 264.227(b)(1)

Procedures for stopping waste additions to the impoundment.

G-4k(l)(b) Containing Leaks: 264.227(b)(2)

Procedures for containing any leakage.

G-4k(l)(c) Stopping Leaks: 264.227(b)(3)

Procedures for stopping the leak.

G-4k(l)(d) Preventing Catastrophic Failure: 264.227(b)(4)

Procedures to stop or prevent catastrophic failure.

G-4k(l)(e) Emptying the Impoundment: 264.227(b)(5)

Procedures for emptying the impoundment, if necessary.

G-4k(2) Certification: 264.227(d)(l), 264.226©

Specify the procedure that will be followed for recertifying the dike's structural integrity, in the event the impoundment is removed from service as a result of actual or imminent dike failure.

G-4k(3) Repairs as a Result of Sudden Drop: 264.227(d)(2)

Specify the procedure that will be followed in the event the impoundment is removed from service as the result of a sudden drop in the liquid level for the following:

G-4k(3)(a) Existing Portions of Surface Impoundment: 264.227(d)(2)(I)

Installation of a liner for any existing portion of the impoundment.

G-4k(3)(b) Other Portions of the Surface Impoundment: 264.227(d)(2)(ii)

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Certification by a qualified engineer for other than existing portions of the impoundment.

G-6 Coordination Agreements: 264.52(c), 264.37

The permit application merely states that these documents will be submitted to the NMED withing 30 days of the effective date of this permit. Describe the coordination agreements with local police and fire departments, hospitals, contractors, and state and local emergency response teams to familiarize them with the facility and actions needed in case of emergency. Document refusal to enter into a coordination agreement.

G-7 Evacuation Plan: 264.52(l)

The permit application merely states that evacuation plans and a list of criteria for determining when offsite evacuations are necessary will be submitted to the NMED within 30 days of the effective date of this permit. Describe signal(s) to be used to begin evacuation routes, and planned and alternate evacuation routes.

L. PART B CERTIFICATION: 270.11

Applications must be accompanied by a certification letter as specified in 270.11(d). The required signatures are as follows: (1) for a corporation, a principal executive officer (at least at the level of vice-president); (2) for a partnership or sole proprietorship, a general partner or the proprietor, respectively; (3) for a municipal, state, Federal, or other public agency, either a principal executive officer or ranking elected official.