



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

April 30, 1997

Mr. Ken Schultz
1355 Wagon Train SE
Albuquerque, New Mexico 87123

Dear Mr. Shultz:

Thank you for hand-delivering the April 9, 1997 letter from Terra Matrix describing the proposed methodology for Gandy Marley, Inc. (GMI) to respond to the New Mexico Environment Department (NMED) and incorporated comments from A. T. Kearney (ATK) regarding the Part B application for GMI's Triassic Park Hazardous Waste Facility.

During our last meeting, we stated that GMI was unequivocally required to submit final engineering drawings and specifications certified by a registered professional engineer to comply with the New Mexico Hazardous Waste Management Regulations, 20 NMAC 4.1.901, incorporating 40 CFR §§270.14(a) and 270.21.¹ Further, we requested that GMI provide NMED comments to each item identified by ATK in its February 21, 1997 review as technically incomplete or inadequate. ATK noted as a general comment that the application provided none of the final design details, material and construction specifications, and operating plans required by law under 40 CFR Part 270.14 et. seq. We informed you at the meeting and by letter that the NMED agrees with ATK in this regard. Further, NMED requires supporting calculations for all engineering drawings and reports as needed to demonstrate the adequacy of the proposed units under both the general and specific requirements set forth under 40 CFR Parts 270.14 and 270.21.

The April 9, 1997 letter proposes that GMI will provide "final design drawings, engineering reports, specifications and construction quality assurance plan for the landfill, surface impoundments, truck roll off areas, and site surface water management features." However, the proposal states that GMI will not submit final design drawings for the waste handling buildings and the liquid waste handling facility where construction specification related to hazardous waste handling and storage safety on the grounds that this information is "not necessary to evaluate major operational, waste management, and waste containment issues related to the facility." NMED believes that this information is needed because the requested specifications relate to air flow, ventilation, hazardous waste containment during and after catastrophic events and may be integral to personnel safety and release of hazardous waste through effluent. Further, sufficient detail on design integrity and mechanical systems must be provided to allow NMED engineer review personnel, not the applicant, to make determinations on those issues as required by regulation.

It is unclear whether GMI understands the purpose of responding to ATK's comments. For each unit proposed by GMI to be permitted for the storage, handling or disposal of hazardous waste within GMI's facility, GMI must submit final engineering design drawings certified by a registered professional engineer. Further, GMI should provide specific responses to each item addressed by ATK as technically incomplete and/or inadequate, including financial assurance mechanisms and other regulatory requirements. Based upon your proposal, it appears that GMI has determined to permit the "landfill, surface impoundments, truck roll off areas, and site surface water management features" but not the waste handling buildings and the liquid waste handling facility. For the reasons stated above, NMED has concerns with this approach unless these units do not require permitting because they will not receive hazardous waste for storage, handling or disposal.

¹. Although certification by a New Mexico registered professional engineer may not be required pursuant to 20 NMAC 4.1.901, this may be a requirement (unless an exemption applies) under the New Mexico Engineering and Surveying Practice Act, NMSA 1978, §§61-23-1 et. seq.

By regulation, NMED cannot issue a draft permit until the application is technically complete. See 20 NMAC 4.1.901.A and 40 CFR §§ 124.3 and 124.6. Further, the draft permit must be based upon technically adequate information as needed to comply with each regulatory requirement. After we receive your response, we will prepare and issue a new draft permit for public review and comment. For these reasons, we urge GMI to carefully review and provide NMED a written response to each item addressed by ATK.

After we receive your response, it might be appropriate to meet as necessary to discuss any outstanding issues.

If you have any questions, do not hesitate to call me.

Sincerely,



for

Benito Garcia
Bureau Chief
Hazardous and Radioactive Materials

cc: Larry Gandy, GMI
Ed Kelley, NMED
Robert S. (Stu) Dinwiddie, HRMB