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GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2044 A Galisteo, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-1567
Fax (505) 827-1544



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 12, 2000

Larry Gandy, Vice-President
Gandy Marley, Inc.
1109 East Broadway
P.O. Box 827
Tatum, New Mexico 88267

**RE: NOTICE OF DEFICIENCY (NOD) - Technical Adequacy Review of Triassic Park RCRA Permit Application - Part B Vol. I, Section 4.0, Waste Analysis Plan ; Vol. IV, Appendix B, Construction Quality Assurance Plan; Vol. I, Sections 2.5.3.8 and 2.5.3.9; Vol. II, Appendix G, Response Action Plan; and the revised Inspection Checklists.
EPA ID No. NM0001002484**

Dear Mr. Gandy:

New Mexico Environment Department Hazardous Waste Bureau (NMED-HWB) staff have completed review of the following portions of the Triassic Park Hazardous Waste Disposal Facility permit application submitted by Gandy Marley, Inc. (GMI): Vol. I, Section 4.0, *Waste Analysis Plan* submitted via e.mail on August 30, 2000; Vol. IV, Appendix B, *Construction Quality Assurance Plan*, revised April 2000; Vol. I, Sections 2.5.3.8 and 2.5.3.9, revised April 2000; and Vol. II, Appendix G, *Response Action Plan*; and the revised Inspection Checklists submitted via e.mail on July 31, 2000. Deficiencies noted are detailed in an enclosure.

Please submit the information required in the enclosure within 60 days of receipt of this letter. Failure to submit the information within this time period may result in the denial of the permit application. GMI may request an extension of this deadline for portions of the required information; the request must be accompanied by a written justification and expected submittal dates for each portion.

Larry Gandy
September 12, 2000
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If you have any questions, please contact Stephanie Kruse of my staff at 505/827-1558, ext 1012.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

Enclosure

cc:w/enclosure

Greg Lewis, NMED/HWB
Stephanie Kruse, NMED/HWB
Glenn von Gonten, NMED./HWMB
Susan McMichael, NMED/OGC
Dale Gandy, GMI
Ken Schultz, GMI
Trey Greenwood,
Pat Corser, Montgomery Watson
David Neleigh, EPA, Region VI

cc:w/o enclosure

John Kieling, NMED/HWB

NOTICE OF DEFICIENCY

Vol. I, Section 4.0, Waste Analysis Plan

Deficiencies

1. Section 4.1.2, Prohibited Waste, p. 1, 1st bullet. **"...Soils..., except for bulk PCB-contaminated remediation waste...."**

GMI must decide whether it will accept all bulk PCB-contaminated remediation wastes or whether it is restricting itself to soils.

Section 4.1.2, p. 2. **"...Before the facility accepts wastes containing PCB concentrations greater than 500 ppm,..."**

GMI should insert "other" between "accepts" and "wastes".

2. Section 4.1.2, p.2, 1st bullet. **"organic liquids/sludges. - Liquids/sludges with an organic concentration of 10 percent or greater by weight or liquids/sludges that have not been treated (prior to receipt at the facility) to applicable LDR treatment standards."**

Because GMI intends to accept and manage containers which must meet 40 CFR 264, Subpart BB, standards, the phrase, "with an organic concentration of 10 percent or greater by weight or liquids/sludges", should be deleted.

3. Section 4.1.2, p. 2, 3rd bullet. **"radioactive/nuclear materials. - "**

To make this definition all-inclusive, GMI should add, "or other naturally occurring materials which contain radioactivity concentrations above the levels regulated under 20.3.1.14 NMAC."

4. Section 4.2, Criteria for Waste Management at the Facility, p. 3, 3rd bullet.

The phrase, "or it exceeds the 40 CFR, Subpart BB allowable concentrations for air emissions" should be deleted. See Deficiency No. 2.

5. Section 4.3.3, Representative Sample Analysis and Evaluation, p. 6, 1st full paragraph.

The 4th and 5th sentences are redundant and slightly inconsistent with p. 6, 3rd full paragraph, and should accordingly be deleted.

6. Section 4.3.3.3, Additional waste acceptance conditions, P. 7, 5th bullet.

This bullet should be deleted. See Deficiency No. 2.

7. Section 4.4.2, Visual Inspection, 1st sentence. "**...(at the rate defined in Section 4.4.3.1)....**"

This reference should be to the next paragraph (or should be omitted), which discussed the visual inspection rate. Section 4.4.3.1 discusses the sampling rate.

8. Section 4.5, Waste Analysis.

GMI must revise the text of Section 4.5 throughout that refers to "...other nationally recognized standards." Analytical methods must be specified in the permit application, as required by 20.4.1.500 NMAC, incorporating 40 CFR 264.13(b)(2) and 40 CFR 270.14(b)(3). Methods acceptable to NMED include EPA Publication SW-846 and certain ASTM methods approved by EPA, and these methods must specified in Tables 4-1 through 4-3. The use of other methods are hazardous waste- or constituent-specific and must be justified to the satisfaction of NMED before use.

9. Section 4.5.1.2, Additional analysis to ensure compliance with the LDR treatment standards, p. 15, 1st paragraph.

As we discussed, please replace the first paragraph with the following paragraph (based on 20.4.1.800 NMAC, incorporating 40 CFR 268.40(a)):

"The facility will ensure that LDR treatment standards are met by identifying the appropriate treatment standard requirement as follows:

- **Total waste standards:** All hazardous constituents in the waste or in the treatment residue must be at or below the values for these constituents contained in the Table in 40 CFR 268.40;
- **Waste extract standards:** The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in the Table in 40 CFR 268.40; or
- **Technology standards:** The waste must be treated using the technology specified in the Table in 40 CFR 268.40.

10. Section 4.5.1.2, p. 18, 3rd bullet.

GMI should change "268.48" to "268.40".

11. Section 4.5.1.3, Additional analysis to ensure compliance with regulatory and operational limits, p. 18, 3rd bullet.

GMI should delete the last sentence. See Deficiency No. 2.

12. Section 4.5.5.2, Waste analysis requirements specific to storage units, p. 21, 2nd paragraph.

Section 11.0 of the permit application indicates that the facility will meet Container Level 1 and Level 2 standards only. Accordingly, GMI must remove the reference to Level 3 standards.

13. Section 4.5.5.5, Waste analysis requirements specific to the landfill, p. 24, 6th bullet.

GMI must revise Section 4.5.5.5 by adding discussion that documents that GMI will meet the performance standards for incompatible waste specified in 40 CFR 264.313 and 40 CFR 264.17(b) and (c) by separating incompatible waste in non-adjacent landfill "grid cells" and by treating the potentially incompatible waste by stabilization prior to placement in the landfill.

14. Section 4.5.6, Waste Analysis Requirements for Waste Generated On-Site, p. 25, 5th paragraph. **"Leachate generated from the landfill will be pumped out of the unit sumps into tanks or tanker trucks."**

Vol. I, Section 2.5 (and possibly Vol. III, Section 3.0) of the permit application indicates that leachate from the landfill will be hard-piped to the leachate storage tank. GMI must make these statements consistent with one another.

15. Section 4.5.6, p. 27, contaminated soil, last sentence. **"Contaminated soils that are managed as hazardous wastes will be analyzed and managed in accordance with the Phase IV, Part 2 LDR rule."**

GMI should replace "the Phase IV, Part 2 LDR rule" with "the alternative LDR treatment standards for contaminated soil contained in 40 CFR 268.49".

16. Section 4.5.6.2, Selection of waste analysis parameters, p. 28, 4th paragraph.

See Deficiency No. 8. **"Leachates will be analyzed separately at least once a month at the point of generation. These leachates will be analyzed for all constituents**

specified in 40 CFR 264 Appendix IX using appropriate methods specified in SW-846."

GMI must indicate that the monthly sampling and analysis of leachate at the point of generation is for all F039 underlying constituents, and that a biennial sampling and analysis will be conducted for 40 CFR Appendix IX constituents.

17. Section 4.7, Analytical Methods, p. 34.

See Deficiency No. 8.

18. Section 4.7.2.3, Laboratory QA/QC Samples, p. 36, 2nd paragraph.

GMI must delete the first sentence and establish data quality objectives (DQOs) in the permit application. DQOs may also be specified in the permit. Because GMI will be required to take certain specified actions as a result of any release of hazardous waste or hazardous constituents to the vadose zone, the DQOs must include the lowest detection limits that can be practicably achieved following the specified analytical methods; these detection limits should be included in a table in the laboratory QA manual.

19. Section 4.7.2.5, Analytical procedures, p. 39, 2nd paragraph.

GMI should revise this section, and elsewhere in Section 4.0, to delete all references to the "applicable" edition of SW-846. It is unclear what GMI means by this term; in any case, NMED requires GMI to use the most current edition of SW-846, as updated.

Also: See Deficiency No. 8. SW-846 provides test procedures and guidance for use in conducting the evaluations and measurements needed to comply with RCRA. If GMI is unable to meet its analytical requirements using SW-846, then it will be required to submit a request to NMED to use alternate methods.

20. Section 4.7.2.4, p. 40, 1st paragraph following list. **"Editions used will be...updated at the time of facility operation."**

GMI must delete "at the time of facility operation". See Deficiency No. 21.

21. Section 4.7.3, Requirements for Off-Site Laboratories, p. 41, 4th bullet.

See Deficiency No. 8.

22. All tables must be completed and emailed to NMED for review.

Editorial Comments

23. Typographical errors should be corrected in the phrases indicated below:

- Section 4.1.2, p. 2, 2nd full sentence. **"A copy of this permit will be transmitted to New Mexico Environment Department...."**

The word, "the", should be inserted before "New Mexico Environment Department".

- Section 4.5.1.3, Additional analysis to ensure compliance with regulatory and operational limits, p. 18, 4th bullet. **"...the stabilization bins ar subject to the requirements...."**

(Also: the words in parentheses should be changed to agree with the preceding changes in the first sentence.)

- Section 4.5.1.3, 5th bullet. **"...d-oes not contain...."**
- Section 4.5.2, Representative Sample Analysis, p. 19, 1st paragraph. **"...to ensure that that the representative...."**
- Section 4.5.5.5, p. 24, 3rd bullet. **"...the waste has been treated by the appropriate specified treatment technology...."**
- Section 4.5.5.4, Waste analysis requirements specific to the stabilization tanks, p. 22, 2nd paragraph, 1st sentence. **"...as part of the representative samply...."**
- Section 4.5.6, p. 26, 4th paragraph. **"Leak detection and removal/vadose zone monitoring for evaporation pond leacdhate..."**
- Section 4.5.6.1, Waste analysis requirements for waste generated on-site, p. 27, 1st bullet, l. 7. **"IDE will be stored...."**

("IDE" should be "IDW".)

Section 4.5.6.2, 5th paragraph. **"...compliance with the LDR UST...Leachates that do not meet the UST...."**

("UST" should be "universal treatment standards (UTS)")

24. When submitting the final revision of Section 4.0, GMI must revise the text by removing the editorial strikeout/highlight marks and checking for additional typos. GMI must include all figures and tables in the final submittal.

Construction Quality Assurance Plan for Landfill, Surface Impoundment and Associated Facilities

Deficiency

25. GMI must include the figure and appendices in the final submittal.

Inspection Checklists

26. Cover page: Inspection Checklist - Operational Days

The third paragraph must be revised to meet the requirements specified in 20.4.1.500 NMAC, incorporating 40 CFR 264.15(d), which specify that certain information, such as the date, time, name of the inspector(s), observations made, and the date and time of repairs and remedial actions taken must be recorded. It is not acceptable to note only the "indication of a problem".

GMI must also revise the Inspection Corrective Action Report form to include the above noted inspection items specified in 20.4.1.500 NMAC, incorporating 40 CFR 264.15(d).

27. P. 3, General Site

GMI must revise this inspection form, and other similar forms, by adding a column for "Remedial Actions/Repairs" next to the "Description" column (see 20.4.1.500 NMAC, incorporating 40 CFR 264.15(d)).

Ditches Nos. 1 through 7 should be listed.

Rather than having only one line for all loading and unloading areas, it would be preferable to include these inspections (p. 4, item a.) with each permitted unit, i.e., the drum handling unit, the roll-off container storage area, the liquid waste storage tank area, the evaporation pond, and the landfill, and other units such as the sampling station, etc. This also applies to inspection of access ramps (p. 4, item a).

28. P. 5, Drum Handling Unit

GMI should correct the apparent typo in the last listed item that reads, "Less than 12' from".

GMI must inspect the concrete floor to ensure that it is free of cracks or gaps and the epoxy coating is not damaged (Vol. I, 2.2.1.1).

Each of the seven cells has its own trench and sump system, which must be inspected. Accordingly, GMI must list each system (Nos. 1 through 7) in item d. on p. 7.

29. P. 5, Drum Handling Unit (Volatile Organic Wastes) (Weekly)

GMI must revise this section by deleting inspection item "c" (Determine volume of waste). GMI must add the following inspection item "c" (Cover and closure devices, such as lids, bungs, caps, etc. are secure) to meet the inspection requirement specified in 20.4.1.500 NMAC, incorporating 40 CFR 264.1086 (c)(1)(ii). GMI must add in the response column that "If cover or closure device is not properly secured, then secure, repair, or replace."

30. P. 8 and 9, Roll-Off Storage Unit - Non-Stabilized and Stabilized

GMI must inspect the concrete pad and perimeter and separator berms (secondary containment) for signs of leaks and deterioration.

GMI must inspect the spacing of roll-off container columns and rows.

31. P. 11, Liquid Waste Receiving and Storage Unit (Daily)

GMI must revise this section by specifying Tanks Nos. 1 through 4, not just Tanks Nos. 1 and 2, to be consistent with the rest of the permit application.

GMI must also revise this section by adding several additional inspection items that have been omitted to meet the requirements specified at 20.4.1.500 NMAC, incorporating 40 CFR 264.195(a)(2). These omitted items include, but are not limited to, inspection of the overfill controls and data from monitoring and leak detection equipment.

GMI must include the annual sonic tank test to ensure that the thickness of the inner shell and outer wall is maintained (Vol. I, 2.4.6).

32. P. 12, Stabilization Unit (Daily)

GMI must revise this section to meet all of the inspection requirements specified in 20.4.1.500 NMAC, incorporating 40 CFR 264.195.

Please explain the difference between the daily inspection of the steel bins for cracks or dents, punctures, and excessive wear (item g. on p. 13) and the monthly inspection of the steel bins (where empty) for the same problems (item a. on p. 14). In both cases, "ware" should be "wear".

GMI must include the annual **sonic** tank test and the annual cathodic protection system test.

33. P. 15, Evaporation Pond (Daily)

Please explain item f. - Liquids present in secondary containment for leachate storage tanks and g. - Liquid levels above max storage capacity in leachate storage tanks. NMED is unaware of any leachate storage tanks associated with the evaporation pond. GMI must add "Average Daily Flow Rate" to the list of inspection items. This additional item is required for GMI to determine whether they have exceeded the Action Leakage Rate (ALR).

34. P. 16, Evaporation Pond (Weekly)

GMI should revise "Weekly" to read, "Weekly and after Storms".

Please explain how item b. -sloughing or damage to berms will be inspected. NMED understands that the earthen berm will be covered by the liner. How will sloughing be detected? By slumping?

GMI should revise this section to meet all of the inspection requirements specified at 20.4.1.500 NMAC, incorporating 40 CFR 264.226. Omitted items include, but are not limited to: a sudden drop in liquid level (20.4.1.500 NMAC, incorporating 40 CFR 264.226(b)(2)) and the amount of liquids removed from sump (20.4.1.500 NMAC, incorporating 40 CFR 264.226(d)(1)) .

GMI must include inspection of the protective netting in the weekly inspection to protect local and regional bird life.

35. P. 18, Landfill (Daily)

Items f., g., and h. - It is NMED's understanding that there is only one leachate storage tank.

GMI must include inspection of the contaminated water collection basin and stormwater collection basin at least weekly and after storms. GMI must also determine the amount of liquids collected in each of the three leak detection sumps to meet the requirements specified in 20.4.1.500 NMAC, incorporating 40 CFR 264.303(c)(1).

36. Inspection of emergency equipment

GMI must add a section to their inspection checklist that deals with "Inspection of Emergency equipment". Emergency equipment is discussed in 20.4.1.500 NMAC, incorporating 40 CFR 264.52(e)