

**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH**

IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC
PARK WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484

No. HRM 01-02(P)

NOTICE OF FILING

COMES NOW the applicant Triassic Park, by and through its counsel of record, Dolan & Domenici, P.C. (Pete V. Domenici, Jr., Esq.), and provides notice of filing of the following documents:

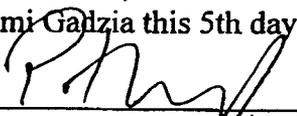
1. Comments that constitute Applicant's requested changes to the draft permit. Additional Comments responding to questions and requesting clarification of draft permit language will be submitted by separate submittal of the applicant.

DOLAN & DOMENICI, P.C.



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I hereby certify that a true copy
of the foregoing was sent via fax
to counsel for CURE, the hearing clerk and
the administrative record in Roswell c/o Linda Cole of
the NMED, Steve Pullen of the NMED, and mailed to
Jimi Galziza this 5th day of September, 2001.



Pete V. Domenici, Jr., Esq.

GMI Requested Changes to NMED Draft Permit for the Triassic Park Facility	
No	Comment
1	2.11.1 Implementation of Contingency Plan Thirty (30) calendar days is too restrictive and not stipulated by any regulation. MW suggests that this time frame be increased to 90 days and that the one time extension be clarified to indicated that this is per event
2	7.5.3 Evaluation Schedule The Permit states that 30 days is the evaluation period after VZMS sampling. The standard time for analytical laboratory testing is 3 to 4 weeks and an additional 2 to 3 weeks for data validation. Therefore, the average time to obtain analytical data after sampling is approximately 45 days. The time required to evaluate the data is approximately 2 weeks; therefore, MW suggests that a total time of 90 days be used to perform VZMS data evaluation.
3	7.5.7 Data Reporting The Permit states the Permittee shall submit VZMS analytical data to the Secretary within 45 calendar days of sample collection. As stated above, the standard time to obtain data from the laboratory is approximately 45 days alone. This does not allow any time to produce a submittal to the Secretary. Once again, MW suggests that a time period of 60 days be used to allow sufficient time for testing and data reporting.
4	Permit Attachment O2 The closure cost estimate contained in Permit Attachment O2 was increased by NMED by approximately \$1,200,000. MW worked closely with NMED to come to a consensus on the closure cost estimate prior to submittal to NMED. Therefore we do not agree with this cost increase and request that NMED provide justification for the closure cost estimate increase or use the cost estimate submitted by MW. The text in Section 8.3 indicates that the closure costs presented in Permit Attachment O2 were prepared by the Permittee. This is incorrect as these estimates are not consistent with the Permit Application.
5	Permit Attachment Q MW recommends verification sampling at least one time following any monitoring parameter exceedance to minimize sample false positives/negatives.
6	Table 1-1 The "Due Dates" for Permit Conditions 1.5.9.c.i, 4.7.3.a and 5.7.3.a should all be the same time since they all refer to submittal of certifications and CQA documentation of construction. In addition, to avoid confusion, the due date for conditions 2.11.5.c should be listed in terms of the first receipt of waste rather than initiation of operations. We assume that these are generally the same times. The last row of Table 1-1 should be removed as it is a duplicate of a previous row.
7	2.4.1.b.ii should state less than <u>500</u> ppm rather than 50 ppm.
8	2.4.2.a certain soils containing PCBs – 50 ppm should be <u>500</u> ppm

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9	2.5.2.a & 2.5.3.a.ii reference to an "off-site laboratory" should be changed to "a laboratory other than that used by the generator"
10	2.5.2.b Permit states that all waste except debris is subject to fingerprint sampling and analysis. Permit application section 4.4.3.1 refers to conditions under which the analyses may be waived – why were these conditions excluded from the Permit?
11	2.12.1.i Hazardous waste stream information required to be maintained until closure by the referenced regulation, but permit states until post-closure. We recommended that the information be maintained until closure as specified by the regulations.
12	3.8.2 Requirement that ignitable or reactive waste in the Drum Handling unit must be stored in a cell clearly marked for ignitable or reactive waste is additional to permit application and regulation requirements. Therefore, we request that this added requirement be eliminated.
13	5.6.2 VZMS wells required to be monitored semi-annually during post-closure, not quarterly as stated. References cited all require semi-annual monitoring.
14	<p>Western boundary monitoring wells - Gandy Marley, Inc. is committed to installing a fence of four shallow vadose zone monitoring wells in the alluvial sediments west of the waste management units. This is a direct response to comments expressed at the recent public meetings. The purpose of this fence of monitoring wells is to ensure that the Triassic Park Disposal Facility is protective of any water in the alluvium and will have no impact on the existing wells currently producing from these sediments five miles west of the facility.</p> <p>These wells would be located on a north-south fence, between the western waste management units (Evaporation Ponds, Truck Wash Unit and Maintenance Shop) and the Stormwater Detention Basin. These wells would be spaced at approximately 330-foot intervals along this fence. In the unlikely event of an excursion, these locations allow Gandy Marley to respond quickly in order to implement remedial actions well before any liquids reach the property boundary.</p> <p>There is no need to have shallow vadose zone monitoring wells adjacent to the landfill during Phase 1A operations. All alluvial sediments will be stripped away from the sides of the landfill for a lateral distance of 16 feet and any potential fluid movement will be captured in a surface drainage ditch. No monitoring well would give the amount of information that will be available from exposing the entire unit. However, during subsequent operational phases that would require complete lining of the Phase 1 landfill and emplacement of a clay berm adjacent to the alluvial sediments, the decision to install shallow vadose zone monitoring wells will be re-examined.</p> <p>Draft permit changes required because of this comment include:</p> <ul style="list-style-type: none"> • Highlights - Part 5.0 - Add description of four western boundary shallow vadose zone monitoring wells to existing description of two deep vadose zone monitoring wells

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No	Comment
	<ul style="list-style-type: none"> • Highlights - Part 6.0 - Change number of deep vadose zone monitoring wells from two to four • 6.2.1.h - Vadose Zone Monitoring Wells - Remove mention of two possible shallow vadose zone monitoring wells and change total number of vadose zone monitoring wells from nine to ten • Highlights - Part 7.0 - Change total number of vadose zone monitoring wells from nine to ten • 7.2.1.b - Shallow Vadose Zone Monitoring Wells - Change total number of shallow zone monitoring wells from three to four. • Attachment I - 2.2.1 - Well Locations - Change total number of vadose zone monitoring wells from nine to ten, change total number of shallow vadose zone monitoring wells from three to four and replace existing description of shallow vadose zone monitoring wells with description of western boundary shallow vadose zone monitoring wells • Figure 2 - Location of Sumps and Monitoring Wells - Remove the three existing shallow vadose zone monitoring well locations and replace with the four western boundary shallow vadose zone monitoring wells <p>There is a net increase of one monitoring well associated with this draft permit change request and the overall monitoring well layout is much more protective of the environment.</p>