

Index of the Comments Received through November 1, 2001 by NMED on Triassic Park Draft Hazardous Waste Facility Permit ^a				
Unique No.	AR/ Invoice No. or Location ^b	Date of Letter or e-mail	Commentor - Association	Subject: Issue or Comment
1	01-005	01/19/2001	David Neleigh – EPA	<p><u>Notification</u>: Add a condition to the permit requiring the Permittee to notify the Director and new owner/operator when a RCRA permit is transferred (40 CFR 270.30(1)(3) and 264.12(c)).</p> <p><u>Regulatory</u>: In the future, NMED should be more proactive with applicants who continually submit inadequate permit applications. Table 1-1, Compliance Schedule, lists several documents/information that should have already been completed during the permit process.</p> <p><u>Permit Part 5, Surface Impoundments</u>: Add a condition to the permit requiring the surface impoundments to meet the requirements of 40 CFR 264.231, Special Surface Impoundment Provisions for Hazardous Wastes F020, F023, F026 and F027.</p> <p><u>Permit Part 6, Landfills</u>: Add a condition to the permit requiring the landfill to meet the requirements of 40 CFR 264.317, Special Landfill Provisions for hazardous Wastes F020, F022, F023, F026, and F027.</p> <p><u>Permit Part 10, Corrective Action for Solid Waste Management Units</u>: For clarity, add a statement to the Highlights Section that the investigation/cleanup process under this part does not necessarily have to follow the “phased approach”, phases may be skipped if acceptable to the Administrative Authority.</p>
2	01-016	02/21/2001	Robert D. Beckel - NMMI	<u>Traffic</u> : Concerned over the increased volume in truck traffic near school, and request finding alternate truck route.
3	01-038	04/12/2001	Victor Blair	<p><u>Public Meeting</u>: Request a public meeting.</p> <p><u>Time Extension</u>: Request an extension on the public comment period.</p>
4	01-039	04/13/2001	Robert D. Beckel – New Mexico Military Institute	<p><u>Traffic</u>: Concerns over the increase in truck traffic at the corner of Main (US 285) and College Blvd right passed the NMMI. A bypass east of Roswell would allow truck to avoid traveling past the boarding school and would reduce potential safety risks.</p> <p><u>General Support</u>: Have no objection to Facility.</p>
5	Hearing Record	04/15/2001	Victor Blair	<p><u>Waste Prohibition</u>: Concern that permit could be revised to accept more than 10% by volume of volatile organic compounds and eventually may not be in compliance with RCRA.</p> <p><u>Time Extension</u>: Problems with the public comment period and request an extension.</p> <p><u>Prohibited Waste Streams</u>: Concerns over acceptance in future of mixed waste and low-level radioactive waste.</p>
6	01-042	04/18/2001	Bobbie Tolton	<u>Public Meeting</u> : Request public meeting for Caprock.
7	Hearing Record	04/19/2001	Deborah Reade	<p><u>Availability</u>: Permit must be made more available to the public – need hard copies.</p> <p><u>Time Extension</u>: Request a 90-day extension on public comment period.</p> <p><u>Public Meeting</u>: Request additional public meetings in Roswell and Santa Fe.</p>
8	01-043	04/19/2001	Janet Greenwald - (CARD)	<u>Availability</u> : Permit must be made more available to the public in hard copy format. Many of public do not have computers or have Macs, and can not access the permit for review. Fact Sheet should

				<p>be in Spanish.</p> <p><u>Public Meeting</u>: Request a public hearing, extended out to October 16, 2001.</p> <p><u>Time Extension</u>: Request an extension of the public comment period to 08/15/2001.</p> <p><u>Environmental Justice</u>: Putting information out for computer access is discriminatory to Hispanics.</p>
9	Hearing Record	04/20/2001	Joni Arends – CCNS	<p><u>Availability</u>: Permit is not readily available to the public for review, put copies in libraries.</p> <p><u>Time Extension</u>: Request 90-day extension on public comment period until 08/15/2001.</p>
10	01-044	04/20/2001	Doreen Bunting	<p><u>Availability</u>: Information needs to be provided in Spanish. Permit needs to be made more available to the public.</p> <p><u>Public Concerns</u>: We should have a voice.</p>
11	Hearing Record	04/24/2001	Karen Jo Herman	<p><u>Construction Requirements</u>: Information concerning the clay layer is inaccurate. The clay layer will guide any spilled liquids towards two surface water bodies not far from the site and could allow contaminated liquids to enter the aquifer.</p> <p><u>Drainage Systems</u>: Designing the Facility to handle a 25-year rain (stated as being highly unlikely) is not adequate. The Facility should be designed to handle at a minimum the 50-year rain. A breach of the Facility due to rain greater than the 25-year standard could compromise groundwater (Ogallala aquifer) and surface water bodies.</p> <p><u>Monthly Sampling</u>: Incorporate strict monthly monitoring of surface water bodies, water wells and air emissions, to be conducted by a third party (not NMED as they are biased).</p> <p><u>Prohibited Waste</u>: It has been stated that there will be no nuclear waste, although the application lists low-grade radioactive wastes.</p> <p><u>Construction Requirements</u>: What assurances are there concerning the reliability of the plastic liner and has the liner been tested at other facilities and under what conditions.</p> <p><u>Time Extension</u>: Request 90-day extension on public comment period.</p> <p><u>Mailing List</u>: Public campaign to notify all English and Spanish-speaking people of Chavis and Lea Counties and provide written notification and a copy of the application too all people within 10 miles of the Facility.</p> <p><u>Public Meeting</u>: Request an open house on weekends at the site.</p>
12	Hearing Record	04/25/2001	Jaime Chavez – Water Information Network	<p><u>Time Extension</u>: Request a 90-day extension in the public comment period and a 90-day extension in the date of the public hearing.</p> <p><u>Public Meeting</u>: Request an informational meeting in Santa Fe.</p>
13	01-047	04/25/2001	Kelly McCloy	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
14	Hearing Record	04/25/2001	Stephanie Bradshaw	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p>

				<p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
15	Hearing Record	04/25/2001	Linda Sisk	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
16	Hearing Record	04/25/2001	Marvin Frazier	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
17	Hearing Record	04/25/2001	Cassey Graham	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
18	Hearing Record	04/25/2001	LuLa Graham	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
19	Hearing Record	04/25/2001	Carl L. Johnson	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>

20	Hearing Record	04/25/2001	Ross and Bonnie Kennedy	<p><u>Availability:</u> Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment:</u> Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area. Air for miles will be contaminated and cause cancer.</p> <p><u>Public Meeting:</u> People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice:</u> Information not available in Spanish and general environmental justice issues.</p>
21	Hearing Record	04/25/2001	Mary March	<p><u>Availability:</u> Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment:</u> Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting:</u> People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice:</u> Information not available in Spanish and general environmental justice issues.</p>
22	Hearing Record	04/25/2001	James Odle	<p><u>Availability:</u> Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment:</u> Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting:</u> People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice:</u> Information not available in Spanish and general environmental justice issues.</p>
23	Hearing Record	04/25/2001	Bobbie Tolton	<p><u>Availability:</u> Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment:</u> Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting:</u> People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice:</u> Information not available in Spanish and general environmental justice issues.</p>
24	Hearing Record	04/25/2001	Jessie Tolton	<p><u>Availability:</u> Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment:</u> Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting:</u> People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice:</u> Information not available in Spanish and general environmental justice issues.</p>
25	Hearing Record	04/25/2001	Nannette West	<p><u>Availability:</u> Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment:</u> Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p>

				<p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
26	Hearing Record	04/25/2001	Weldon & Edith Dallas	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area. Concerns over our health, too.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
27	Hearing Record	04/25/2001	Mr. & Mrs. John F. Wolf	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
28	Hearing Record	04/25/2001	William J. Wolf	<p><u>Availability</u>: Permit and attachments not available to the public for review and it is not available in Spanish and does not address environmental justice issues.</p> <p><u>Risk Assessment</u>: Permit does not discuss proximity to Mescalero Sands National Recreational Area and impact on individual and groups who use that area.</p> <p><u>Public Meeting</u>: People of Caprock, Tatum and McDonald need to receive public notices.</p> <p><u>Environmental Justice</u>: Information not available in Spanish and general environmental justice issues.</p>
29	01-051	04/29/2001	Avon W. Wilson – Representative, District 59	<p><u>General Support</u>: Support the Triassic Park Hazardous Waste Management Facility. Believe geology will support facility. Waste is better treated and stored in a safe place.</p>
30	01-056	05/02/2001	Judy H. Stubbs	<p><u>General Support</u>: Believe Facility poses not threat to us or the surrounding area.</p>
31	01-055	05/02/2001	Rod Adair	<p><u>General Support</u>: Fully support permitting of the Facility.</p> <p><u>Mailing List</u>: Request to be put on mailing list.</p>
32	Hearing Record	05/02/2001	Joseph and Sue Chianta	<p><u>Risk Assessment</u>: What are the risks to wildlife, the local ecosystems and to the adults and children of the area who grow food on the land, breathe the air and drink the water?</p> <p><u>Time Extension</u>: Request 90-day extension on public comment period.</p> <p><u>Document Requests</u>: Want to be given facts about the Facility.</p>
33	Hearing Record	05/03/2001	Raymond Juarez – Fambrough Water Cooperative	<p><u>Environmental Justice</u>: People are being left out of the process because of language barriers. Socioeconomic impacts and ethnic implications regarding the geographical placement of Facility.</p> <p><u>Risk Assessment</u>: There are health threats posed by the Facility.</p> <p><u>Time Extensions</u>: Public comment periods are too short. Request a suspension of the May 15, 2001 deadline indefinitely until needs and concerns are met.</p> <p><u>Availability</u>: Request brochures on RCRA Subtitle C TSDFs and how these facilities may impact</p>

				health in Spanish. Request brochure on each of the 491 compounds of Attachment K and what the chemical and physical properties of each are and health implications. <u>Public Meetings:</u> Request a certified translator.
34	01-057	05/05/2001	Elaine McVay	<u>Environmental Justice:</u> Need to re-evaluate how the site for the landfill was chosen. <u>Risk Assessment:</u> Facility could jeopardize health and environment. <u>Public Meeting:</u> Disappointed in lack of communication and public notices. <u>Time Extension:</u> Request a 90-day extension on public comment period.
35	01-058	05/05/2001	Michael D. Porter	<u>Liability:</u> Insert language into Permit to make corporation officers personally responsible in perpetuity. Concerned that burial complete, corporation will walk away, and no one will be available to go after in the event of a mishap. Since site is proposed after Superfund legislation was put into place for pre-existing sites, no allowances should be made for later inclusion – neither State nor federal funds should be allowed for correction of the corporation’s failure. Include language that not only the corporation be held responsible, but also all their heirs. Permit should only allow for a reduction site, which is mandated to reduce wastes to their constituent elemental parts and to the recycling of those parts. <u>Prohibited Waste Source:</u> The corporation and all its officers filing the permit must, collectively, personally and in perpetuity, indemnify the state against any future actions by any of its current or future owners with regard to NAFTA, FTAA, WTO or similar trade agreements. <u>Document Requests:</u> Request URL to download permit. <u>Public Meeting:</u> Request a public hearing on permit request.
36	01-062	05/10/2001	Jimi S. Gadzia	<u>Public Meetings:</u> Request additional public meetings as a continuation of the May 4 th meeting.
37	01-063	05/10/2001	Sherry Bixler	<u>General Objection:</u> Do not let Facility go through. <u>Risk Assessment:</u> SE New Mexico should not be exposed to soil water and air contamination. <u>Environmental Justice:</u> Object to location of Facility. <u>Site Environment and Climate:</u> Concerned over the Lesser Prairie Chicken and breeding ground for the Scissortail Flycatchers. <u>Groundwater:</u> Underlying water basin had not been mapped. <u>Liability:</u> Cleanup costs would be high. <u>Prohibited Waste Sources:</u> Foreign wastes?
38	01-066	05/12/2001	William F. Briney	<u>Water issue:</u> The Facility will require large amounts of water to operate. Where will the Facility obtain this water, how much water will they need and how much will they be charged for the water? <u>Traffic:</u> Since hazardous wastes will be passing through several communities in SE New Mexico, what effort will be made to assure that these trucks/trailers will move safely and arrangements for emergencies in the event of spillage will be addressed ahead of time? <u>Waste Acceptance Criteria:</u> If the nature of the material being transported to the site is not known until it reaches the site for characterization and analysis, what will happen to the waste if it is not accepted?
39	01-067	05/14/2001	Peg Briney	<u>Water issue:</u> Where will the Facility obtain this water it needs to operate the facility? <u>Waste Acceptance Criteria:</u> Who will determine what is included in the waste and what will happen

				<p>if waste is not accepted?</p> <p><u>Preparedness and Prevention</u>: Has Roswell Fire Department been informed that they will have to respond to any emergencies?</p> <p><u>Time Extension</u>: Why is there a time limit on public comments?</p>
40	Hearing Record	05/17/2001	Becky A. Smith	<p><u>Mailing List</u>: Send information on what is going on.</p> <p><u>Environmental Justice</u>: What are the impacts on us as a tourist city?</p> <p><u>Site Environment and Climate</u>: What are the impacts on the environment and where is the Facility actually going to be?</p>
41	01-069	05/22/2001	Carl L. Johnson	<p><u>Air Quality Protection</u>: Wind speed should be addressed. With the evaporation ponds, transferring, pumping, mixing, and loose soil dealing with at least 245 known carcinogens, it is an oversight to address transport in the air.</p> <p><u>Risk Assessment</u>: How has EPA determined the site will not present an air hazard?</p> <p><u>Prohibited Waste Source</u>: Will Mexico and Canada be allowed to dump? What about WTO Agreements?</p> <p><u>Contingency Plan</u>: Has human error been figured into anything?</p> <p><u>Traffic</u>: Traffic does not factor in oil field farming in same area.</p> <p><u>Surface Water</u>: Playa lakes are in close proximity and have not been explained and are unknown by the applicants or NMED.</p>
42	Hearing Record	05/29/2001	Judy King	<p><u>Public Meeting</u>: Request meeting in Hagerman.</p> <p><u>Mailing List</u>: List of people who request information and to be put on mailing list.</p>
43	01-077	05/29/2001	Holly Harris-Schott	<p><u>Mailing List</u>: Request information on comment period and to be put on mailing list.</p>
44	01-085	06/11/2001	Elaine McVay	<p><u>Document Request</u>: Request information on rescission and the draft permit.</p>
45	01-091	06/25/2001	Holly Harris-Schott	<p><u>Time Extension</u>: Request time extension on public comment period until 12/21/01.</p> <p><u>Public Meeting</u>: Request additional public meeting in Roswell.</p>
46	01-092	06/25/2001	Edmund Schott	<p><u>Time Extension</u>: Request time extension on public comment period until 12/21/01.</p> <p><u>Public Meeting</u>: Request additional public meeting in Roswell.</p>
47	01-117	07/2001	Postcards – total received 238°, list of names in Administrative Record.	<p><u>General Objection</u>: Oppose the Facility</p> <p><u>Risk Assessment</u>: Facility is not protective of human health and the environment.</p> <p><u>Environmental Justice</u>: Facility will create negative environmental justice impacts on the local population.</p> <p><u>Time Extension</u>: Request extension of public comment period until December 31, 2001.</p>
48	01-093	07/02/2001	Carl L. Johnson	<p><u>Air Quality Protection</u>: air pollution</p> <p><u>Location Information</u>: three faults in the immediate area, large sink holes to the west of the area, the playa lakes to the east, three different water zones in the immediate area, use of Ogallala water, a non-rechargeable water, for this purpose and where is it coming from</p> <p><u>Prohibited Waste Source</u>: being the dumping ground for the world</p> <p><u>Past Performance</u>: Gandy's past performance in waste disposal operations</p> <p><u>Site Environment and Climate</u>: Endangered species (i.e., Prairie Chicken) will be affected</p>
49	01-099	07/11/2001	Deborah Reade	<p><u>Availability</u>: The application is not very available and is only available at one location after business</p>

				hour. Several crucial documents are not available, i.e., Site Characterization Plan. <u>Time Extension</u> : Request extension on public comment period until 12/31/01.
50	01-104	07/16/2001	Weldon and Edith Dallas	<u>Air Quality Protection</u> : Since organics are to be accepted, air monitoring should be conducted. <u>Risk Assessment</u> : General concerns over human health issues, especially via the air pathway. <u>Traffic</u> : Concerns over large truck traffic through Roswell and Tatum, especially with local traffic and school buses also on the roads. With up to five loads per hour, what about accidents? <u>Groundwater</u> : Concerns over groundwater contamination. <u>Water Issue</u> : The local aquifer is already dropping at a high rate, so where is the 50,000 gal/day water need for the facility going to come from?
51	Hearing Record	07/17/2001	Virginia Miller	<u>Risk Assessment</u> : Facility is not protective of human health and the environment. <u>Environmental Justice</u> : Facility will create negative environmental justice impacts on the local population. <u>General Objection</u> : Oppose the Facility.
52	01-110	07/18/2001	Lana Thompson and Carl L. Johnson	<u>Risk Assessment</u> : Appears that conflicting information has been given to the public. Gandy/Marley has stated that no carcinogens will be put in the evaporative pits. Is this true? Also general concern over risks to residents in the area. <u>General Objection</u> : GMI changing statements and contradicting self.
53	01-109	07/18/2001	Ron D. Clark	<u>Water Issue</u> : The Permit should not be granted until it can be proven that there is enough water for the facility and the residents. Is this the best use of water for New Mexico? <u>Traffic</u> : Truck traffic will increase traffic, congestion, the number of accidents, and wear and tear on the highway. Perhaps wait until a four-lane road can be built. <u>Risk Assessment</u> : Concerns over risks to residents and workers, especially as much is still unknown about exposures to chemicals. <u>Public Concern</u> : Weight should be given to the wishes of the people of the county. We don't want other people's wastes.
54	01-113	07/19/2001	Donna Davis	<u>Risk Assessment</u> : Concerned over the open pits and potential for exposures to chemicals, as wind blows constantly. <u>General Objection</u> : Oppose the Facility
55	01-114	07/19/2001	Steve West – Pres. Chihuahua Desert Conservation Alliance (CDCA)	<u>Risk Assessment</u> : Concern over the impact on soil and groundwater at local ranches. <u>Traffic</u> : Concern over the increase in traffic, resulting in potential spills and accidents, which will endanger both local residents and tourists. This could result in lawsuits. <u>Groundwater</u> : The proposal indicates that the facility will be exempt from groundwater monitoring. This would allow groundwater contamination to go undetected for a long time. <u>Water Issue</u> : The Facility will require 50,000 gallons of water per day. This goes against water conservation efforts in New Mexico. If the 50,000 gallons of water needed per day is coming from the Pecos River, New Mexico may have problems meeting its water obligation with Texas and could hurt farmers in southeastern New Mexico. <u>Waste Analysis</u> : What studies have been done to ensure chemical compatibility? <u>Liability</u> : If a spill occurs, who is responsible for the costs to remediate? <u>Site Environment and Climate</u> : The Facility would be located adjacent to the Mescalero Sands

				National recreational Area, where several endangered or threatened species live (e.g., Mescalero Sand Dunes Lizard and the Lesser Prairie Chicken). What are the risks to ecological receptors? <u>General Objection:</u> Opposed to Facility in any form.
56	01-115	07/20/2001	Roger S. Peterson – New Mexico Natural History Institute	<u>Groundwater:</u> In addition to the 600-ft deep groundwater aquifer and the Ogallala, there is a water table from which all wells in the Mescalero Sands draw. This is not mentioned. This water table begins very close to the 480-acre site and extends west, north and south for many miles on public and private lands. It is a perched water table under the sands and on the bedrock, about 20 to 60 feet below the sand surface. Ranch wells nearby are 30 to 50 feet deep. While this water table is below the surface of the proposed facility, it is not below the excavated bottom of the proposed settling tank and landfill. This water table should be addressed. The closest well I know of to the proposed site is now a roadside park on US380. While the well is no longer used, water is still evident. Locals remember a well within the 480-acre site from years ago. This may be evidence that the site is not as “dry” as Gandy Marley claims, if the well did exist.
57	Hearing Record	07/25/2001	Michael D. Porter	<u>Time Extension:</u> Request extension on the August public comment period.
58	01-122	07/31/2001	Linda J. Sager-Squire and Allen G. Squire – Southwind Dairy	<u>Environmental Justice:</u> The area around the proposed facility has an extensive agribusiness (beef, dairy/cheese and crop). The Facility could have a greatly negative impact on local business, especially should a release from the facility or one of the haul trucks occur. More research should be given into the location of the facility and actual impacts on the established industry of agribusiness. <u>Risk Assessment:</u> Materials released from the facility or one of the haul trucks would result in contamination of the air, soil and/or water. Exposure of these chemicals to cattle, cows and crops would greatly impact both the economy and human health. What considerations have been given to the potential for accidents leading to chemicals being released into the food chain? Natural background levels for several metals (including radionuclides) are elevated in this area. In addition, there are increased levels of organics in the air due to activities and contamination at a nearby air base. What consideration has been given to the increase in already high levels of exposure to metals and organics? In addition, the area is susceptible to foggy, stagnant air inversions. The inversions compound the problems of contaminants in the air and will increase exposures. What will be done about this? <u>Water Issue/Risk Assessment:</u> One of the main uses for water would appear for dust control. However, given the scarcity of water, the potential for high costs for water, and the naturally windy conditions, what will be done to ensure adequate dust-control measures are in place for the duration of the facility? Dust appears to be a major transport pathway for exposure of chemicals to humans, animals and crops. <u>Time Extension:</u> Request extension on time for public comment.
59	01-125 01-134	08/2001	Postcards – total received 332 ^d , list of names in Administrative	<u>General Objection:</u> Oppose the Facility <u>Risk Assessment:</u> Facility is not protective of human health and the environment. <u>Environmental Justice:</u> Facility will create negative environmental justice impacts on the local population.

			Record.	<u>Time Extension</u> : Request extension of public comment period until December 31, 2001.
60	01-123	08/03/2001	Holly Harris-Schott	<u>Permit Attachment A, Condition 1.2</u> a. Section 1.2 was not based upon any real facts, as evidenced by the lack of references and citations to substantiate any of the claims. There was no evidence that any actual fieldwork or studies were conducted to support the claims. It also appears that GMI did not consult with either the New Mexico Game and Fish Department or the Ecological Service Branch of the U.S. Fish and Wildlife Service. NMED releasing the Permit to the public in this condition, lacking any substantive references, citations and/or studies is considered neglectful of the NMED's legal duties and could be a violation of the Wildlife Conservation Act Section 17-2-37 to 17-2-46 NMSA 1978 and the U.S. Endangered Species Act. b. No adequate surveys for plants and animals contained within this project have been conducted. c. No adequate projections on the effects of an accident at this site on the rare and threatened species of the area. d. Not all threatened and endangered species of the area have been identified. e. Protective fencing and nets over ponds have reportedly resulted in the taking of threatened or endangered animals. In addition, no studies were conducted to determine if the fencing and nets were safe to <i>Sceripurus graciosis arenicolous</i> . f. Relocation of any of these animals would require a permit form the U.S. Fish and Game Department, which is not discussed in the Permit. g. Approval of the Permit and subsequent construction of the Facility would be in disagreement with Wildlife Conservation Act Sections 17-2-37 to 17-2-46 NMSA 1978, and therefore illegal. h. Suggest GMI conduct a complete ecological evaluation of the area, with the help of the New Mexico Game and Fish Department or the Ecological Service Branch of the U.S. Fish and Wildlife Service. At a minimum, a one-year study should be conducted. The study should also include impacts of the facility, noise from increased traffic, fencing, netting and construction could adversely impact species.
61	01-129	08/09/2001	James Odle	<u>Risk Assessment</u> : There is a rest area on NM HWY 380 approximately two-miles from the proposed site and the Mescalero Sands Recreational Area is Approximately one-mile from the site. <u>Site Environment and Climate</u> : No studies on the proposed site's effects on the area's wildlife and rancher's livestock. <u>Air Quality Protection/Risk Assessment</u> : Air concentration has not been addressed adequately. Some volatile wastes can be found in rainwater, and after being in the atmosphere for a week, the chemicals still possess half their potency. <u>Risk Assessment</u> : The area (Lea County) is already near the top of the list for high incidences of cancer. How will the facility affect the already high rates of cancer?
62	01-130	08/09/2001	Edmund R. Schott	<u>Water Issue</u> : Using 50,000 gallons/day of water that cannot be recycled is criminal, especially in an area where water is a precious resource. <u>Site Environment and Climate</u> : There are an inadequate number of studies that have been conducted on the local rare, threatened and endangered species. What studies have been done in the event of an accident? One accident would be catastrophic to the ecosystem and any people or wildlife

				<p>happening upon it.</p> <p><u>Risk Assessment</u>: What risk evaluation has been done on visitors to the Mescalero Sands recreational Area in the event of a spill?</p> <p><u>Environmental Justice</u>: The facility will have a negative economic impact on the area. The facility will only create 15 jobs, but will deter new residents, businesses and tourists.</p> <p><u>General Objection</u>: I am opposed to the Facility.</p>
63	01-133	08/10/2001	Karen Wofford-LaBauve	<p><u>Groundwater</u>: What is the rate of flow of contaminants to the aquifer?</p> <p><u>Traffic</u>: Currently the trucks will go through the town of Roswell. What repercussions will that many trucks have on the longevity of the roads and road repairs? Who will be responsible for the costs to rebuild or repair local roads?</p> <p><u>Preparedness and Prevention</u>: Is the Roswell HazMat unit sufficiently trained to handle a substantial spill? What costs will be incurred by the taxpayers to fully train and equip a HazMat team?</p> <p><u>Traffic</u>: What if Federal funds do not come through to build a bypass road around Roswell?</p> <p><u>Water Issue</u>: Where will the 50,000 gal per day of water needed to operate the facility come from?</p> <p><u>Air Quality Protection</u>: How will air pollution from volatile organics and other chemicals from the evaporative ponds be mitigated?</p> <p><u>Prohibited Waste Source</u>: Can foreign wastes be dumped here?</p> <p><u>Risk Assessment</u>: Risks to citizens too great.</p>
64	01-139	08/14/2001	Susan R. Klemons	<p><u>General Objection</u>: Object to the Facility.</p>
65	01-150	08/21/2001	Janice and Einar Johnson	<p><u>Air Quality Protection</u>: Why are the noxious volatiles not monitored by the EPA?</p> <p><u>Groundwater</u>: Why was the groundwater study waived?</p> <p><u>Site Environment and Climate</u>: Will the area be left accessible to wildlife?</p> <p><u>Environmental Justice</u>: What about the negative economic impact on the area?</p> <p><u>General Objection</u>: Object to the Facility.</p>
66	Hearing Record	08/25/2001	Pamela B. Collins	<p><u>Public Meeting</u>: A Spanish interpreter was requested at the public meeting in Hagerman, however, P. Pattengale (NMED) rudely stated that one was available, but refused to provide one. More public meetings need to be help with either a translator or have them held in Spanish. Further, meetings need to be more professionally run and allow for more interaction.</p> <p><u>Time Extension</u>: Public should be given at least a 60-day comment period after modifications have been made. Believe more time is required to review the modifications prior to the hearing.</p>
67	Hearing Record	08/25/2001	Judy L. King	<p><u>Public Meeting</u>: A Spanish interpreter was requested at the public meeting in Hagerman, however, P. Pattengale (NMED) rudely stated that one was available, but refused to provide one. More public meetings need to be help with either a translator or have them held in Spanish. Further, meetings need to be more professionally run and allow for more interaction. Request NMED correct attitude of Pattengale.</p> <p><u>Time Extension</u>: Public should be given at least a 60-day comment period after modifications have been made. Believe more time is required to review the modifications prior to the hearing.</p>
68	Hearing Record	08/25/2001	Holly Harris-Schott	<p><u>Time Extension</u>: Request an extension of the public hearing date of no earlier than November 12, 2001. There has not been adequate time to review the proposed modifications.</p>

				<u>Public Meeting</u> : Request additional public meetings prior to the hearing. I was given only four days notice for the meeting, which is in violation of 40 CFR 270.42 which states that 15-days notice must be given. Further, the public meeting in Hagerman was handled very unprofessionally. Even after a translator was requested, one was not provided.
69	Hearing Record	08/28/2001	Betty Richards	<u>Time Extension</u> : More time is needed for reading and digesting the draft permit. <u>Environmental Justice</u> : NMED is underwriting the plan to make Southwest New Mexico the (inter?) national sacrifice area.
70	Hearing Record	08/31/2001	Jimi S. Gadzia	<u>Time Extension</u> : Request a postponement of the hearing date to allow adequate time for the public to read the permit and understand all the modifications, including changes in allowable waste streams. <u>Availability of Documents</u> : There has been confusion as to where documents can be viewed. The Roswell library is under construction and will be closed for two weeks during the comment period. <u>Public Meeting</u> : Very short notice for the public meeting was given, of less than four business days. This made it difficult for many to attend.
71	Hearing Record	09/2001	Postcards – total received 43°, list of names in Administrative Record.	<u>General Objection</u> : Oppose the Facility. <u>Risk Assessment</u> : Facility is not protective of human health and the environment. <u>Environmental Justice</u> : Facility will create negative environmental justice impacts on the local population. <u>Time Extension</u> : Request extension of public comment period until December 31, 2001.
72	01-183	09/04/2001	GMI – No.3	<u>Data Reporting</u> : The Permit state 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.
73	01-183	09/04/2001	GMI – No.6	<u>Table 1-1: The “Due Dates” for Permit Conditions 1.5.9.c.i, 4.7.3.a and 5.7.3.a</u> :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.
74	01-183	09/04/2001	GMI – No.7	<u>PCB Contaminated Soils</u> : Text should state less than 500 ppm rather than 50 ppm.
75	01-183	09/04/2001	GMI – No.8	<u>General Prohibition</u> : The third bullet for certain soils containing PCBs should be 500 ppm rather than 50 ppm.
76	01-183	09/04/2001	GMI – No.9	<u>Representative Sample Analysis</u> : Reference to an “off-site laboratory” should be changed to “a laboratory other than that used by the generator”. <u>Representative Sample Evaluation</u> : Reference to an “off-site laboratory” should be changed to “a laboratory other than that used by the generator”.
77	01-183	09/04/2001	GMI – No.10	<u>Fingerprint</u> : 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?
78	01-183	09/04/2001	GMI – No.11	<u>Waste Stream Tracking</u> : 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.
79	01-183	09/04/2001	GMI – No.12	<u>Protective Distances</u> : 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.
80	01-183	09/04/2001	GMI – No.13	<u>LDRS and VZMS Monitoring Systems</u> : VZMS wells required to be monitored semi-annually during post-closure, not quarterly as stated. References cited all require semi-annual monitoring.
81	01-183	09/04/2001	GMI – No.14	<p><u>Western Boundary Monitoring Wells</u>: 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 • 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

				<ul style="list-style-type: none"> 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>
82	Hearing Record	09/06/2001	Deborah Petrone	<p><u>Time Extension:</u> Request the Hearing date for the Final Draft Permit for Triassic Park be postponed, due to poor planning and scheduling of prior public meetings, lack of Spanish interpreters at these meetings and to allow adequate to review the modifications including the acceptance of NAFTA waste.</p> <p><u>Traffic and DOT Regulations:</u> People need to be assured that appropriate safety measures are in place for the people of Roswell against all the trucks carrying hazardous waste.</p> <p><u>Air Quality Protection:</u> Concerns by existing industries, such as the dairies, about air quality and contaminated dust particles.</p> <p><u>Public Meetings:</u> I understand the minimal requirements for translators have been met, but there is still a need to have the Spanish-speaking people informed. Spanish interpreters should be present at all public meetings. Meetings should also allow for more public participation and should not be run like classrooms for juvenile delinquents. It is demeaning.</p> <p><u>Time Extension:</u> More time should be given to the public to become informed and aware of all that is in the permit and more notification should be given for public meetings (more than 3-day notice).</p> <p><u>Regulatory:</u> Appears to be an alliance between government and industry and a reluctance to educate the people.</p>
83	01-162	09/10/2001	Martha Gillespie	<u>Time Extension:</u> Request an extension on the October 15, 2001 hearing.
84	01-184	09/14/2001	GMI - No. 2	<p><u>6.2.1.b Liner Systems:</u> 264.301 (c)(1) is not an accurate citation because it states the use of three (3) feet of compacted clay. MW suggests that 264.301 (d) is more applicable to this permit.</p> <p>The second to the last bulleted item states that 3 feet of compacted clay will be part of the liner system. This statement should be removed from the permit.</p>
85	01-184	09/14/2001	GMI - No.4	<u>7.2.1.(c) Vadose Zone Monitoring Sumps:</u> In addition, CFR 264.90 (f)(2) is referenced, but it appears this citation does not exist in the CFR.
86	01-184	09/14/2001	GMI - No.5	<u>7.2.10 Decontamination of Material Introduced into the Well Bore:</u> This section is vague. Do drill rods require decontamination? If this section is supposed to address only monitoring well construction materials, then the section should make this statement.
87	01-184	09/14/2001	GMI - No.6	<u>8.1.4.b Clean Closure Confirmation:</u> The Permit references sampling rates of 500 square feet and 10 lineal feet. These rates should be struck from the Permit to avoid confusion. Sampling frequencies are stated for each permitted unit in Permit Attachment O; therefore, only Permit Attachment O should be referenced for sampling frequencies.
88	01-184	09/14/2001	GMI - No.12	<u>1.4 UHC definition:</u> Clarify why Selenium and Sulfides are added to list of constituents that can be expected to be present at the point of waste generation at a concentration above UTS standards, but not included in regulation definition.

89	01-184	09/14/2001	GMI - No.26	<u>2.12.1.h</u> : Referenced permit condition 3.4 does not include discussion of information required for non-exempt waste.
90	01-184	09/14/2001	GMI - No.29	<u>2.14.3</u> : Requirement that any vehicles or equipment which have come in contact with hazardous waste in any storage or treatment area or in the landfill are decontaminated prior to further movement to prevent contamination of uncontaminated areas of the Facility is additional to permit application. We request that this be clarified to indicate that all trucks used for hauling waste into and out of the facility will not have to be routed through the truck wash unless they are visually contaminated.
91	01-184	09/14/2001	GMI - No.32	<u>2.15.2.c</u> : No such regulation 40 CFR 264.1083(b)(1)(ii) found as referenced
92	01-184	09/14/2001	GMI - No.33	<u>Table 2-2</u> : General comment – difficult to tell the purpose of this table –Section 2.12.1 says all the information listed in Table 2-2 shall be maintained at the Facility, yet it appears to be more just a reference to all the permit sections that discuss recordkeeping. Assuming it is intended to be a list of records to be kept, specific comments follow:
93	01-184	09/14/2001	GMI - No.34	<u>Table 2-2, General</u> : Would be helpful to include applicable area or activity (General – sections 1-2, Containers – section 3, Tanks – section 4, Surface Impoundment – section 5, Landfill – section 6, VZMS – section 7, Closure – section 8, Corrective Action – section 9) that the requirement applies to since many sections have vague titles or the same title as another areas (e.g. Recordkeeping Requirements, Inspection Logs, Other Records, etc)
94	01-184	09/14/2001	GMI - No. 37	<u>Table 2-2</u> : Several items listed are duplicates to the list provided in section 1.9.1 (first item in Table), including Personnel Training Documents (2.8.3), Contingency Plan Copies (2.11.2), Contingency Plan Implementation (2.11.6).
95	01-184	09/14/2001	GMI - No.38	<u>Table 2-2</u> : Item listed as Recordkeeping Requirements (2.12.1) does not include any records to be kept, just refers to Table 2-2 and sections 2.12.1.a-n, which are also listed in the table.
96	01-184	09/14/2001	GMI - No.39	<u>Table 2-2</u> : Typo for Monitoring Information item – permit section should be 2.12.1.k (get rid of the 'i' at the end).
97	01-184	09/14/2001	GMI - No.41	<u>Table 2-2</u> : Several items listed are duplicates to item listed as sections 2.12.1f and g, including permit number items 3.7.1.c, 4.7.1.c, 4.7.1.d.
98	01-184	09/14/2001	GMI - No.42	<u>Table 2-2</u> : Inspection Records (4.7.1.a) is duplicate of Recordkeeping – Inspection Logs (2.7.3).
99	01-184	09/14/2001	GMI - No.43	<u>Table 2-2</u> : Action Leakage Rate section (5.5.3) does not include recordkeeping requirements, but is included in Table.
100	01-184	09/14/2001	GMI - No.45	<u>Table 2-3</u> : General comment – difficult to tell the purpose of this table –Section 2.12.2 says all the submittals listed in Table 2-3 shall be submitted to the Secretary, yet it appears to be more just a reference to all the permit sections that discuss submittals. Assuming it is intended to be a list of information to be submitted, specific comments follow:
101	01-184	09/14/2001	GMI - No.46	<u>Table 2-3</u> : Would be helpful to include applicable area or activity (General – sections 1-2, Containers – section 3, Tanks – section 4, Surface Impoundment – section 5, Landfill – section 6, VZMS – section 7, Closure – section 8, Corrective Action – section 9) that the requirement applies to since many sections have vague titles or the same title as another areas (e.g. Subpart CC Noncompliance, etc).
102	01-184	09/14/2001	GMI - No.47	<u>Table 2-3</u> : Permit section 1.5.9.d is included in the table, yet there is no requirement discussed in this section (no text), except within the subsections, which are listed in the table as well.

103	01-184	09/14/2001	GMI - No.48	<u>Table 2-3: Contingency Plan Implementation is duplicated in the table – sections 1.5.9.e and 2.11.6.</u>
104	01-184	09/14/2001	GMI - No.50	<u>Table 2-3: The individual elements required in the Contingency Plan are listed separately in the table (sections 2.11.5.a – f) in addition to the Contingency Plan itself (section 2.11.5) – duplicate listing.</u>
105	01-184	09/14/2001	GMI - No.51	<u>Table 2-3: Item listed as Recordkeeping Requirements (2.12.2) does not include any reports to be submitted, just refers to Table 2-3 and sections 2.12.2.a-d, which are also listed in the table.</u>
106	01-184	09/14/2001	GMI – No.56	<u>Table 2-3: Permit section 5.7.2.b is included in the table, yet there is no requirement discussed in this section, except within the subsections, which are listed in the table as well.</u>
107	01-184	09/14/2001	GMI – No.60	<u>3.4: Reference to Permit Condition 3.11 for managing waste which testing has not been completed is unclear. Section 3.11.1 states BB waste will not be accepted, and there is no discussion of managing waste greater than 10% organic concentration by weight. Section 3.11.2 discusses both compliance and exemption from CC regulations.</u>
108	01-184	09/14/2001	GMI – No.65	<u>4.6.1: Reference to Attachment D, Inspection Procedures, Section 5.2, Inspection Procedures is repetitive – Attachment D is Section 5.2.</u>
109	01-184	09/14/2001	GMI – No.68	<u>4.6.3: Clarify inspection of Cathodic Protection System. Section 4.6.1 says they will be inspected daily for both liquid tanks and stabilization tanks, while Section 4.6.3 discusses different inspection schedule for stabilization tanks only. Why does 4.6.3 not apply to liquid tanks as well and why is daily inspection not included?</u>
110	01-184	09/14/2001	GMI – No.71	<u>4.7.3.a: Requirement to submit tank installation certification 60 days prior to initiation of operations not specified by regulations or permit application. We suggest that it be submitted prior to the initiation of operations.</u>
111	01-184	09/14/2001	GMI – No.78	<u>5.6.2: Reference to Attachment I only relates to removal and disposal of VZMS liquids, not LDRS liquids. 6.6.2: Reference to Attachment I only relates to removal and disposal of VZMS liquids, not LDRS liquids.</u>
112	01-184	09/14/2001	GMI – No.81	<u>5.7.2.a.i: Add clarification that sudden drop in the liquid level of a Surface Impoundment pond “that is not caused by changes in the flows into and out of the Surface Impoundment or expected evaporation rates”.</u>
113	01-184	09/14/2001	GMI – No.84	<u>7.3.2.b: Clarify that biennial sampling described in this section only applies to VZMS wells according to Section 4.5.6 and 264.98(a) (relates to groundwater monitoring), not to sumps.</u>
114	01-184	09/14/2001	GMI – No.86	<u>6.5.2.d: Requirement to sample and analyze leachate from LCRS, LDRS and VZMS sumps prior to comingling with leachate from VZMS wells or Surface Impoundment additional to permit application. Can leachate from the Landfill LDRS, LCRS, and the VZMS sump at the base of the Landfill be collected separately for sampling and analysis prior to comingling in the tank, if it is necessary to identify the location of the source of the fluids entering the LDRS and the VZMS sump?</u>
115	01-184	09/14/2001	GMI – No.91	<u>6.7.1.a: The bullets have been changed from the wording of the regulations, which changes their meaning. The 1st bullet should be “a map with the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks”. Remove “grid” from the 2nd bullet – regulations specify requirements for the each cell, not each grid. The reference to Permit Condition 6.3.2 relates to placement of incompatible wastes and should not be referenced here.</u>
116	01-184	09/14/2001	GMI – No.92	<u>6.7.1.c: The bullets have been changed from the wording of the regulations, which changes their</u>

				meaning. The 1 st bullet should be “a map with the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks”. Remove “grid” from the 2 nd bullet – regulations specify requirements for the each cell, not each grid. The reference to Permit Condition 6.3.2 relates to placement of incompatible wastes and should not be referenced here.
117	01-184	09/14/2001	GMI – No.93	6.7.2.a: Requirement to submit current cell map information quarterly not required by permit application or regulations.
118	01-184	09/14/2001	GMI – No.94	6.7.2.a: Requirement to submit waste location map accurate to w/in 1-meter grid in Quarterly report is too restrictive. We suggest an accuracy of to w/in an individual grid cell.
119	01-184	09/14/2001	GMI – No. 98	6.10.4: Could not locate reference to CFR 268.49.
120	01-184	09/14/2001	GMI – No. 99	2.3.1: Clarification of Draft Permit Section 2.3.1 Hazardous Waste from Sources Located Outside of the United States. For the purposes of provision 2.3.1, a United States corporation operating outside of the United States and governed by the Mexico and United States of America Agreement on Co-Operation for the Protection and Improvement of the Environment in the Border Area, 14 August 1983 (the La Paz Agreement) is not a “generator of hazardous waste located outside of the United States of America” or a “source located outside of the United States.” Permittee may accept hazardous waste generated by United States corporations operating outside of the United States and governed by the La Paz Agreement in the manner established by the Solid Waste Disposal Act (SWDA) § 1002 <i>et seq.</i> as amended by the Resource Conservation and Recovery Act (RCRA) § 6901 <i>et seq.</i> and 40 C.F.R. § § 262 and 264. Such wastes are required to be “imported” by the generator at the border between the United States and Canada or Mexico and the customs broker at the boarder takes the Canadian or Mexican waste manifest forms and “generates” the new hazardous waste manifest form that is used throughout the United States for “cradle to grave” tracking 40 C.F.R. § 262.23.
121	01-166	09/17/2001	Victor Blair	<u>Risk Assessment</u> : How will NMED ensure the facility will not adversely affect people or the environment? <u>Recordkeeping and Reporting</u> : How does NMED plan on monitoring the site and operations? <u>Document Request</u> : Request copy of all documents, correspondences, guidelines and directives.
122	01-171	09/20/2001	Tod W. Stevenson – State of New Mexico Department of Game and Fish	<u>Site Environment and Climate</u> : a. Recommend that netting also be used over any other open storage facilities that contain hazardous liquid wastes that could be accessed by birds or bats and that netting be regularly inspected and maintained throughout the life of the facility. b. Construct an enclosure fence of metal flashing around the base of the 6-foot chain link fence that will be constructed around the evaporation ponds, contaminated water basins, storm water detention basins, and dust control water basins. This enclosure fence should be constructed of solid metal and not synthetic materials, such as silt fences, due to the synthetic material’s relatively short effective life and maintenance requirements. c. The metal flashing should be constructed to provide a minimum of 18-inches above ground and a minimum of 10-inches below ground. d. The enclosure fence should be regularly maintained to provide a minimum of 18-inches above ground.

				<p>e. If possible, relocate any hazardous waste storage facilities planned for construction within the sand dune/shinnery oak habitats to another area within the site.</p> <p>f. Contrary to the text in Permit Attachment A, Site Environment, the lesser prairie chicken is a candidate for federal listing under the category of Warranted but precluded, has been state-listed by the Department and is known to have occurred in the vicinity of the Facility.</p>
123	Hearing Record	10/16/2001	Janice Johnson	<p><u>Traffic and DOT Regulations:</u> The total impact of trucks and traffic due to Phases 2 and 3 has not been presented to the general public. In addition, GMI said the WIPP bypass would be used, but that still does not alleviate traffic coming through Roswell. Currently the streets are in need of repair and the increased truck traffic will help to deteriorate the streets. GMI has not indicated that any of the proceeds will go toward helping maintain roads. A user fee should be tacked onto each shipment to aid in road maintenance.</p> <p><u>Environmental Justice:</u> While GMI indicates that benefit will be received in the form of 35 new jobs, these jobs are technical in nature and will go to people outside of Roswell. There is no benefit to Roswell.</p>
124	Hearing Transcript	10/16/2001	Nicole Rosmarino – Forest Guardians	<p><u>Site Environment and Climate:</u> Concerned over the impact the facility will have on two highly imperiled species: the Lesser Prairie Chicken and the Sand Dune Lizard and that the status of these two species is the result of current land use and impacts on the shinnery oaks.</p>
125	Hearing Transcript	10/16/2001	M. Tom Stewart	<p><u>Environmental Justice:</u> The facility will have a negative impact on Roswell, by causing elderly citizens to leave town. In addition, there are currently 13 sites across the United States that accept hazardous waste, and six of them are in real financial straits. Why do we need another facility when there are six that can't make it go?</p>
126	Hearing Transcript	10/16/2001	Einer Johnson	<p><u>Traffic and DOT Regulations:</u> Traffic for Phase I will be 72 to 120 trucks per day. However, the cumulative impacts for Phase 2 and Phase 3 were not addressed in any information provided to the public, thus denying the public the right to review the total impact the proposed facility will have on the people of Roswell and Chaves County. I am concerned about this truck traffic going through the town of Roswell and the responsibility of the roads would fall to the City of Roswell. I think each truck should be required to pay a user's fee for road repairs and maintenance and that this should be a condition of the permit.</p> <p><u>Environmental Justice:</u> GMI states that the site will be beneficial to the community, but it is unlikely that any of us will be employed at the site, due to the technical nature of the jobs. Rather, we will be asked to sacrifice the quality of our lives.</p> <p><u>General Objection:</u> I strongly recommend this permit be denied.</p>
127	Hearing Transcript	10/16/2001	Mary Deborde	<p><u>Water Issue:</u> I want to know where they are going to get all this water, especially during the current water shortage.</p> <p><u>Prohibited Waste Sources:</u> I am against waste coming from any other states.</p>
128	Hearing Transcript	10/16/2001	Linda Shirley	<p><u>Risk Assessment:</u> I have a small child and am concerned over health impacts. I think a study or investigation should be conducted on what the potential health impacts will be,</p>
129	Hearing Transcript	10/16/2001	Tod Rockefeller	<p><u>Regulatory:</u> I have very grave concerns over the ability of NMED, and I think in the past NMED has purposefully and unlawfully refused to properly enforce their EPA-authorized state hazardous waste program and do not care about the dangers faced to people in southern New Mexico.</p>

130	Hearing Transcript	10/16/2001	D.C. (Red) Birdsong	<u>General Support</u> : With the state and federal agencies setting the guidelines and compliance parameters for operating a hazardous waste disposal site and monitoring the site for compliance, I am sure it can be done with no harm to the surrounding environment.
131	Hearing Transcript	10/16/2001	Jose Trivizo	<u>Public Hearing</u> : I oppose the fact that we can only state our questions and that no one is here to answer our questions. <u>Risk Assessment</u> : GMI is terrorizing all the people here by putting in the facility. They do not care about the risks to the people and the risks to the entire state of New Mexico. <u>Groundwater</u> : They do not want to admit it will hurt the groundwater.
132	Hearing Transcript	10/16/2001	Maria De La O	<u>Risk Assessment</u> : I do not want the facility because it is very dangerous to all of us - children and adults. It will also affect the dairies that are here –everything.
133	Hearing Transcript	10/16/2001	Mark Robinson	<u>Water Issues</u> : We live in a desert, and water is in short status. Now they want to divert water to the dump to prevent poisonous dusts from descending on us. It does not make sense. <u>General Objection</u> : There are several dumps not surviving because of a lack of business. I do not see how this proposal could have gotten this far. It is not a good idea to build the project.
134	Hearing Transcript	10/16/2001	Tom Blake	<u>Security Procedures</u> : How are they going to protect the citizens from terrorist attack of the facility, terrorist use of the facility? <u>Traffic and DOT Regulations</u> : How are they going to protect trucks, which go right through town, from terrorist attacks or vandalism? I haven't seen anything that even points to reasonable care. <u>General Objection</u> : Because of the security issues, I decline my support of the facility.
135	Hearing Transcript	10/16/2001	Victor Blair	<u>Public Hearing</u> : I question the integrity of the translations by the court translator. <u>General Objection</u> : I would like people to come here and just tell them no and why you do not want the dump.
136	Hearing Transcript	10/17/2001 page 339	Jimi Gadzia	<u>General Objection</u> : General opposition to permitting Triassic Park <u>Public Process</u> : Expressed a concern regarding the difficulty participating as a member of the public. Specifically her being asked to leave a July 17 th meeting sponsored by the applicant at the Sally Port Inn. Ms. Gadzia references an EPA regulation 40 CFR 25.3 requiring states to provide for, encourage and assist the public to participate in the process. Ms. Gadzia expressed concern regarding the Department's failure to follow regulations requiring the Secretary to respond to a request to hold a hearing. Ms. Gadzia expressed a concern that a meeting was held in Tatum, NM to discuss geological and hydrological issues and the public was not invited or noticed in any way. <u>Availability of Documents</u> : Expressed concern that an amended Fact Sheet, dated August ---, 2001 was provided without identifying which parts had changed. Expressed concern that the amended Fact Sheet was not made available at the time of public notice as required by 20.4.1.901(D)(3). <u>Disclosure</u> : Expressed concern that the applicant's disclosure statement was not made available to the public because "the Department had promised the permittees they would not release them to the public." <u>Environmental Justice</u> : Expressed concern that a December 1999 EPA guidance document titled Solid Waste and Emergency Response Document 5305W: Social Aspects of siting RCRA Hazardous Waste Facilities had not been followed. Proceeds to cite from that document referencing Title VI of the Civil Rights Act of 1964 and EPA Title VI Implementing Regulations which state "Communities

			<p>may file administrative complaints alleging discrimination in health and environmental effects from the issuance of permits by an agency that receives EPA financial assistance for any activities.”</p> <p><u>Public Meetings</u>: Expressed concern that a December 1999 EPA guidance document titled Solid Waste and Emergency Response Document 5305W: Social Aspects of siting RCRA Hazardous Waste Facilities had not been followed. Specifically the suggestion that the community be involved early. Ms. Gadzia expressed concern regarding the short amount time prior to the hearing that she was made aware of the proposed facility.</p> <p><u>Environmental Justice</u>: Expressed concern that a December 1999 EPA guidance document titled Solid Waste and Emergency Response Document 5305W: Social Aspects of siting RCRA Hazardous Waste Facilities had not been followed. Specifically the statement that “Quality of life reflects the value a community places on its cultural, social and natural resources. Business and state and local governments should recognize and respect these often intangible values and integrate them into planning.” Ms. Gadzia continues that the applicant had not contacted Chaves County. Also, that RCRA facilities would devalue residents investments in their community and discourage further investors.</p> <p><u>Environmental Justice</u>: Expressed concern that a December 1999 EPA guidance document titled Solid Waste and Emergency Response Document 5305W: Social Aspects of siting RCRA Hazardous Waste Facilities had not been followed. Specifically, the question of whether a new development would bring employment that does not match local resident’s job skills.</p> <p><u>Environmental Justice/Traffic and DOT Regulations</u>: Express concern that the proposed facility would benefit the applicant and not the community. Specifically that taxpayers would pay for road maintenance and repair and emergency response.</p> <p><u>Traffic and DOT Regulations</u>: Expressed concern that the extra traffic generated by the facility would pose a threat to the community, including wildlife. The threat would come from the extra traffic traveling through Roswell and Tatum, form hazardous loads located near schools and school buses.</p> <p><u>General Facility Conditions</u>: Expressed concern regarding the long-term integrity of the site. Specifically the likelihood that the technology proposed in the permit would become outdated, the landfill liner would degrade, and the possibility of landfill cap erosion and the resultant exposure at the surface of previously buried wastes.</p> <p><u>Hazardous Waste from an Off-site Source</u>: Expressed concern that the applicant had suggested that NM’s oil and gas industry would be a principal source of wastes for the proposed facility but when contacted by herself, industry officials were unaware of the proposal.</p> <p><u>Liability</u>: Expressed concern that NM may not be able to support the proposed facility, that the hazardous waste business is in a state of general decline and if the facility were to encounter difficult financial times, that “decisions to cut corners are more apt to occur”.</p> <p><u>Emergency Coordinators</u>: Expressed concern regarding Larry Gandy’s ability to act as emergency coordinator.</p> <p><u>Regulatory</u>: Expressed concern regarding the NMED’s future ability to sufficiently inspect the facility.</p>
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137	Hearing Transcript	10/17/2001 page 363	Holly Harris-Schott	<p><u>General Objection</u>: Generally opposes the proposed facility.</p> <p><u>Site Environment and Climate</u>: Expressed concern regarding the site environmental assessment (biological) being “extremely lacking”. The entire application site description was 4 paragraphs!</p> <p><u>Traffic and DOT Regulations</u>: Expressed concern regarding the increased traffic and the possibility of an accident or a terrorist attack. Questions whether the local emergency responders could effectively respond to a traffic accident and what the resultant environmental and financial cost would be.</p> <p><u>Groundwater</u>: Expressed concern regarding the groundwater monitoring waiver and possibility that the groundwater resource could be impacted.</p>
138	Hearing Transcript	10/17/2001 page 434	George Rice	<p><u>Groundwater</u>: Several concerns as follows:</p> <ul style="list-style-type: none"> - Expressed concern that the applicant has not done sufficient hydrologic investigations necessary to determine whether or not a variance is warranted. - Expressed concern that the estimate of travel times had not been made using the most conservative assumptions, particularly the hydraulic conductivity. - Expressed concern regarding the location of groundwater, specifically the horizontal distance to Upper Dockum water. Mr. Rice recognizes that fluids that escape from the landfill would flow laterally toward the saturated portion of the Upper Dockum along the contact of the Upper and Lower Dockum Units toward the east or northeast. The application specifies a couple of distances, 3600 or 2500 feet. During a site visit, the distance was measured by Mr. Rice as 800 feet. - Expressed concern regarding the location of groundwater, specifically the vertical distance to Lower Dockum water. This measurement reflects on the thickness of the Lower Dockum mudstones and the modeling parameters used for the groundwater monitoring waiver. Mr. Rice refers to the inappropriate monitoring well construction method at WW-1 and WW-2 leading to the inability to determine distance to groundwater. The well was not screened over a specific interval so resultant borehole water levels are inconclusive. Mr. Rice recognizes that GMI used air rotary drill cutting returns as a means of determining the existence of groundwater but questions its usefulness considering it did not appear to identify shallow water in WW-1. - Expressed concern that it is not known whether lower Dockum waters exist under water table conditions or under confined conditions. - Expressed concern regarding the possible existence of “fast flow paths” (i.e., fractures and buried stream channels). Mr. Rice suggested that fractures could be identified through angle coring. Buried stream channels could be located through an extensive drilling program or through geophysics. - Expressed concern that it doesn’t seem to be known where the groundwater in the Upper Dockum is going (i.e., flow direction). - Expressed concern regarding the lack of characterization of parameters that control the rate at which liquids move in the subsurface, particularly hydraulic conductivity. - Expressed concern regarding discrepancies in the location of WW-1 and the distance to groundwater in the northeastern direction. In one instance the document states that saturation in

				<p>the Upper Dockum is about one mile from the site. The map in Attachment H shows that WW-1 is located approximately 3,300 feet from the facility boundary. During a site visit the distance was measured to be 800 feet.</p> <ul style="list-style-type: none"> - Expressed concern regarding how hydraulic conductivities were determined. There are five wells where aquifer tests, either pump tests or slug tests, could have been performed. The applicant determined hydraulic conductivity from cored material obtained during drilling. These tests do not give a true picture of bulk hydraulic conductivity or permeability of a unit because they represent too little of the formation. <p><u>Liner System:</u> Expressed concern that the landfill liner and cover would eventually leak. That they would leak sooner if they are installed improperly. The geosynthetic membranes have manufacturing defects and welds that tend to leak. Liners will become brittle and crack and the HDPE liners are susceptible to attack by chemicals.</p> <p><u>Vadose Zone Monitoring System:</u> Expressed concern that the proposed monitoring system is inappropriately referred to as a vadose zone monitoring system. The proposed system appears more like a groundwater monitoring system with typical groundwater monitoring wells. Vadose zone monitoring systems generally measure fluids moving as unsaturated flow or being subject to capillary forces. Typical vadose zone systems include suction lysimeters used to capture a sample, and to measure moisture content use a tensiometer or neutron probe.</p> <p><u>Groundwater:</u> Additional comments on groundwater included:</p> <ul style="list-style-type: none"> - Expressed concern regarding where water in the Upper Dockum would go. (See figure 3-5 from Attachment H (actually figure 4-2)) Suggested that water would be continually entering the system and that it had to go somewhere. Suggests three possibilities; evaporation, toward the west or the proposed facility, and then downwards into the Lower Dockum. He suggests that downward is the most likely migration pathway. Water would move into the Lower Dockum through the more permeable portions. - Expressed concern regarding the existence of fractures and suggested their existence is probable due to a local well driller's suggestion that "rig chatter" encountered during drilling through the Dockum was evidence as well as his belief that some wells would receive a majority of their water from fractures in the Dockum. - Expressed concern regarding the applicant's estimation of the fluid flow rate through the Upper Dockum. The applicant used an inappropriate flow rate by using the average value obtained through laboratory testing. Also, the applicant's use of a porosity of 48 percent calculates an unreasonably slow flow rate. - Expressed concern regarding the use of the average hydraulic conductivity rather than the highest value when calculating travel time within the Upper Dockum. Using figure 3-12 from the MW August 2000 document it can be shown that siltstones can extend great distances, up to the distance from the landfill to the saturated portion on the Upper Dockum. Extended stretches of siltstones should be expected due to probable existence of buried stream channels. - Expressed concern regarding the infiltration rate used when calculating fluid migration rates. The applicant used an estimated .42 inches per year based on an open-range scenario and the
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				<p>existence of evapotranspiration. Neither of these conditions is representative of the conditions under the landfill.</p> <ul style="list-style-type: none"> - Expressed concern regarding the existence of perched water at borehole PB-14. Concerned that there is no explanation of why the water exist or where it comes from when water is continually removed from the hole. Mr. Rice suggests that the water could be from a fault. Furthermore, water found at PB-14 could be made potable. <p><u>Vadose Zone Monitoring Sumps</u>: Expressed concern regarding the ability of the vadose zone sumps to capture fluids moving as unsaturated flow.</p> <p><u>Vadose Zone Monitoring Wells</u>: Suggest installation of monitoring wells to the north side of Phase 1 of the landfill that monitor the contact between the Upper and Power Dockum. Suggests installing suction lysimeters and neutron Probe assess tubes beneath the landfill and along the sides of the landfill. Suggests installation of a monitoring wells upgradient of the site in both the Upper Dockum and the Lower Dockum.</p> <p><u>Groundwater/Non-Leachate Fluids</u>: Expressed concern regarding the possibility of groundwater in the alluvium moving around the “clay plug” surrounding the regulated unit and into the unit.</p>
139	Hearing Transcript	10/17/2001 page 576	James Bailey	<p><u>Site Environment and Climate</u>: Expressed concern that the proposed facility would add to the extinction of the lesser prairie chicken populations. Also concerned that the sand shinnery oak vegetation on the project site is being underestimated as possible current or future lesser chicken habitat. Expressed concern that the additional noise generated by the proposed facility would add to the decline of the lesser prairie chicken. Suggests the restriction of noise from an hour before to an hour after sunrise, from March 5th to June 15, or during the breeding season.</p>
140	Hearing Transcript	10/17/2001	Michael Porter	<p><u>Environmental Justice</u>: NMED has done little to look into the economic impact the facility will have on Southeastern New Mexico and has completed no cost/benefit analysis. Thus there will be no opportunity for the state to petition for federal fund for road repair and maintenance or for volunteer fire and police units.</p> <p><u>Regulatory</u>: It is shortsighted of NMED to not look into more environmentally friendly ways of disposing or treating the waste.</p> <p><u>Liner System</u>: The HPDE liner has good chemical resistance, but has a number of other mechanical properties which makes it less perfect for the job (high thermal creep and cracking along wrinkles). We also do not have long-term data on the effectiveness of the liner.</p> <p><u>Part 1.2.1</u>: The permit period does not take into account the actual maximum anticipated amounts of waste as previously described. Suggest the permit be revised to include language that would trigger a permit review process if the landfill achieved occupancy of capacity or a certain capacity.</p> <p><u>Part 1.2.2</u>: In the permit renewal process, language regarding new technologies is absent. This combined with the language “shall consider changes” may allow for the site to be grandfathered from important future changes in the regulatory process at both the state and federal level.</p> <p><u>Part 1.2.3</u>: This section should also reiterate statute and regulatory practice with regard to performance and closure bonds in the event of permit revocation.</p> <p><u>Part 1.2.4</u>: The language should also include “shall also notify the prospective new owner of the requirements of New Mexico 74-9-24-B”.</p>

			<p><u>Part 1.3:</u> This section does not contain an applicable New Mexico statute with regard to severability.</p> <p><u>Part 1.4:</u> Bullet point two in the definitions is grammatically incorrect., obscuring the meaning.</p> <p><u>Part 1.5.3:</u> Language in this section allows continuation of the existing state permit in perpetuity, depending on the continuing inaction of the Secretary.</p> <p><u>Part 1.5.4:</u> Inclusion of the term “reasonable” makes determination of migration vague and subjective. Recommend substitution of “all necessary steps, as determined by the Secretary of his agents”.</p> <p><u>Part 1.5.7:</u> I wonder if a GMI business plan was a required attachment to the permit application or not.</p> <p><u>Part 1.5.8:</u> This clause is grammatically incorrect as modified and might be subject to interpretation at a later date. Better to say, “The Permittee shall submit to entry and inspections”.</p> <p><u>Part 1.5.8.a:</u> The word “reasonable” is subject to interpretation. Recommend inserting “as necessary”.</p> <p><u>Part 1.5.8.b:</u> See the above with regard to the word “reasonable”.</p> <p><u>Part 1.5.8.c:</u> See the above with regard to the word “reasonable”.</p> <p><u>Part 1.5.9.a:</u> The phrase “as soon as possible” is vague and subject to later interpretation. Timetables for such changes should be included in the schedule of reporting requirements,</p> <p><u>Part 1.5.9.b:</u> Similar to above.</p> <p><u>Part 1.5.9.c.ii:</u> Bullet points two and three of this section effectively relieve the Secretary from obligation to inspect, even through inaction or intention. Inspections can be construed as an obligation of the Secretary to the citizens of New Mexico.</p> <p><u>Part 1.5.9.d.ii:</u> In the first bullet point of this section, the word “and” makes the second bullet point depend on the first. “And” should be replaced by “or”. Further, the language of the second bullet does not protect the interests of on-site workers. Should read “inside or outside the facility”.</p> <p><u>Part 1.5.9.d.iii:</u> The phrase “shall submit a written submission” is redundant and legally imprecise. Recommend replacement of “submission” with the word “statement”.</p> <p><u>Part 1.5.9.g:</u> As written, this clause effectively relieves the permittee of any culpability for future civil or criminal action under New Mexico 74-9-24-B and its subsections. It does not address statutes authorizing action by the Secretary or the court in the event that local, state or federal government agencies reveal discrepancies in the permit application when not disclosed by the permittee.</p> <p><u>Highlights Part 2:</u> The phrase “also manage certain polychlorinated biphenyl(PCB) containing wastes” should also contain a reference to EPA, state and permit-specific language controlling such management and receipt.</p> <p><u>Parts 2.1 and 2.2:</u> It is apparent that NMED defers construction and operation details, specification and requirements to the permittee and his contractors. The failure to include state-defined specifications for minimum standards for construction as they relate to environmental integrity and protection of site workers and the public is a serious failure in the permit process. Deferral to contractor-defined specifications could in the future not only result in damage to the environment, but could also subject the state to litigation, the costs of which could fall on taxpayers.</p>
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141	Hearing Record	10/17/2001	Betty Richards	<p><u>Public Hearing</u>: I think the public hearing is just to fool us into thinking our comments matter, when the real deals are made in secrecy.</p>
142	Hearing Record	10/17/2001	Tim Jennings	<p><u>Regulatory</u>: I think a multi-party agreement between states should be made and that for each state that signs the agreement, then each state could dispose of stuff in the other states. For states that do not sign the agreement, a fee should be placed in order for them to dump waste in our state. In addition, I think that the primary waste disposes should be held accountable for helping to improve the area they are dumping in and to help bring jobs to the area.</p> <p><u>Traffic and DOR Regulations</u>: GMI and/or the State need to develop a program to train all the volunteer fire departments on how to handle emergency situations and accidents when they do occur.</p> <p><u>Air Quality Protection</u>: Concern over the airborne chemicals and the affects of these chemicals on people downwind and that these chemicals should be monitored and how are they going to be monitored? I mean particles should be monitored, not smell.</p> <p><u>Prohibited Waste Sources</u>: I have concerns over NAFTA. If a company goes to Mexico and then comes back to the US, are we going to have to take the waste back, too? Loose jobs, but get the waste, causing a depression in the area.</p> <p><u>General Support</u>: Although I disagree with many things the Gandy and Marley families are doing,</p>

				they are reputable families who have been in the area a long time. They have been good neighbors.
143	Hearing Transcript	10/17/2001	Elisabeth Price	<p><u>General Objection</u>: I am against the facility, particularly at that site.</p> <p><u>Security Procedures</u>: Concerned about security. It may need to be guarded 24-hours per day.</p> <p><u>Risk Assessment</u>: Concerned about location to dairy farms and accidental or intentional spills.</p> <p><u>Traffic and DOT Regulations</u>: Concerned about trucks driving through town and that the trucks could have accidents or terrorists cause an intentional spill.</p> <p><u>Waste Analysis Plan</u>: How do you know what kind of waste they are accepting? How do you know what is on the manifest is in the barrels? Do they have to test on-site to verify?</p> <p><u>Public Meeting</u>: Even if an interpreter had been available for the questions and answer portion of the Hagerman meeting, the presentation was not translated into Spanish, so they would not know how to ask any questions, since they did not hear the presentation.</p>
144	Hearing Transcript	10/17/2001	Deborah Petrone	<p><u>Groundwater</u>: Geology and hydrology are not exact sciences and the studies based upon sampling and modeling resulted in conclusions and results that were extrapolated and estimated.</p> <p><u>Risk Assessment</u>: It is difficult to both prove and disprove that certain chemicals can cause cancer.</p> <p><u>Regulatory</u>: Concerned that the decision to grant this permit has already been decided.</p> <p><u>Environmental Justice</u>: Concerned that this facility if permitted would deter people from coming into our community to live and work. Also that our area and State were targeted because the area is largely poor, uneducated, Hispanic and elderly.</p> <p><u>Cooperating Local Authorities(C3)</u>: I do not think the permit should be issued without the applicant contacting emergency responders.</p>
145	Hearing Transcript	10/17/2001	Librado De La O	<p><u>Risk Assessment</u>: Concerned about the overall risks to the people and animals.</p> <p><u>General Objection</u>: Generally opposed to the facility.</p>
146	Hearing Transcript	10/17/2001	Magil Duran	<p><u>Public Hearing</u>: It appears that this facility is a done deal and that the hearing and all our comments are just a formality and will have no effect on whether this permit is granted.</p> <p><u>Water Issue</u>: Where is GMI going to get so much water to cover and keep that area from running with wind, when the wind starts blowing? Are they going to be able to place enough water during a 24-hour period to keep it from going to the neighbors, making animals/people sick?</p> <p><u>Hazardous Waste from an Off-site Source</u>: What percentage of waste will come from other states?</p> <p><u>Traffic and DOT Regulations</u>: What about the roads – are they in good enough shape to withstand the trucks?</p> <p><u>Environmental Justice</u>: We have a beautiful state here in New Mexico, we don't want to trash it and we don't want to become the garbage bin for everyone else's waste. We are in a pristine environment.</p>
147	Hearing Transcript	10/17/2001	M. Tom Stewart	<p><u>Prohibited Waste Source</u>: I am disturbed that they want to bring in waste under the NAFTA agreement. If companies can put their waste here, they will move the companies to Mexico, taking the jobs with them, but ship back all the waste. I think that waste should not be allowed under NAFTA or from foreign countries. The waste should only be accepted from other states and American businesses.</p>
148	Hearing Transcript	10/17/2001	Deborah Petrone	<p><u>General Objection</u>: Read a letter from New Mexico State Representative Max Coll. In agreement with his objections for the site.</p>

149	Hearing Transcript	10/17/2001	Alba Najera	<p><u>Risk Assessment</u>: What little I do know, these facilities are harmful to children, adults and animals, and I oppose the site because it is unsafe.</p> <p><u>General Objection</u>: I oppose the site because it will be harmful.</p>
150	Hearing Transcript	10/17/2001	Ana Najera	<p><u>Risk Assessment</u>: I have heard this facility will be bad for children and I don't want it here.</p> <p><u>General Objection</u>: Because it will be harmful to children, I wouldn't want a facility put here that could harm the children.</p>
151	Hearing Transcript	10/17/2001	Oscar Najera	<p><u>Air Quality Protection</u>: We live close tot he site, and I am concerned that chemicals in the evaporative ponds will be transported via wind to our house. We have a lot of wind in the area.</p> <p><u>Risk Assessment</u>: I am concerned that the chemicals from the evaporative ponds will make my children sick. The winds will bring the chemicals to where my children play.</p>
152	Hearing Transcript	10/17/2001	Baudello Ramirez	<p><u>General Objection</u>: Agree with many people who have objected to the facility.</p> <p><u>Environmental Justice</u>: New Mexico tries to bring retirees here. But with this facility, we won't be able to entice people to move here to Roswell and this will hurt our town and county. We don't need this facility.</p>
153	Hearing Transcript	10/18/2001	Pat Coarser - Montgomery Watson	<p><u>Permit Attachment O2 Table O2-1</u>: Noted that there were differences between the closure cost estimate provided by the State and the closure cost estimate provided by the applicant. The main differences he identified were the cost of cover construction, based on a different approach to cost calculation and an assumption that the State assumed that waste generated during facility closure would be transported off site for disposal.</p>
154	Hearing Transcript	10/18/2001	Paul Robinson - CURE	<p><u>Permit Part 8 Section 8.3.1</u>: Stated that there is no basis for limiting the post-closure care period to 30 years.</p> <p><u>Permit Part 8 Section 8.1.2.b, 8.2.4 and 8.2.4.a</u>: Expressed his opinion that the design of the landfill vegetative cover was not adequate. He cited a lack of details in the Permit Application regarding soil characteristics and establishment of vegetation on the cover. Expressed the opinion that the thickness of the cover was inadequate (2.5 feet vs. 3.5 feet for mine sites).</p> <p><u>Permit Attachment O2 Table O2-1</u>: Expressed his opinion that the cost estimates did not provide sufficient detail regarding landfill cover revegetation costs and that the cost estimate for construction of the landfill cover included in the draft Permit was inadequate to cover the revegetation costs.</p> <p><u>Permit Part 8 Section 8.3.2.a</u>: Stated that no financial assurance instrument is identified in either the Permit Application or draft Permit.</p> <p><u>Permit Attachment O2 Table O2-1</u>: Expressed the opinion that the closure cost estimate was inadequate with regard to accounting for indirect costs including administrative costs, engineering costs, mobilization, operation of the stabilization unit, profit, and insurance. Stated that his understanding was that individual line items had been determined through negotiations between the State and the Applicant.</p> <p><u>Permit Attachment P1 Table P1-1</u>: Expressed concern that additional costs for alternative post-closure care periods were not addressed in the post-closure care cost estimate.</p> <p><u>Permit Part 8 Section 8.3.2.a</u>: Expressed concern that a mechanism for disbursement of funds for post-closure care and maintenance of the landfill cover were not addressed in the draft Permit.</p> <p><u>Permit Attachment O2 Table O2-1</u>: Stated that the unit costs for estimating closure costs should be</p>

				<p>determined based on the use of national manuals and handbooks that reference unit costs for completing construction and maintenance activities.</p> <p><u>Permit Part 8 Section 8.3.1 and Permit Attachment O2 Table O2-1</u>: Expressed concern that the cost estimates for financial assurance did not cover the costs associated with demolition of the facility if the operator became financially insolvent. These costs include disposal of nonhazardous waste, facility components contaminated with hazardous constituents and construction debris.</p> <p><u>Permit Attachment O Section 8.1</u>: Expressed concern that provision was not made in the closure cost estimate to ship the waste generated during closure to an off site disposal facility.</p> <p><u>Permit Attachment O2 Table O2-1</u>: Stated that 25-50% of the remediation waste generated during removal of contaminated materials as part of facility closure activities should be considered as hazardous as opposed to the States estimate that 10% of soil generated during closure activities be considered as hazardous for the purpose of estimating closure costs.</p>
155	Hearing Transcript	10/18/2001	Deborah Reade – CARD	<p><u>Environmental Justice</u>: NMED and GMI should conduct a more detailed socioeconomic evaluation of the affected population before deciding to grant or deny the permit. There are particularly sensitive subpopulations that would be disparately impacted by the facility. Ms. Reade read off several statistics that the area surrounding the facility is populated by sensitive subpopulations of color, which are already burdened by poverty and the worst health care in New Mexico. Statistics and maps were also presented that show the area also has more pollution and industrial facilities and dumps that create pollution and contamination. In addition, the transportation route is through towns that are predominantly minority and low income.</p> <p><u>Risk Assessment</u>: NMED and GMI should conduct a more detailed health evaluation of the affected population before deciding to grant or deny the permit. The siting of this facility in this area is not protective of human health and the environment. The addition of more particulates, toxic gases and possibly contaminated dust will further stress this population and have deleterious effects on the community. The actual impacts of this are not known and need to be studied. Ms. Reade presented several study results and statistics about health concerns/conditions across New Mexico as compared to those of Lea and Chavis Counties. We also need to address the increase in exhaust from all the truck that will be coming through town and the effects on health.</p>
156	Hearing Record	10/18/2001	Michele Breedyk	<p><u>General Objection</u>: Against this company operating in our area and State. Further our city does not need this company. We already have to put up with WIPP shipments,</p>
157	Hearing Transcript	10/18/2001	Allen and Linda Squire – Southwind Dairy	<p><u>Environmental Justice</u>: Testimony indicated that moved here because of employment opportunities, ample water supply, growing infrastructures, good crops, willing workforce, and financial opportunities with banks/lenders. However, had they know a toxic waste dump was going to be put in, it would have been a strong negative of them coming here. The facility will greatly impact the dairies and if the dairies leave because of the facility, the economy will plummet (examples provided).</p> <p><u>Risk Assessment</u>: The proposed siting of the facility in this close proximity to our town and dairy/farm industries is not in the best interests of the area and will bring a certain element of risk beyond our control and outside of our comfort onto all of us. We are especially concerned over heavy metals. Imbalances in metals can cause other metals to become unavailable for cattle through</p>

				<p>normal absorption, which in turn causes health problems. Other concerns over PCBs, PBBs, and benzene. It simply increases the amount of risk.</p> <p><u>Location Information (Attachment A, 1.3):</u> The siting of the facility should be in a more remote area, away from agribusiness. Maybe out in an oil patch area or more rural area.</p> <p><u>Flood Plain Information (Attachment A, 1.3.1):</u> In addition, the effect of drought and dust storms followed by torrential rains should be considered as a worst case scenario.</p>
158	Hearing Transcript	10/18/2001	Michael McKee	<p><u>General Support:</u> As a long time friend of one of the principles of GMI, I am here to offer my support of the facility and as a character witness. GMI offer scientific data and evidence, computer modeling, statistical probabilities, reasonable assurances and prudent projections which are extraordinary in their efforts. The opposition offers emotion and fear, supposition, false assumptions and weak presumptions. I urge you to give every consideration to the merits of the application and issue the permit providing for reasonable conditions.</p>
159	Hearing Transcript	10/18/2001	Reece Blake	<p><u>Traffic and DOT Regulations:</u> We need to look at the accidents that could occur with the hazardous waste truck as they go through our town. GMI should be responsible for that.</p> <p><u>Environmental Justice:</u> How can we tell newcomers that they come to live in the land of enchantment that has a poisonous dump in our backyard? Look at the real reasons they are bringing in the waste.</p>
160	Hearing Transcript	10/18/2001	Christopher Meeks	<p><u>General Objection:</u> I totally disagree with this. I think it is stupid they want to put this here and poison all the people. I don't think it is right.</p> <p><u>Risk Assessment:</u> They have no 100% guarantee that this won't cause cancer or birth defects throughout Roswell. Tourist could come here and track diseases from the hazardous waste back to their hometowns and give it to other people. I don't want to be known as the town that gave poison and hazardous waste disease to the whole country.</p>
161	Hearing Transcript	10/18/2001	Katie Bird Humphreys	<p><u>General Support:</u> I have no problem with the plans for Triassic Park, I feel it is well planned. We have the waste, put it in a place that will be well controlled and where it's being observed and where we are keeping an eye on it and know where it is. I am in support and plan to stay here.</p>
162	Hearing Transcript	10/18/2001	Jaime Chavez	<p><u>General Objection:</u> In support of his general objection, Mr. Chavis read a letter, entitled "Toxic and Radioactive Wastes from NAFTA and Warlike and Nuclear Industry," from the international organization COREF. While the letter was not written specifically about Triassic Park, concerns from the letter include: increase in hazardous waste dumps along the US-Mexico border, violations of treaties between the US and Mexico not to contaminate land within 100 kilometers of the borders, loss of drinking water due to contamination, increase in waste from other places due to the NAFTA treaty, concerns that US companies will leave their wastes in Mexico versus shipping back to US, solutions to the seriousness of these pollution problems do not exist, the EPA violated environmental legislation to get the WIPP, concerns over transport of radioactive and hazardous wastes and health problems in the event of an accident, the WIPP and DOE are terrorists because one accident would cause suffering for 250,000 years, discussion specific to WIPP, need to unite governments of US and Mexico and the people too.</p>
163	Hearing Transcript	10/18/2001	Sue Graham	<p><u>General Objection:</u> I am 100% against Triassic Park.</p> <p><u>Traffic and DOT Regulations:</u> I worry about the constant traffic that will be traversing Roswell for the next 20-25 years. I worry we will be over taxed to repair roads.</p>

				<p><u>Environmental Justice</u>: I worry about the negative impact on our economy, real estate business, tourist business and ability to grow and prosper in the future.</p> <p><u>Contingency Plan</u>: I worry that our medical community will not be able to handle a spill on the roads.</p> <p><u>Regulatory</u>: It appears that NMED is not working for the people but for Gandy Marley and that NMED wants this permit passed as much as GMI. It is scary that NMED is looking after our welfare.</p> <p><u>Time Extensions</u>: Time extensions were not granted when asked for by the people.</p>
164	Hearing Transcript	10/18/2001	Tammy Gill	<p><u>General Objection</u>: I am against it, but let's dig a hole and put it on the Marley ranch and make everyone happy.</p>
165	Hearing Transcript	10/18/2001	Stuart M. Pritchard	<p><u>Air Quality Protection</u>: Concerned over the transport of harmful elements through the air or climate.</p> <p><u>Groundwater/Vadose Zone Monitoring</u>: Concerned over the transport of harmful chemicals in the environment.</p> <p><u>Traffic and DOT Regulations</u>: Concerned over the trucks going through Roswell. I wish there was a plan to reroute the truck around the town.</p> <p><u>General Objection</u>: I am definitely against it. It would bring the deterioration of our town.</p>
166	Hearing Transcript	10/18/2001	Catherine Montano	<p><u>General Objection</u>: I am against the permit. It is criminal to continue to contaminate people and the water and soil. In support of why she is against the permit, Ms. Montano provided a lengthy discussion of the WIPP, Los Alamos, DOE and radiological contamination across New Mexico.</p> <p><u>Environmental Justice</u>: I am tired of New Mexico being known as the dumping grounds, to see the government contaminate people for the sake of dirty money and tired of being sick about all of this.</p> <p><u>Risk Assessment</u>: I am tired of people being sick because of contamination all over New Mexico. I will take this to court and sue the state of New Mexico and EPA if necessary.</p>
167	Hearing Transcript	10/19/2001	Victor Blair	<p><u>Disclosure</u>: Concerns that not all the information on the disclosure forms has properly updated. Concerned that infractions occurred by the Gandy Corporation (Oil Conservation Division and Occupational Safety and Health Administration violations) were not disclosed.</p>
168	Hearing Transcript	10/19/2001	Jimi Gadzia	<p><u>Public Process</u>: Feel that GMI is using intimidation tactics to prevent the public from being involved and informed during the permit application and review process. Intimidation tactics due harm the public process and have been used to prevent the public from participating in the public informational meetings.</p>
169	Hearing Transcript	10/19/2001	Deborah Petrone	<p><u>Public Process</u>: I have felt that intimidation tactics have been used by GMI. I have received intimidating e-mails stating I had no right to protest the construction of the facility and received phone calls that made me afraid.</p>
170	Hearing Record	10/19/2001	Emily Pearson	<p><u>Cooperating Local Authorities</u>: I am concerned that the hospitals are ill equipped to handle a serious accident involving hazardous waste. As a taxpayer I will have to be responsible for paying the training and equipment necessary to respond to these inevitable accidents (unfair).</p> <p><u>Traffic and DOT Regulations</u>: Unfair we will have to bear the burden of costs of road repairs due to trucks going to the facility.</p> <p><u>Risk Assessment</u>: If these facilities are so safe, why are they not located closer to the cities that generate the waste (e.g., El Paso or Albuquerque). There are many potential health risks. I do not want to be a guinea pig. How can we be sure the facility will be safe in 80 years?</p>

				<p><u>Air Quality Protection</u>: Concern over air pollutants and lack of monitoring for potential wind blown air contaminants.</p> <p><u>Groundwater</u>: Concerned that the State will not require groundwater monitoring.</p> <p><u>General Objection</u>: I unequivocally oppose the permitting and construction of this facility.</p>
171	Hearing Record	10/20/2001	Rhonda Burrows	<u>General Objection</u> : I object to any such site being developed in this state.
172	Hearing Record	10/20/2001	Reba Barber	<u>General Objection</u> : I object to any such site being developed in this state.
173	Hearing Record	10/20/2001	Dana Williams	<u>General Objection</u> : I object to any such site being developed in this state.
174	Hearing Record	10/20/2001	Pegge Ingels	<u>General Objection</u> : I object to any such site being developed in this state.
175	Hearing Record	10/20/2001	Ralph Barber	<u>General Objection</u> : I object to any such site being developed in this state.
176	Hearing Record	10/20/2001	Cora Dulton	<u>General Objection</u> : I object to any such site being developed in this state.
177	Hearing Record	10/20/2001	Deborah J. Newitt	<u>General Objection</u> : I object to any such site being developed in this state.
178	Hearing Record	10/20/2001	Lehia Duan	<u>General Objection</u> : I object to any such site being developed in this state.
179	Hearing Record	10/20/2001	Mark Williams	<u>General Objection</u> : I object to any such site being developed in this state.
180	Hearing Record	10/22/2001	Curt S. Graham	<p><u>Water Issues</u>: The State should not issue water rights to any more people, due to the already shortage of water. We expect a "water call" until next summer, which will impact heavily our crops. Also, Texas already owns some of that water, how can the State give Texas' water to someone else?</p> <p><u>General Objection</u>: I adamantly oppose Triassic Park.</p>
181	Hearing Record	10/22/2001	DennisMIKE787@aol.com	<p><u>General Objection</u>: It concerns and scares us, would like to see it not come.</p> <p><u>Traffic and DOT Regulations</u>: Need a bypass north to east, etc.</p>
182	Hearing Record	10/22/2001	Tilly Madrid	<p><u>General Objection</u>: I am very against the Triassic Park Hazardous Waste Dump, please do not build it.</p> <p><u>Water Issue</u>: We need to protect our water at all costs, without water there is no town of Roswell.</p> <p><u>Traffic and DOT Regulations</u>: Concern over traffic for facility. What about an accident with one of our school buses or senior citizens.</p> <p><u>Air Quality Protection</u>: Concern over air pollution. Many residents are sensitive to pollutants in the air.</p>
183	Hearing Record	10/22/2001	Karen H. Curtis	<u>General Objection</u> : I do not want Triassic Park.
184	Hearing Record	10/22/2001	Sally S. Toles	<p><u>General Objection</u>: I oppose granting GMI a permit.</p> <p><u>Air Quality Protection</u>: Concerned that air monitoring is waived.</p> <p><u>Groundwater</u>: Concerned that groundwater monitoring is waived. Concern over potential to</p>

				<p>jeopardize our unique rechargeable aquifer.</p> <p><u>Inspections</u>: NMED admits to being understaffed, concerned about lack of inspections on a regular basis.</p> <p><u>Traffic and DOT Regulations</u>: Concern over access to site via a two-lane highway. Trucks would go through Roswell and Tatum, exposing children and citizens to undue dangers and in an infrastructure not equipped to handle emergencies.</p> <p><u>Public Concerns</u>: Concerned that the objections of the people voiced at public meetings have not been relayed to appropriate NMED staff.</p>
185	Hearing Record	10/22/2001	Don R. Clark	<p><u>General Objection</u>: I am strongly against the permitting of the Triassic Park Hazardous Waste Dump.</p> <p><u>Risk Assessment</u>: Can not allow dumping as there are too many unknowns and it is your job to protect the environment and the people. You can not guarantee any hazardous problems.</p>
186	Hearing Record	10/22/2001	Frank H.H. King	<p><u>Risk Assessment</u>: The siting of the facility will be dangerous.</p> <p><u>Traffic and DOT Regulations</u>: Continuous hazard on routes and taxpayers will be responsible, all for the benefit of a few.</p> <p><u>Regulatory</u>: Elected officials have failed in their duty to prevent this unnecessary, costly and hazardous facility.</p>
187	Hearing Record	10/22/2001	Juanita Stiff	<p><u>Water Issue</u>: Facility poses a threat to our water supply.</p> <p><u>Risk Assessment</u>: Poses harm to wildlife and to the dunes.</p> <p><u>Traffic and DOT Regulations</u>: Various issues regarding transportation to and from site.</p>
188	Hearing Record	10/22/2001	Helen Elliot	<p><u>Groundwater</u>: How can the facility be permitted if there is a possibility of leakage into the groundwater system?</p> <p><u>Water Issue</u>: From where in this water-starved state where the 50,000 gal/day of water come from?</p> <p><u>Traffic and DOT Regulations</u>: Why will trucks carrying toxic waste, as many as 5 per hour, be allowed through the streets of Roswell, when a bypass had to be built for trucks going to Carlsbad?</p>
189	Hearing Record	10/22/2001	Carol McGuire	<p><u>General Objection</u>: We don't need any more waste dumps. GMI should be willing to move the facility 43 miles East of Roswell onto Marley's ranch – if it is so safe and profitable.</p>
190	Hearing Record	10/23/2001	Cori Gadzia	<p><u>Traffic and DOT Regulations</u>: Concern about the trucks carrying hazardous waste on our streets, especially with old and new drivers on the road. The route will also go by the NMMI barracks. Will students be safe from traffic accidents and any guarantees?</p> <p><u>Air Quality Protection</u>: Will this pollute my air? I want a clean environment.</p> <p><u>General Objection</u>: There are no guarantees, so don't risk my future and my children's future.</p>
191	Hearing Record	10/23/2001	Karen Wofford-LaBauve	<p><u>Water Issue</u>: Risks to water resources too great. Where is the facility going to get the 50,000 gal/day needed to run the facility? We already have a water shortage.</p> <p><u>Risk Assessment</u>: Risks to health of our citizens too great. Many of the chemicals to be dumped are carcinogenic.</p> <p><u>Groundwater</u>: Concern over the rate of flow of contaminants to the groundwater.</p> <p><u>Traffic and DOT Regulations</u>: Trucks will take their toll on streets, even newly repaired street, and us taxpayers will have to pay for more repairs. What about impacts to school buses, people and tourism if there is a spill? What about costs for HazMat teams? What about trucks from Mexico that are not up to American safety standards and could leak or cause other problems?</p>

				<p><u>Media Concern/Environmental Justice</u>: The site would never be located in Santa Fe or the Tennessee Valley but people do not hesitate to send waste here. The facility will impact future economic development of Roswell and the area. Also by the media calling the facility Triassic Park and not by its full name is misleading the public.</p> <p><u>Air Quality Protection</u>: Concern over air pollution from VOCs and other chemicals from the evaporation ponds.</p> <p><u>General Objection</u>: I do not want to see all of this happening to our site. I strongly urge you to not issue the permit.</p>
192	Hearing Record	10/23/2001	Jeanne Zacharias	<u>General Objection</u> : I oppose this GMI issue for the present and for al future.
193	Hearing Record	10/23/2001	Amy Johns	<u>General Objection</u> : I absolutely oppose the project of Triassic Park and its effect on Roswell and the surrounding area.
194	Hearing Record	10/23/2001	Debra Stuiibe	<u>General Objection</u> : I am against Triassic Park.
195	Hearing Record	10/23/2001	Pat Eckert	<u>General Objection</u> : I am against Triassic Park and am worried about toxic waste.
196	Hearing Record	10/23/2001	June and William Fleig	<u>General Objection</u> : I do not want Triassic Park.
197	Hearing Record	10/23/2001	Mark Taylor	<u>General Objection</u> : I am against it.
198	Hearing Record	10/23/2001	Lea Rohr Fraser	<p><u>General Objection</u>: I request that you deny a permit for the Triassic Park.</p> <p><u>Risk Assessment</u>: Concern over toxins in air causing harm to humans and animals.</p> <p><u>Traffic and DOT Regulations</u>: DO not want waste coming through town.</p>
199	Hearing Record	10/23/2001	Farrell L. Watson (sp)	<p><u>General Objection</u>: I am against Triassic Park.</p> <p><u>Risk Assessment</u>: Spring winds will elevate health problems for humans and animals.</p> <p><u>Liner System</u>: Contaminants will leak through the liner into the water table below. Has any study been done on the effect of the sun on the liner?</p>
200	Hearing Record	10/23/2001	Sue Graham	<u>General Objection</u> : I am opposed to the siting of a toxic waste dump near Roswell.
201	Hearing Record	10/23/2001	Kelly Newcomer	<p><u>General Objection</u>: I am against the Triassic Park development and I am against dumping waste into large open evaporative ponds or lakes. We need a tightly controlled dump.</p> <p><u>Air Quality Protection</u>: Hazardous materials will move into the air.</p> <p><u>Risk Assessment</u>: Environmental hazards will occur and we need to protect our ecological system.</p>
202	Hearing Record	10/23/2001	Dr. Alvin Mihalicil, Dr. Margaret Halnich and Dr. Mohorning	<u>General Objection</u> : We are against the Triassic waste project.
203	Hearing Record	10/23/2001	Yvonne Brunel	<u>General Objection</u> : I am against Triassic Park.

204	Hearing Record	10/23/2001	Jan Mounts	<p><u>General Objection:</u> Strongly urge you to not approve the permit.</p> <p><u>Groundwater:</u> Concerned about the rate of flow of contaminants to groundwater.</p> <p><u>Prohibited Waste Source:</u> Against foreign entities being able to dump.</p> <p><u>Water Issue:</u> Where is the 50,00 gal/day of water needed to operate the facility going to come from?</p> <p><u>Air Quality Protection:</u> What about air pollution from VOCs and other chemicals from the evaporative ponds?</p> <p><u>Environmental Justice:</u> What about SE NM being the dumping ground for the country's waste.</p>
205	Hearing Record	10/23/2001	Glenn G. Stiff	<p><u>General Objection:</u> I protest the Triassic Park Hazardous Waste Permit.</p>
206	Hearing Record	10/23/2001	Catherine Montano and Margy Edwards Flynn – Constitutional Citizens of America (CCA)	<p><u>Public Meeting:</u> The public hearing in Hagerman, scheduled for October 25th will not have a court hearing officer or court reporter. This is unfair as the hearing in Roswell did and people of Hagerman may go unheard because of this. Further these hearings appear to be lip service and pr. The public meetings really just violate and subvert the rights of the people while benefiting the balance sheets of vested interests within the unholy alliance between government and private industry.</p> <p><u>Human Rights:</u> Since no court reporter will be present at the hearing in Hagerman, Spanish speaking people and/or people who may not write well may go unheard and this is a violation of their rights.</p>
207	Hearing Record	10/24/2001	Judith V. and John W. Kelly	<p><u>Human Rights/Environmental Justice:</u> We think there is a general feeling by both the facility and the State that the concerns of the public do not matter. There are many concerns that the fears of the Hispanic members of the community have not been addressed. The facility has demonstrated a condescending attitude toward the Hispanic people and interpreters have not always been available at public meetings.</p> <p><u>Groundwater:</u> Adequate efforts to protect the groundwater in the area over an extended period of time have not been demonstrated by the facility. Scientific proof to back up the necessary research and verification of findings has not been presented.</p> <p><u>Vadose Zone Monitoring:</u> There appear to be questions on the Vadose zone monitoring system.</p> <p><u>Financial Responsibility:</u> Concern over the long-term financial plan to assure the safety of the site after it is abandoned.</p> <p><u>Financial Incapacity:</u> What happens if GMI declares bankruptcy?</p> <p><u>General Objection:</u> Could the State conduct a feasibility study to find a more environmentally friendly ways to dispose of the said materials? Toxic water dumps do not seem to be a viable option.</p> <p><u>Traffic and DOT Regulations:</u> The number of trucks carrying waste through our towns will be greatly increased resulting in an increase in the probability of accidents and dangerous and costly cleanups. While GMI will not control this end, it is a great concern.</p> <p><u>Security Procedures:</u> GMI should develop an emergency procedure that will secure the toxic materials (long term) from use in a possible terrorist attack against our own country.</p> <p><u>Prohibited Waste Streams:</u> Concern that GMU could apply for a permit to allow the receipt and disposal of low-level nuclear waste within a couple years of the facility opening (document indicating this was attached). Concerns over the integrity of GMI.</p>
208	Hearing	10/24/2001	John Martinson	<p><u>General Objection:</u> I am against the GMI facility. We don't need it.</p>

	Record			
209	Hearing Record	10/24/2001	David Rymer (sp)	<u>General Objection:</u> I am opposed to Triassic Park in New Mexico. There are no advantages and many potential problems.
210	Hearing Record	10/24/2001	Timothy Dill and family	<u>General Objection:</u> I am opposed to the unregulated and privately-run waste storage facility in New Mexico and think no permit should be issued. <u>Past Performance:</u> GMI must show experience and training. <u>Liability:</u> State must be able to show accountability.
211	Hearing Record	10/24/2001	Perry S. Toles	<u>General Objection:</u> I am opposed to the Triassic Park Hazardous Waste Facility. Most people at the public meetings were against the facility. Waste should be the responsibility of the government not private industry. <u>Regulatory:</u> The governing statutes and regulations are antiquated and inadequate to protect the public. <u>Vadose Zone:</u> Studies have shown the water does migrate into the vadose zone on arid New Mexico lands. <u>Air Quality Protection:</u> Air is subject to contamination when winds blow over the open pits. <u>Post Closure Care:</u> The State will only monitor for 60 years, but the waste will be hazardous for millions of years. <u>Traffic and DOT Regulations:</u> Waste on two-lane roads is dangerous as is hauling waste through towns. <u>Risk Assessment:</u> Facility will pose unnecessary risks (trucks and air contamination) to athletes training and competing at the Bottomless Lakes State Park, 28 miles West of the proposed site.
212	Hearing Record	10/24/2001	J. Kenneth Smith	<u>General Objection:</u> I am in disagreement with a permit to build and operate Triassic Park. DO not issue a permit for this purpose.
213	Hearing Record	10/24/2001	Steven W. Smith	<u>Groundwater/Vadose Zone Monthly Sampling:</u> Concern over what kind of contamination could occur in our water table. Concerned that we don't understand the flow of groundwater. <u>General Objection:</u> Request permit held until additional groundwater studies are conducted.
214	Hearing Record	10/24/2001	Reida Henry	<u>Human Rights/Environmental Justice:</u> The media referring to the facility as Triassic Park instead of its full name is misleading to the public. Will affect tourism. <u>Groundwater:</u> There is a fault line that links Bottomless Lakes and Carlsbad Caverns. This brings up concerns over the rate of flow of contaminants to groundwater. <u>Risk Assessment:</u> Many of the accepted chemicals are carcinogens. Health of birds from Bitterlakes Wildlife Refuge? <u>Traffic and DOT Regulations:</u> Streets in Roswell are in ill repair. Increase in truck traffic will cause deterioration of repairs, causing more taxpayer money to fix roads. What impact will the traffic have on school buses, children, and NMMI cadets? Contingency plans for spills on streets and HazMat teams? What about trucks from Mexico meeting our DOT standards? <u>Water Issues:</u> What is the source for the 50,000 gal/day water? Roswell is in a drought. <u>Air Quality Protection:</u> Pollution from VOCs from evaporation ponds? <u>Environmental Justice:</u> SE NM is a dumping ground for the county, and this facility will keep business out of Roswell.

				<u>General Objection</u> : Do not issue the permit.
215	Hearing Record	10/24/2001	Karen Jo Herman	<u>General Objection</u> : Do not allow the Triassic Park Hazardous Waste site to be built.
216	Hearing Record	10/24/2001	Sherry Bixler	<u>Site Environment and Climate</u> : Concern over the Lesser Prairie Chicken and that their populations are in trouble. <u>General Objection</u> : Please don't let SE NM be a garbage dump – deny the permit.
217	Hearing Record	10/24/2001	Sarah R. McArthur	<u>Air Quality Protection/Vadose Zone Monitoring</u> : Do not allow the permit without descent measures of our land and water and how to protect them. <u>Air Quality Protection</u> : Do not allow permit until know what our measure of air is and how to protect it.
218	Hearing Record	10/25/2001	Marin de la O (translated from Spanish by Jim Ficklin)	<u>General Objection</u> : We are not in agreement about having the facility here. <u>Risk Assessment</u> : Concerns over the health of children and our own health, and health of future generations.
219	Hearing Record	10/25/2001	Deacon Jesus Herrera (translated from Spanish by Jim Ficklin)	<u>General Objection</u> : Object to the facility and worry the facility will cause undo worry. <u>Risk Assessment</u> : Issuing of the permit will cause all these communities to be in serious danger.
220	Hearing Record	10/25/2001	Steve West – Pres. CDCA	<u>General Objection</u> : Unalterably opposed to the Triassic Park facility. <u>Regulatory</u> : Our officials have an obligation to deny this permit and to tell GMI to leave the state and never come back. <u>Environmental Justice</u> : Facility will hamper and alter the lives and livelihoods of communities and neighbors for all times. New Mexico will be branded as a dump for the nation and we have to WIPP so no more. This will also cause the rest of the nation to not take waste seriously, since it never goes in their state. <u>Risk Assessment</u> : Facility will alter and hamper public health of communities and neighbors for all times. <u>Groundwater</u> : It is absurd that a groundwater monitoring waiver was granted. Contamination of the groundwater is going to occur and we will not know about it until it is way too late to do anything about it. <u>Water Issue</u> : The project will endanger water supplies. <u>Site Environment and Climate</u> : Triassic Park will threaten the Mescalero Sands National Recreational Area, open spaces, outdoor recreation and hunting and endangered species. <u>Financial Incapacity</u> : What happens if the company goes belly-up or abandons the site?
221	Hearing Record	10/25/2001	Paul H. Bloechl (sp.) ^f	<u>Prohibited Waste Streams</u> : Concern that the facility will become a radioactive waste dump (cites 1999 memo). <u>Financial Responsibility</u> : What will happen when the facility is not making enough money and just decides to walk away? What about the expense of managing the abandoned site? <u>Transfer of Permit</u> : What happens of GMI sells the site to another less desirable company. The

				omission of the fact that the facility can do this is a lie by the State. <u>Regulatory</u> : We can not trust the state officials to do the right thing for us.
222	Hearing Record	10/25/2001	Mark Bremer	<u>General Objection</u> : Wish that the State of New Mexico deny the GMI permit. The granting of the permit only encourages more wastes to be generated and discourages generators to be more environmentally sound and create less waste by-products. No more waste treatment, storage and disposal areas should be approved. <u>Environmental Justice</u> : The resource values associated with the land are significant and the impacts to these resources can not be fully quantified. The permit will open the door to more serious waste streams and will thus diminish the importance of this land and its value.
223	Hearing Record	10/25/2001	Rick Wiedenmann	<u>General Objection</u> : I am opposed to the facility and do not feel the facility should be approved. The State should be protecting its citizens. <u>Traffic and DOT Regulations</u> : Increase in hazardous waste traffic generated by this dump poses a threat to the surrounding communities though which the shipments must pass. Law enforcement officials have not been trained to deal with accidents of this nature. How can you ensure no accidents will happen enroute? The increase in traffic would negatively impact the local area in terms of physical condition of roads and safety issues. <u>Groundwater</u> : Proposed location could severely impact groundwater and the facility is not under close scrutiny. A groundwater-monitoring waiver was granted. How can this be in such close proximity to sensitive areas such as the Mescalero Sands NRA. <u>Financial Responsibility</u> : What safeguards are in place should the facility abandons the site without any regard for cleaning up the mess? No amount of bonds would ever cover the cleanup costs that would fall to the taxpayers. <u>Environmental Justice</u> : With the WIPP, New Mexico will be considered the dumping ground of the Southwest. Once approved, other companies will want to build dumps here. <u>Risk Assessment</u> : Endangered and non-endangered species in the area could be negatively impacted. Locating the site next to Mescalero Sands NRA is poor planning and will degrade the beautiful area. If the site is so safe, why not place it in Santa Fe. <u>Air Quality Protection</u> : The general weather conditions of SE NM will likely carry off both gaseous and solid materials onto adjoining private and public lands. <u>Contingency Plan</u> : Working with unknown chemicals in an accident would be a danger to any responders to any accident scene.
224	Hearing Record	10/25/2001	Catherine Montano	<u>Human Rights</u> : When the government violates or abuses the rights of the citizen, it is a violation of the oath that the official has taken to both State and Federal Constitutions and of people's rights as outlined in the Constitution. This is law as outlined in 40 USC 1986, 18 USC 241, 18 USC 242, 18 USC 245 and many other Federal laws. You are all being put on notice.
225	Hearing Record	10/25/2001	Eugenia Erasco	<u>General Objection</u> : No to the GMI Triassic Park permit
226	Hearing Record	10/25/2001	Matthew Gillespie	<u>General Objection</u> : No to the GMI Triassic Park permit.
227	Hearing	10/25/2001	Patrick M. Harp	<u>General Objection</u> : No to the GMI Triassic Park permit.

228	Hearing Record	10/25/2001	Melba Caraway	<u>General Objection</u> : No to the GMI Triassic Park permit.
229	Hearing Record	10/25/2001	Tom Darnel	<u>General Objection</u> : No to the GMI Triassic Park permit.
230	Hearing Record	10/25/2001	Catherine Daniel	<u>General Objection</u> : No to the GMI Triassic Park permit.
231	Hearing Record	10/25/2001	Mary Dean Daniel	<u>General Objection</u> : No to the GMI Triassic Park permit.
232	Hearing Record	10/25/2001	Annie Torrez	<u>General Objection</u> : No to the GMI Triassic Park permit.
233	Hearing Record	10/25/2001	E. Gonzales	<u>General Objection</u> : No to the GMI Triassic Park permit. <u>Risk Assessment</u> : The facility could be harmful to our children and us.
234	Hearing Record	10/25/2001	Jeanette Cabrales	<u>General Objection</u> : I do not want the facility. <u>Environmental Justice</u> : It is a disadvantage for our future citizens. <u>Groundwater</u> : It will eventually contaminate our water.
235	Hearing Record	10/25/2001	Larry Medina	<u>Groundwater</u> : The facility is a threat to our community in the future because it could leak into our groundwater and contaminate it.
236	Hearing Record	10/25/2001	Marguerite G. Sanders	<u>General Objection</u> : I protest in that I feel it will be a detriment to Roswell.
237	Hearing Record	10/25/2001	Rebecca Garcia	<u>General Objection</u> : The facility is not necessary to our future, as our future is our kids, and soil.
238	Hearing Record	10/25/2001	Mickey Griswald	<u>General Objection</u> : I do not want Triassic Park.
239	Hearing Record	10/25/2001	M. (sp)	<u>General Objection</u> : I oppose the dump Triassic Park.
240	Hearing Record	10/25/2001	Judy Cannan	<u>General Objection</u> : I do not want Triassic Park.
241	Hearing Record	10/25/2001	David A. Ashley	<u>General Objection</u> : I do not want Triassic Park.
242	Hearing Record	10/25/2001	Don Burk	<u>Groundwater</u> : There is a groundwater protection problem and pollution will be a catastrophe for our area and the State of NM. GMI has not performed the necessary tests to determine the extent of a potential hazard. <u>General Objection</u> : The nation already has enough waste depository sites and ones in NM are loosing money, so why do we need this project? <u>Location Information</u> : Why does it have to be located near irreplaceable geologic formations like the Bottomless Lakes State Park?
243	Hearing Record	10/25/2001	Florence J. Spohn	<u>General Objection</u> : Please do not allow the facility to be built. <u>Water Issue</u> : Concern over the excessive amount of water being used in the State.

				<u>Traffic and DOT Regulations:</u> Concern over the truck traffic in our community and on the roads and highways.
244	Hearing Record	10/25/2001	Elizabeth Wingfield	<u>General Objection:</u> I am much opposed to the Triassic Park waste disposal facility. <u>Water Issue:</u> Concern over the excessive amount of water needed to operate the facility. <u>Traffic and DOT Regulations:</u> Concern over the additional truck traffic.
245	Hearing Record	10/25/2001	Elizabeth C. Russell	<u>General Objection:</u> I oppose the Triassic Park waste site.
246	Hearing Record	10/25/2001	Sarah J. Pretti	<u>General Objection:</u> I strongly oppose the Triassic Waste Project.
247	Hearing Record	10/25/2001	Jeanelle McGuire	<u>General Objection:</u> I strongly oppose the Triassic Waste Project, please reconsider.
248	Hearing Record	10/25/2001	Shirley Ann Myss	<u>General Objection:</u> I strongly oppose the storing of hazardous waste at Triassic Park. I do not want children to inherit a fouled environment.
249	Hearing Record	10/25/2001	Harrison R. Rose	<u>General Objection:</u> Opposed to the installation of the Triassic Park waste disposal facility as it will be a severe burden on the people of Roswell. <u>Traffic and DOT Regulations:</u> Heavy trucks will deteriorate our streets and add to present congestion. There is no security for the trucks as they travel through our streets and could become a target for terrorist acts. <u>Prohibited Waste Sources:</u> NAFTA waste should not be deposited in New Mexico.
250	Hearing Record	10/25/2001	Laura K. Read	<u>General Objection:</u> I oppose a permit being issued.
251	Hearing Record	10/25/2001	La Nell Sweet	<u>General Objection:</u> I do not want Triassic Park.
252	Hearing Record	10/25/2011	Hetty Hasekamp	<u>General Objection:</u> I do not want Triassic Park.
253	Hearing Record	10/25/2001	Brian Corrigan	<u>General Objection:</u> I do not want Triassic Park.
254	Hearing Record	10/25/2001	Yvonne Corrigan	<u>General Objection:</u> I do not want Triassic Park.
255	Hearing Record	10/25/2001	Tom Blake	<u>General Objection:</u> I oppose the permitting of Triassic Park <u>Traffic and DOT Regulations:</u> Questions security of transportation.
256	Hearing Record	10/25/2001	Rev. Bob Williams	<u>General Objection:</u> I oppose and am not for the Triassic Park.
257	Hearing Record	10/25/2001	Gailanne Dill	<u>General Objection:</u> I strongly oppose Triassic Park at the Caprock site.
258	Hearing Record	10/25/2001	Brad Pretti	<u>General Objection:</u> I am opposed to Triassic Park. The long-term environmental effects are unknown for our area and could be devastating to the environment. We do not need another facility.
259	Hearing Record	10/25/2001	Marilyn W. Manatt	<u>General Objection:</u> I oppose the dumping at Triassic Park.

260	Hearing Record	10/25/2001	Sally M. Anderson	<u>General Objection</u> : I strongly oppose the dumping at Triassic Park.
261	Hearing Record	10/25/2001	John and Joan Keeth	<u>General Objection</u> : I strongly oppose the dumping at Triassic Park.
262	Hearing Record	10/25/2001	Joanne Rose	<u>General Objection</u> : I oppose the dumping at Triassic Park.
263	Hearing Record	10/25/2001	Mary Ely (Mrs. Robert V. Ely)	<u>General Objection</u> : Unequivocally oppose the creation and development of Triassic Park due to risk hazards via air and water, minimal benefits, adverse consequences to citizens and the environment.
264	Hearing Record	10/25/2001	Julie Hinkle	<u>Traffic and DOT Regulations</u> : Concern over accidents on our roads. <u>Groundwater</u> : Will the waste seep into our water because of the faults in the geology in the area? And how can you say it won't ruin our wells? <u>General Objection</u> : It is dumb to put hazardous waste near Roswell.
265	Hearing Record	10/25/2001	Judith Anderson White	<u>General Objection</u> : I think you need to re-think this project, as it can never be undone.
266	Hearing Record	10/25/2001	Mary Segovia	<u>General Objection</u> : I am against the Triassic Park.
267	Hearing Record	10/25/2001	Virginia Carr (sp)	<u>General Objection</u> : I am opposed to having any area close to Roswell being used as a dumping ground for waste materials produced in other areas that do not want is disposed of on their property. Think what this could mean.
268	Hearing Record	10/25/2001	J. Penrod Toles	<u>General Objection</u> : Oppose the issuance of a permit to GMI for installation of a waste site between Roswell and Tatum. <u>Air Quality Protection and Monthly Sampling</u> : The facility will not be able to continuously monitor for air and soil pollution. This is unsatisfactory. <u>Traffic and DOT Regulations</u> : A tow-land highway as the only access road is poor planning and potentially dangerous and hazardous to the residents of the area.
269	Hearing Record	10/25/2001	Dora G. King (sp)	<u>Prohibited Waste Streams</u> : How did our area get picked for a low-level radioactive waste disposal facility? <u>General Objection</u> : I oppose the Triassic Park Waste Disposal Facility from being built.
270	Hearing Record	10/25/2001	Betty Richards	<u>Transfer of Permit</u> : Concern that GMI will sell permit once obtained to someone who could not have gotten it on their own.
271	Hearing Record	10/25/2001	Margarita Rinion	<u>Risk Assessment</u> : Concerns over children's health and our family's safety. <u>Traffic and DOT Regulations</u> : Concerns over traffic. <u>Environmental Justice</u> : More jobs should be brought to New Mexico not waste. <u>Liability</u> : Who is liable for water contamination?
272	Hearing Record	10/25/2001	Jose Trivizo	<u>Environmental Justice</u> : The facility will have a negative impact on the area, keeping new jobs and new companies out, presenting the image of being a toxic waste dump for the nation, the potential for nuclear waste will cause a downturn in the already struggling economy and devaluation of land. <u>Traffic and DOT Regulations</u> : Road taxes will increase to pay for road damage due to the trucks. Funds won't come from GMI to keep roads repaired. <u>Regulatory</u> : It is criminal if the permit is granted and GMI and all political supporters should be

				charged with criminal charges.
273	Hearing Record	10/25/2001	Greta M. Balderrama	<u>General Objection:</u> I am opposed to the facility and believe that NMED should deny GMI a permit. GMI is solely profit driven and does not have the health of people or the environment in mind. <u>Liability:</u> Taxpayers will be left to cleanup the facility. <u>Risk Assessment:</u> What resources do citizens have for health and environmental concerns at this stage in the game? <u>Prohibited Waste Streams/Permit Modification:</u> What process could GMI go through to modify the permit to allow low-level radioactive waste? <u>Environmental Justice:</u> We are not the dumping ground of the country. <u>Groundwater:</u> Why did NMED grant a groundwater-monitoring waiver?
274	Hearing Record	10/25/2001	Ken Saunder	<u>Groundwater:</u> What are the routes of migration to groundwater? <u>Post-Closure Monitoring:</u> How long will monitoring be conducted upon closure? <u>Traffic and DOT Regulations:</u> Traffic problems and highway maintenance. <u>General Objection:</u> Why here? DO not issue the permit, issue it for Santa Fe, Albuquerque or near another major city if it is so safe.
275	Hearing Record	10/25/2001	Mr. & Mrs. D. M. Vansickle	<u>Site Environment and Climate:</u> We do not feel that GMI have completely studies to environment to understand potential impacts. <u>General Objection:</u> Dose not follow the slogan "love New Mexico". No to the permit.
276	Hearing Record	10/25/2001	Genevieve Y. Richardson	<u>Groundwater/Vadose Zone Monitoring:</u> The sub-surface is very porous and there is a strong possibility of toxic materials eventually leaking into our groundwater.
277	Hearing Record	10/25/2001	Jodene and Dr. Albert Mulliken	<u>General Objection:</u> Opposed to the facility because of health and traffic concerns for our family and the town. <u>Traffic and DOT Regulations:</u> Concern over waste being transported on our streets. <u>Risk Assessment:</u> Concern over our health and our children's health.
278	Hearing Record	10/25/2001	Dottie Edwards	<u>General Objection:</u> For the safety of future generations, please do not grant this permit.
279	Hearing Record	10/25/2001	I. Raymon Juarez	<u>Permit Modification:</u> What about modifying the permit to accept low-level radioactive waste. Did NMED know about this – you must have, your name is on it. <u>Leak Detection System:</u> How do you know when there is a leak and how do you monitor for leaks to groundwater?
280	Hearing Record	10/25/2001	Marjorie A. Talley	<u>General Objection:</u> I am against Triassic Park. <u>Air Quality Protection:</u> Air should be monitored. <u>Vadose Zone Monitoring:</u> Water should be monitored. <u>Risk Assessment:</u> The facility will be unhealthy.
281	Hearing Record	10/25/2001	Margaret Kling Kincaid	<u>General Objection:</u> There are too many unanswered questions – I am opposed to the facility.
282	Hearing Record	10/25/2001	D.W. Whitaker	<u>General Objection:</u> I am not in favor of Triassic Park being in New Mexico.
283	Hearing Record	10/25/2001	Glaze Sagra (sp)	<u>General Objection:</u> I am against the NMED issuing the permit for Triassic Park.

284	Hearing Record	10/25/2001	Dorothy M. Ingalls	<u>General Objection</u> : I wish Triassic Park could be placed elsewhere, outside of Chavis County.
285	Hearing Record	10/25/2001	Joyce Shutt	<u>General Objection</u> : I am against Triassic Park.
286	Hearing Record	10/25/2001	Wannie Jo Hyslop	<u>General Objection</u> : I protest the Triassic Park facility.
287	Hearing Record	10/25/2001	Dell Vick	<u>General Objection</u> : NM does not need anymore hazardous material waste. Let's keep NM safe.
288	Hearing Record	10/25/2001	Doris Curtis	<u>General Objection</u> : I do not want Triassic Park.
289	Hearing Record	10/25/2001	Lloyd Gramez	<u>General Objection</u> : No Triassic Park for this community.
290	Hearing Record	10/25/2001	Bill & Debbie Cooper	<u>General Objection</u> : No. I do not want it anywhere near us.
291	Hearing Record	10/25/2001	Mark Venum	<u>General Objection</u> : I am opposed to the Triassic Park waste facility.
292	Hearing Record	10/25/2001	Fatima Barnes	<u>General Objection</u> : Against Triassic Park.
293	Hearing Record	10/25/2001	Susan E. Padilla	<u>General Objection</u> : I am against the Triassic Park development. <u>Groundwater</u> : Concern over groundwater monitoring waiver. <u>Air Quality Protection</u> : Concern over air quality monitoring waiver.
294	Hearing Record	10/25/2001	Clifford W. McKay	<u>Groundwater</u> : Why no monitoring? <u>Air Quality Protection</u> : Concern over air quality monitoring waiver. <u>General Objection</u> : Where else can this go?
295	Hearing Record	10/25/2001	Stuart M. Pritchard	<u>General Objection</u> : Oppose this project at this location and oppose a private facility as it will be concerned with profit not making the facility safe. Too many unanswered questions. <u>Regulatory</u> : NMED does not have the resources to monitor the facility. <u>Air Quality Protection</u> : Concern over air quality monitoring waiver. <u>Traffic and DOT Regulations</u> : Concern over waste being transported on our streets. <u>Liability</u> : Who will cleanup now and in the future? <u>Environmental Justice</u> : What about future development in the area? This will be prohibited for miles around. <u>Water Issue</u> : Fear use of groundwater, water is scarce in this area.
296	Hearing Record	10/25/2001	Thomas J. Pearson	<u>Air Quality Protection</u> : No question that VOCs will be carried downwind and off-site in the case of prevailing winds and into area with sensitive ecological receptors. What air quality protection matters will be in place? <u>Site Environment and Climate</u> : VOCs and air contaminants could affect sensitive species such as the Lesser Prairie Chicken. <u>Traffic and DOT Regulations</u> : It is clear that NMED does not care about traffic concerns or costs to residents to maintain roads.

297	Hearing Record	10/25/2001	Don Slaughter	<p><u>General Objection:</u> Against the project.</p> <p><u>Environmental Justice:</u> We will be victims of hazardous waste.</p> <p><u>Traffic and DOT Regulations:</u> The State will loose highway money for road repairs.</p> <p><u>Water Issues:</u> 50,000 gal/day of water will be gone and water is too precious a resource .</p>
298	Hearing Record	10/25/2001	R. Myrline Chance	<p><u>General Objection:</u> If the safety of the environment cannot be guaranteed, then I oppose the facility.</p> <p><u>Air Quality Protection:</u> General concern.</p> <p><u>Groundwater:</u> General concern.</p>
299			NMED	<p><u>Table of Contents:</u> Revise page numbers for Permit Part 3.</p> <p><u>Land Disposal Restrictions (2.4.2.b.ii):</u> Wording of the first sentence is not clear. Modify sentence for clarity.</p> <p><u>Decon of Equipment and Vehicles (2.14.3):</u> Insert reference to 40 CFR 264.31.</p> <p><u>Waste Analysis (3.4):</u> Insert titles for Permit Parts referred to in first sentence.</p> <p><u>6.2.1.b:</u> Second to last bullet should read six inches of clay instead of three feet of clay.</p> <p><u>Leachate (6.3.5):</u> Clarify that the Landfill leak detection systems include the LCRS, LDRS and VZMS systems.</p> <p><u>Vadose Zone Monitoring Sumps (7.2.1.c):</u> Reference 40 CFR 264.90(f)(2) is not applicable and should be removed. Rather references to 40 CFR Parts 264.226, 264.303 and 264.301(a)(2) should be inserted.</p> <p><u>Gas Generation Management:</u> Since the facility will be accepting MSW and C&D waste, the first sentence should be removed. In addition, some text should be added that the limiting of organics to less than 10% by weight will also help limit the production of organic gas.</p> <p><u>Construction Quality Assurance (Attachment A, 2.5.2.3):</u> A space should be inserted after the first paragraph.</p> <p><u>Special Requirements (Attachment B, 5.4.8):</u> Special requirements to limit potential releases to the atmosphere also include the provisions for prohibited wastes. These prohibited wastes should be addressed in this section.</p> <p><u>Identification and Characterization of Released or Suspected Released Material (Attachment C, 6.3.2):</u> The provisions of response activities as related to corrective action should also be included at the end of this section. Include a reference to immediate response activities in Permit Part 9.3 and for notification requirements of newly discovered releases in Permit Part 10.5.</p> <p><u>Releases to the Environment (Attachment C, 6.3.5.b.i):</u> A bullet should be added to reference the release requirements for corrective action for regulated units as contained in Permit Part 9 and for solid waste management units as contained in Permit Part 10.</p> <p><u>Emergency Coordinators (Attachment C2):</u> It should be clarified who maintains the controlled copies.</p> <p><u>Coordinating Agreements (Attachment C3):</u> Several comments as noted:</p> <ul style="list-style-type: none"> - The telephone numbers for the Roswell and Tatum Fire and Ambulance serviced should be provided. - Remove reference to the State Police and Sheriff and insert the New Mexico Depart of Public Safety (NMDPS) and telephone number, the Lea County Sheriff and telephone number and the

				<p>Chavis County Sheriff and telephone number.</p> <ul style="list-style-type: none"> - Remove reference to the New Mexico State Air division. Insert the New Mexico Environment Department (NMED), Air Quality Bureau and associated address and telephone numbers. - The NMED Hazardous and Radioactive Materials Bureau is now the Hazardous Waste Bureau. Also the address and telephone numbers have changed. <p><u>Overview of Waste Generated On-site (Attachment F, 4.5.6.1):</u> Under the Leachate bullet, the word “leaches” should be “leachates”.</p> <p><u>Attachment H, Appendix A:</u> Appendix A, Water Quality Data, refers to Figure A-1. Please revise the permit application to include this figure.</p> <p><u>Attachment H, Appendix B, Section B-3:</u> This section references Figures B-1 and B-2. Revise the permit to include these figures.</p> <p><u>Attachment H, Appendix B, Section B-4:</u> This section references Figures B-2, B-3, B-4, B-4F and B-5. Revise the permit to include these figures.</p> <p><u>Attachment L, Engineering Report:</u> The following modifications should be made to the Table of Contents for this Attachment:</p> <ul style="list-style-type: none"> - Appendix A Design Drawings: Include a note that this is included in the permit as Permit Attachment L1. - Appendix B Construction Quality Assurance Plan: Include a note that this is included in the permit as Permit Attachment M. - Appendix C Construction Specifications: Include a note that this is included in the permit as Permit Attachment L2. - Appendices D through H: Add a footnote indicating that these appendices are not included in the permit but may be referenced in the revised October 2000 Permit Application.
<p><u>Notes:</u></p> <p>^a See the companion table “NMED Response to Comments Received through November 1, 2001 on the Draft Triassic Park Hazardous Waste Permit Facility.</p> <p>^b Comments received after October 15, 2001 are not assigned an AR/Invoice number.</p> <p>^c Post cards received in July: Number received (date): 34 (07/19/01), 147 (07/23/01), 15 (07/24/01), 19 (07/26/01), 17 (07/30/01) and 6 (07/31/01).</p> <p>^d Post cards received in August: Number received (date): 92 (08/03/01), 7 (08/08/01), 38 (08/08/01), 67 (08/09/01), 27 (08/13/01), 86 (08/16/01), 7 (08/24/01), 8(08/27-30/01).</p> <p>^e Post cards received in September: Number received (date): 7 (09/04-05/01), 34 (09/06-25/01), 2 (09/26-27/01).</p> <p>^f (sp.) – Illegible signature/handwriting, best attempt at name.</p>				

NMED Response to Comments Received through November 1, 2001 on the Draft Triassic Park Hazardous Waste Facility Permit ^a						
Res No	Permit Part/ Permit Condition	Unique Commenter No.	Subject	Comment	NMED Response	Altered Permit? Y/N
R1	General – Not directly related to Permit	7, 8, 9, 10, 13-28, 33, 49, 70, 136	Availability of Permit and Related Documents	<p>Several commenters indicated that the Permit was not readily accessible on the computer and should be made more readily available to the public for review in a hard-copy format. Others indicated that the Permit and all its attachments should be available after normal working hours and that copies should also be placed in Santa Fe and Albuquerque. Other concerns about the availability of the permit in Roswell arose due to construction of the Roswell library.</p> <p>Many felt that the Permit or at least the pertinent information from the Permit should also be available in Spanish.</p> <p>Expressed concern that an amended Fact Sheet dated August 15, 2001 was provided without identifying which parts had changed. Expressed concern that the amended Fact Sheet was not made available at the time of public notice as required by 20.4.1.901(D)(3).</p>	<p>Regulations specifying that a Draft Permit must be made available to the public during a public comment period or hearing are at 20.4.1.C.(h) NMAC and 20.4.1.E. These regulations require that a Public Notice of issuance of a Draft Permit state where persons may secure copies of the Draft Permit and how the NMED may assess the need, on a case-by-case basis, for an information repository. The Triassic Park Draft Permit and Application have been available at the Tatum Town Hall, at the Roswell Public Library, and in Santa Fe at the NMED HWB office. HWB took the additional step of placing the Draft Permit on the Bureau's web page.</p> <p>The Permit has not been translated into Spanish; however, the Fact Sheet and Public Notice were distributed to all who requested it.</p> <p>NMED did not feel it was necessary to identify on the Fact Sheet how it had changed between June 15 and August 15, 2001. Anyone who contacted the person identified on the cover sheet was informed of the changes.</p>	N
R2	General	32, 35, 44, 121	Document Requests	Several requests for copies of all documents, correspondence, guidelines and directives and/or requests for information on rescission of the draft permit were received.	See R1. NMED followed all regulatory requirements regarding information availability to the public. Additionally, NMED made every effort beyond its requirements to be responsive to the public.	N
R3	General	3, 5, 7, 8, 9, 11, 12, 32, 33, 34, 39, 45-47,	Time Extension	Many commenters requested an extension of the public comment period for adequate time to allow review of the draft permit.	Regulations specifying the public comment period length are at 20.4.901.A.(3) NMAC, and require a 45-day comment period for the issuance of a draft permit. NMED allowed 125 days for the public to	N

				<p>professional, less condescending and allow more interaction/involvement by the people.</p> <p>There were requests for additional public meetings prior to the hearing due to the short notices (less than four business days) for some of the meetings. Commenters noted that this is in violation of 40 CFR 270.42, which states that 15-days notice must be given.</p>	<p>NMED acknowledges that relatively short notice was given for the meetings in Santa Fe and Chaves Counties during the week of July 15, 2001; however, there are no regulatory requirements regarding advanced notice for such meetings. NMED understands that organizing meetings on four consecutive nights with numerous parties has logistical challenges. The requirements under 40 CFR 270.42 relate to permit modifications at the request of the permittee, and are not applicable to the public's involvement in issuance of a draft permit.</p>	
R6	General	136	Public Meetings	<p>Expressed concern that a December 1999 EPA guidance document titled Solid Waste and Emergency Response Document 5305W: Social Aspects of siting RCRA Hazardous Waste Facilities had not been followed. Specifically the suggestion that the community be involved early.</p> <p>Commenter expressed concern regarding the short amount time prior to the hearing that she was made aware of the proposed facility.</p>	<p>All regulatory requirements regarding community involvement were adhered to. See R3, R4, and R5.</p> <p>The NMED Administrative Record documents that public meetings regarding the proposed facility occurred in Roswell, Tatum and Lovington in May of 1995 and again in Roswell in April of 1996. The Record also contains a GMI press release that was distributed to "all media in the area" regarding the May 1995 meetings.</p>	N
R7	General	11, 31, 40, 42, 43,	Mailing List	Request to be put on mailing list	NMED has responded to all requests of individuals or groups to be included on the Triassic Park mailing list maintained by the NMED.	N
R8	General	10, 53, 184	Public Concerns	Commenters thought that more weight should be given to the wishes of the people.	NMED believes it has appropriately complied with New Mexico's hazardous waste laws and regulations, while at the same time responding to the concerns of the public.	N
R9	General	136, 168,	Public Process	Some commenters feel that GMI is using	Comment noted.	N

R10	General	4, 29-31, 130, 142, 158	General Support	Some comments expressed support for the permitting of the Facility. Several commenters felt that GMI was doing everything within the laws to ensure the facility would be safe. Several commenters also noted the Gandy and Marley families are being good people and neighbors.	No response required.	N
R11	General	37, 47, 51, 52, 54, 55, 59, 62, 64, 65, 71, 126, 133-137, 140, 143, 145, 148, 149-150, 152, 156, 160, 161, 163-166, 170-185, 189-205, 207-216, 218-220, 222, 225-234, 236-269, 273-275, 277-278, 280-295, 297-298	General Objection	<p>Several public comments were received that expressed opposition to the Facility and/or issuance of Permit by NMED. Reasons for the objections included health concerns, water issues, traffic issues, and environmental justice issues.</p> <p>Many already existing facilities are in financial straits and not making it, so why the need for another facility.</p> <p>One objection received stated that the permit was about the DOE Broad Spectrum Initiative.</p>	<p>NMED is staffed and trained to administer the RCRA environmental laws and regulations and to ensure that environmental statutes are implemented and that the permit has appropriate limits and controls to ensure public health and safety. In addition, the issuance of this permit is not the “end point”. NMED, through the RCRA Enforcement and Inspection Program, intends to maintain a vigilant presence at the site. If this facility is determined to be out of compliance with the state permit, then NMED will take the appropriate enforcement actions. For responses to specific issues, please see the appropriate “Subject” column title.</p> <p>New Mexico’s hazardous waste regulations do not address the financial viability of a hazardous waste management application.</p> <p>NMED is unaware about any association between the proposed Triassic Park and a DOE Broad Spectrum Initiative. Mr. Michael Porter provided Hearing testimony that the DOE Broad Spectrum Initiative is an attempt by DOE to define and find a contractor to receive mixed waste. NMED has had no communication with GMI regarding their receipt of low-level radioactive wastes.</p>	N
R12	General	162	General Objection	In support of his general objection, the commenter read a letter, entitled “Toxic and Radioactive Wastes from NAFTA and Warlike and Nuclear Industry,” from the international organization COREF. The letter lists, among others, the	The letter does not specifically refer to the Triassic Park draft permit and therefore a response to the letter is not warranted in this context.	

					the proposed location is due favorable geologic conditions.	
R14	General	155, 157	Environmental Justice	<p>NMED and GMI should conduct a more detailed socioeconomic evaluation of the affected population before deciding to grant or deny the permit. There are particularly sensitive subpopulations that would be disparately impacted by the facility. One commenter read off several statistics that the area surrounding the facility is populated by sensitive subpopulations of color, which are already burdened by poverty and the worst health care in New Mexico. Statistics and maps were also presented that show the area also has more pollution and industrial facilities and dumps that create pollution and contamination. In addition, the transportation route passes through towns that are predominantly minority and low income.</p> <p>Testimony indicated that commenter moved here because of employment opportunities, ample water supply, growing infrastructures, good crops, willing workforce, and financial opportunities with banks/lenders. However, had they known a toxic waste dump was going to be constructed, they might not have moved to the area</p> <p>The facility will greatly impact the dairies and if the dairies leave because of the facility, the economy will plummet (examples provided).</p>	<p>See R13.</p> <p>No response required.</p> <p>It has not been reasonably shown that any dairies would be negatively impacted by the issuance of the Permit.</p>	N
R15	General	136	Environmental Justice	Expressed concern that a December 1999 EPA guidance document titled Solid	See R13.	N

				Expressed concern that a December 1999 EPA guidance document titled Solid Waste and Emergency Response Document 5305W: Social Aspects of siting RCRA Hazardous Waste Facilities had not been followed. Specifically, the question of whether a new development would bring employment that does not match local resident's job skills.		
R16	General	191	Media Concerns	The media misrepresents the facility to the general public by referring to the facility as Triassic Park and not by its real name, Triassic Park Hazardous Waste Facility.	This issue is outside the scope of the hazardous waste permit. NMED does not have any control over the media. Any grievance with the media should be addressed through letters to the newspapers, radio stations or television stations.	N
R17	General	206, 207, 214, 224	Human Rights	Some commenters noted that not having Spanish interpreters at all public meetings is a violation of human rights and is meant to keep information from the public. Government has abused the rights of humans.	NMED fully encourages public participation and attendance at public meetings and does not purposely keep information from the public. While it is not a requirement under state or federal regulations to have Spanish interpreters available for public meetings, when NMED became aware of the need, every reasonable attempt was made to ensure that an interpreter was present.	N
R18	General	48, 210	Past Performance	Some were concerned about Gandy's past performance in waste disposal operations and that they should show experience in the industry in order to obtain the permit.	NMED understands this general opposition regarding GMI. However, it is not a requirement for GMI to demonstrate past experience in order to obtain the permit. NMED will ensure that the applicable environmental statutes are implemented and that the permit has appropriate limits and controls to ensure public health and safety. In addition, the issuance of this permit is not the "end point". NMED through the RCRA Enforcement and Inspection Program intends to maintain a vigilant presence at the site. If this facility is determined to be out of compliance with the Permit, then NMED will take the appropriate enforcement actions.	N
R19	General	38, 39, 50, 53, 55, 58, 62, 63, 127, 133,	Water Issues	Several questions arose concerning the water, (approximately 50,000 gal/day) that will be required to operate the facility on a daily basis. Questions included: will	While NMED understands the concern over the amount of water anticipated to be necessary to operate the facility and encourages conservation, defining the water source for a hazardous waste	N

					both government and business that the Resource Conservation and Recovery Act (RCRA) has successfully transferred the economic burden of managing and cleaning up hazardous wastes from the taxpayer to those that generate the wastes and ultimately use the products that resulted in the production of the wastes. In addition, RCRA has caused a significant increase in the amount of wastes that are recycled and non-hazardous materials used in the manufacturing process.	
R22	General	82, 129, 144, 165, 186, 211, 220, 221, 272	Regulatory	Elected officials have failed in their duty to protect the public and are acting criminally. NMED does not care about the people of New Mexico, only big business. There appears to be an alliance between government and industry. Further, the governing statutes are antiquated and do not apply.	New Mexico's legislature passed the Hazardous Waste Act mandating regulations and enforcement of those regulations that result in government oversight that is protective of human health and the environment. The New Mexico Environment Department strives to ensure that the hazardous waste regulations are up to date and are implemented appropriately. Both the statutes and regulations ensure that the public is appropriately informed and allowed the opportunity to be involved in the decision making process.	N
R23	General	142	Regulatory	One commenter indicated that a multi-party agreement between states should be made and that for each state that signs the agreement, then each state could dispose of waste in the other states. For states that do not sign the agreement, a fee should be placed in order for them to dump waste in New Mexico. In addition, the primary waste disposers should be held accountable for helping to improve the area they are dumping in and to help bring jobs to the area.	Comment noted. No response required.	N
R24	General	131, 135, 141, 146	Public Hearing	Commenters oppose the fact that during the hearing their comments/questions would be taken during specified hours, but no one would be at these sessions to provide answers.	The Triassic Park Public Hearings included opportunities to present both technical and non-technical comments. The evening sessions allowed for the expression of non-technical statements, concerns and/or questions. These comments became	N

		255, 264, 268, 271-272, 274, 277, 295-297		<p>Will taxpayers be responsible for the upkeep of roads?</p> <p>Concerns over trucks from Mexico not being as safe and meeting U.S. safety standards.</p> <p>How will Phase 2 and 3 of the landfill affect the amount of truck traffic?</p> <p>What about a special users fee to maintain a road fund for repairs and general maintenance?</p>	<p>Transportation (DOT) (49 CFR Subchapter C). Transporters of hazardous waste must also comply with the requirements of 40 CFR 263. The Hazardous Waste Bureau of the NMED staffs an emergency telephone to assist the DPS with hazardous waste or materials incidents. The NMED also manages a fund used to clean up hazardous waste spills immediately that cannot be cleaned up in a timely manner by the responsible party.</p> <p>Trucking transporters of hazardous waste will pay New Mexico highway and fuel taxes as well as special permitting fees.</p> <p>Mexican trucking requirements on U.S. highways currently limit Mexican trucks to within 20 miles of the U.S./Mexican border. The federal government is evaluating means of assuring safe transport via Mexican trucks elsewhere in the U.S. as is required under treaty obligations.</p> <p>Phases 2 and 3 will not change the amount of truck traffic to Triassic Park. The two Phases are simply reference numbers of the landfill expansions. These expansions will occur consecutively, meaning the opening of Phase 2 will occur when Phase 1 is full. Opening a new phase of the landfill will not increase the daily waste management capacity of Triassic Park.</p> <p>NMED is not aware of the referenced fee mechanism.</p>	
R26	General	13-28, 32-34, 37, 41, 47, 50-55, 58, 59, 61, 62, 63, 71, 121, 128,	Risk Assessment	Several comments have addressed the questions of risk and asked what are the risks to people who are exposed to the air, soil and water and how will these risk to potential exposure to carcinogens be evaluated?	NMED believes that the state's hazardous waste laws, regulations, and permits based on those regulations, are sufficiently protective of human health and the environment if appropriately adhered to and enforced. These regulations address all environmental media including air, soil and water,	N

				background levels have not been taken into account	chemical threats when calculating cleanup levels associated with hazardous wastes. The Permit requires the establishment of background concentrations prior to the first receipt of wastes at the facility at Permit Condition 10.3.2.a.	
R27	General	155, 157	Risk Assessment	<p>NMED and GMI should conduct a more detailed health evaluation of the affected population before deciding to grant or deny the permit. The siting of this facility in this area is not protective of human health and the environment. The addition of more particulates, toxic gases and possibly contaminated dust will further stress this population and have deleterious effects on the community. The actual impacts of operating this facility are not known and need to be studied. One commenter presented several study results and statistics about health concerns/conditions across New Mexico as compared to those of Lea and Chaves Counties.</p> <p>We also need to address the increase in exhaust from all the trucks that will be coming through town and the effects on health.</p> <p>The proposed siting of the facility in this close proximity to our town and dairy/farm industries is not in the best interests of the area and will bring a certain element of risk beyond our control and outside of our comfort onto all of us. We are especially concerned over heavy metals. Imbalances in metals can cause other metals to become unavailable for</p>	<p>See R26.</p> <p>The effects of increased exhaust in the area as a result of a hazardous waste permit not currently required under New Mexico hazardous waste regulations. GMI has committed to determining what NM air regulations would require once the hazardous waste permit is issued.</p> <p>See R26. The Permit protects both humans and animals for all hazardous constituents on Appendix VIII of 40 CFR 261, including heavy metals and benzene.</p>	N

R33	Permit Condition 1.2.4	1	Notification/ Transfer or Permit	Add a condition to the permit requiring the Permittee to notify the Director and new owner/operator when a RCRA permit is transferred (40 CFR 270.30(1)(3) and 264.12(c)).	NMED concurs with this comment. While Permit Condition 1.2.4 includes the requirement under 40 CFR 270.30 (1)(3), Permit Condition 1.2.4 will be modified to also cite 40 CFR 264.12(c).	Y
R34	Permit Condition 1.2.4	221	Transfer of Permit	What happens if GMI sells its permit to another company?	The Permittee cannot transfer the permit without providing notification to, and getting the approval from, the NMED. The prospective owner would be required to submit a disclosure statement to the Secretary. The Secretary would take the disclosure statement into account in considering transfer, modification or revocation of the permit.	N
R35	Permit Condition 1.3	140	Severability	This section does not contain an applicable New Mexico statute with regard to severability.	NMED does not feel it is necessary to include a statutory citation with Permit Condition 1.3. If the commenter is questioning this authority, the statute is 1978 NMSA, 12-2A-9.	N
R36	Permit Condition 1.4	140	Definitions	Bullet point two in the definitions is grammatically incorrect, obscuring the meaning.	NMED concurs with the comment. This grammatical error was modified and submitted along with other non-substantive changes prior to the hearing.	Y
R37	Permit Condition 1.4	88	UHC Definition	Clarify why Selenium and Sulfides are added to list of constituents that can be expected to be present at the point of waste generation at a concentration above UTS standards, but not included in regulation definition.	Selenium and sulfides are included in the regulation that lists constituents that can be expected to be present at the point of waste generation at a concentration above UTS standards. See 40 CFR 268.2 (i).	N
R38	Permit Condition 1.5.3	140	Continuation of Expiring Permit	Language in this section allows continuation of the existing state permit in perpetuity, depending on the continuing inaction of the Secretary.	True. However, NMED has no intention of allowing a hazardous waste disposal permit to lapse over an expiration date without appropriately examining that permit.	N
R39	Permit Condition 1.5.4	140	Duty to Mitigate	Inclusion of the term "reasonable" makes determination of migration vague and subjective. Recommend substitution of "all necessary steps, as determined by the	The inclusion of the word "reasonable" is based upon the language in 40 CFR 270.30(d), as adopted by 20.4.1.900 NMAC.	N

				available to the public because “the Department had promised the permittees they would not release them to the public.”	holding portions of the completed forms confidential. Prior to releasing the forms to the public, it was explained to the requestor that a legal opinion regarding the forms confidentiality was to be obtained.	
R41	Permit Condition 1.5.8	140	Inspection and Entry	This clause is grammatically incorrect as modified and might be subject to interpretation at a later date. Better to say, “The Permittee shall submit to entry and inspections”.	The text is based on regulatory language (40 CFR 270.30(i)).	N
R42	Permit Condition 1.5.8 and Attachment B	184	Inspections	Concerned about lack of inspections on a regular basis.	See R21.	N
R43	Permit Condition 1.5.8.a	140	Entrance to Premises	The word “reasonable” is subject to interpretation. Recommend inserting “as necessary”.	The text is based upon the language as written in 40 CFR 270.30(i)(1) and adopted by 20.4.1.900 NMAC. No further action is required.	N
R44	Permit Condition 1.5.8.b	140	Access to Records	The word “reasonable” is subject to interpretation. Recommend inserting “as necessary”.	The text is based upon the language as written in 40 CFR 270.30(i)(2) and adopted by 20.4.1.900 NMAC. No further action is required.	N
R45	Permit Condition 1.5.8.c	140	Inspection	The word “reasonable” is subject to interpretation. Recommend inserting “as necessary”.	The text is based upon the language as written in 40 CFR 270.30(i)(3) and adopted by 20.4.1.900 NMAC. No further action is required.	N
R46	Permit Condition 1.5.9.a	140	Reporting Requirements	The phrase “as soon as possible” is vague and subject to later interpretation. Timetables for such changes should be included in the schedule of reporting requirements.	The text is based upon the language as written in 40 CFR 270.30(1)(1) and adopted by 20.4.1.900 NMAC. No further action is required.	N
R47	Permit Condition 1.5.9.b	140	Reporting Requirements	The phrase “as soon as possible” is vague and subject to later interpretation. Timetables for such changes should be included in the schedule of reporting requirements.	The text is based upon the language as written in 40 CFR 270.30(1)(2) and adopted by 20.4.1.900 NMAC. No further action is required.	N

				<p>rather than initiation of operations. We assume that these are generally the same times.</p> <p>The last row of Table 1-1 should be removed, as it is a duplicate of a previous row.</p>	<p>NMED concurs with this comment. This correction was previously submitted into the record as part of the non-substantive changes.</p>	Y
R53	Permit Part 2	136	General Facility Conditions	<p>Expressed concern regarding the long-term integrity of the site. Specifically the likelihood that the technology proposed in the permit would become outdated, the landfill liner would degrade, and the possibility of landfill cap erosion and the resultant exposure at the surface of previously buried wastes.</p>	<p>New Mexico's Hazardous Waste Management Regulations and the resultant Triassic Park Permit do contain sufficient contingencies to address the long-term integrity of the site. Permit Part 1 makes the term of the Permit 10 years with review of the Permit at 5 years. If either the regulations change during these periods, or the NMED believes that the technology prescribed in the permit is no longer protective, the NMED will initiate a permit modification as described at 40 CFR 270.41 to rectify the situation.</p> <p>Landfill liner degradation is not expected due to the satisfactory experience with the proposed design of environmental regulatory agencies nationwide. But should the liner material degrade at any time, including during post-closure, the Permit requires the operation of redundant monitoring systems that would detect the degradation, and also requires the initiation of remedial action to contain the release and clean up any wastes.</p> <p>Landfill cap erosion is also anticipated in the regulations and the Permit, and contingencies exist to address the situation. Permit Condition 8.2.4 requires the Permittee to maintain the effectiveness and integrity of the final cover through the post-closure care period. Permit Condition 8.2.3 reiterates the NMED's prerogative to extend the standard 30-year post-closure care period if necessary. And Permit Condition 8.3 assures that the permittee will always have the monies in reserve to</p>	N

					within the United States. No further action is required.	
R57	Permit Condition 2.3.1	120	Prohibited Waste Sources	Clarification of Draft Permit Section 2.3.1 Hazardous Waste from Sources Located Outside of the United States. For the purposes of provision 2.3.1, a United States corporation operating outside of the United States and governed by the Mexico and United States of America Agreement on Co-Operation for the Protection and Improvement of the Environment in the Border Area, 14 August 1983 (the La Paz Agreement) is not a “generator of hazardous waste located outside of the United States of America” or a “source located outside of the United States.” Permittee may accept hazardous waste generated by United States corporations operating outside of the United States and governed by the La Paz Agreement in the manner established by the Solid Waste Disposal Act (SWDA) § 1002 <i>et seq.</i> as amended by the Resource Conservation and Recovery Act (RCRA) § 6901 <i>et seq.</i> and 40 C.F.R. §§ 262 and 264. Such wastes are required to be “imported” by the generator at the border between the United States and Canada or Mexico and the customs broker at the border takes the Canadian or Mexican waste manifest forms and “generates” the new hazardous waste manifest form that is used throughout the United States for “cradle to grave” tracking 40 C.F.R. § 262.23.	The La Paz Agreement does not state that for purposes of United States law a generator of hazardous waste under the agreement is not a foreign source or generator located outside of the territory of the United States. The La Paz Agreement simply establishes a framework for a government-to-government cooperation in the field of environmental protection for the border area. NMED has determined that any wastes generated outside the borders of the U.S. are foreign wastes and has specific conditions for those wastes. (See Response to Comment R56)	N
R58	Permit Condition 2.3.2	146	Hazardous Waste from an Off-site	What percentage of waste will come from other states?	Listing the amount of waste anticipated to come from other states is not a condition of either New Mexico’s Hazardous Waste Management	N

					Legislative action. No further action necessary.	
R64	Permit Condition 2.4.2.a	75	General Prohibition	The third bullet for certain soils containing PCBs should be 500 ppm rather than 50 ppm.	See R62.	N
R65	Permit Condition 2.4.2.b.ii	299	Land Disposal Requirements	Wording of the first sentence is not clear. Modify sentence for clarity.	NMED concurs with this comment. The sentence will be modified for clarity.	Y
R66	Permit Condition 2.5	143	Waste Analysis Plan	<p>“How do you know what kind of waste they are accepting?”</p> <p>“How do you know what is on the manifest is in the barrels? Do they have to test on-site to verify?”</p>	<p>Waste acceptance criteria are contained within Permit Part 5.3 and Attachment F. In order for a waste stream to be accepted at the facility, the generator is required to provide a complete waste stream analysis and sample the waste for analytical evaluation prior to shipment of any waste. After review of the waste stream analysis, the facility will notify the generator if the waste is acceptable and can be shipped for disposal (Permit Attachment F, Condition 4.3). Manifests will also be reviewed for discrepancies.</p> <p>The Facility will have an on-site laboratory to conduct fingerprint analyses to ensure that manifests coincide with wastes. Waste acceptance procedures are also discussed in Permit Attachment N, Conditions 3.1.2 and 3.1.3.</p>	N
R67	Permit Condition 2.5.1	140	Waste Analysis Requirements	There is no direct language in this section obligating the permittee to adopt sampling techniques which guarantee that the permittee not accept illegally described waste per the generator’s manifest. This section also does not require the permittee to adopt best practice techniques created in corollary fashion to EPA document SW-846.	<p>Discrepancies in waste analysis are discussed in Permit Parts 2.5.3.a.ii and 2.5.3.b. The Facility may require the generator to submit a sampling plan if discrepancies are found in the sample evaluation and if discrepancies are found in the manifest. The waste may be refused if discrepancies are not resolved.</p> <p>The Facility sampling plan is described in Permit Part 2.5.4.a. Any modifications to sampling must be approved and methods must be EPA-approved techniques as outlined in SW-846.</p>	N
R68	Permit	76	Representative	Reference to an “off-site laboratory”	NMED concurs with this comment. To be consistent	Y

R72	Permit Condition 2.12.1.h	89	Recordkeeping	Referenced permit condition 3.4 does not include discussion of information required for non-exempt waste.	The first sentence of Permit Condition 3.4 applies to "each waste stream in each container", which includes non-exempt wastes.	N
R73	Permit Condition 2.12.1.i	78	Waste Stream Tracking	Hazardous waste stream information is required to be maintained until closure by the referenced regulation, but permit states until post-closure. We recommend that the information be maintained until closure as specified by the regulations.	NMED believes it will always be important to know what was disposed of at the facility. 40 CFR 264.74(b) gives NMED the authority to extend the retention time of the hazardous waste information, and NMED does not intend to change the Permit.	N
R74	Permit Condition 2.14.3	90	Decontam. Of Equipment and Vehicles	Requirement that any vehicles or equipment which have come in contact with hazardous waste in any storage or treatment area or in the landfill are decontaminated prior to further movement to prevent contamination of uncontaminated areas of the Facility is additional to permit application. We request that this be clarified to indicate that all trucks used for hauling waste into and out of the facility will not have to be routed through the truck wash unless they are visually contaminated.	Permit Condition 2.14.3 says that contaminated vehicles will be <u>sufficiently</u> decontaminated. NMED feels that the condition offers both an operator and an inspector language that will accomplish its intended result.	N
R75	Permit Condition 2.14.3	299	Decontam. Of Equipment and Vehicles	Insert reference to 40 CFR 264.31.	NMED concurs with this comment. Reference to 40 CFR 264.31 will be inserted.	Y
R76	Permit Condition 2.15	41, 48, 50, 61, 63, 65, 82, 142, 151, 165, 170, 182, 184, 190, 191, 201, 204, 211, 214, 217, 223, 268, 208, 293-296, 298	Air Quality Protection	How will NMED ensure the Facility is not polluting the air and causing toxins in the air that could be hazardous? What about air monitoring? Wind speed should be addressed. With the evaporation ponds, transferring, pumping, mixing, and loose soil dealing with at least 245 known carcinogens, it is an oversight to not address transport in the air.	All hazardous waste is subject to the RCRA air emission requirements of 40 CFR 264 Subparts AA, BB and CC, which are equivalent to Clean Air Act requirements. GMI has limited the wastes that can be treated and disposed of at the facility to those wastes that would <u>not</u> require air emission control. Permit Part 2 contains the air quality protection requirements, including the following prohibitions; no wastes with greater than 10% organic concentrations, and no wastes with greater than 100 part per million organic volatile constituents. Before wastes could be exposed to the atmosphere at	N

				corporation's failure. Include language that not only the corporation be held responsible, but also all their heirs. Permit should only allow for a reduction site, which is mandated to reduce wastes to their constituent elemental parts and to the recycling of those parts.		
R80	Permit Conditions 2.18, 2.19 and 2.20	136	Liability	Expressed concern that NM may not be able to support the proposed facility, that the hazardous waste business is in a state of general decline and if the facility were to encounter difficult financial times, that "decisions to cut corners are more apt to occur".	See R11.	N
R81	Permit Condition 2.19	220	Financial Incapacity	What if GMI goes bankrupt?	The Permit contains contingencies for public protection should GMI go bankrupt. Permit Part 8 contains the closure and post-closure requirements that must be met regardless of when the facility stops operating. Permit Part 8.3 contains the requirement that monies be available to accomplish closure. Furthermore, GMI must comply with bankruptcy requirements stipulated at 20.4.1.500 NMAC (incorporating 40 CFR 264.148(a) and (b)), as contained in Permit Part 2.19.1 and 2.19.2.	N
R82	Permit Part 2, Tables 2-2 and 2-3	121	Recordkeeping and Reporting	How does NMED plan on monitoring the site and operations?	NMED is staffed and trained to administer the RCRA environmental laws and regulations and to ensure that environmental statues are implemented and that the permit has appropriate limits and controls to ensure public health and safety. In addition, issuance of this permit is not the "end point". NMED, through the RCRA Enforcement and Inspection Program, intends to maintain a vigilant presence at the site. If this facility is determined to be out of compliance with the state permit, then NMED will take the appropriate enforcement actions. Recordkeeping, reporting, certification and notification requirements, along with the associated	N

				Several items listed are duplicates to item listed as sections 2.12.1f and g, including permit number items 3.7.1.c, 4.7.1.c, 4.7.1.d.	Items are included for completeness. No further action is required.	N
				Inspection Records (4.7.1.a) is duplicate of Recordkeeping – Inspection Logs (2.7.3).	Items are included for completeness. No further action is required.	N
				Action Leakage Rate section (5.5.3) does not include recordkeeping requirements, but is included in Table.	Action Leakage Rate section contains requirement to record the daily flow rate.	N
R84	Permit Part 2, Table 2-3	100-106	Reporting/ Notification/ Certification Requirements	<p>General comment – difficult to tell the purpose of this table –Section 2.12.2 says all the submittals listed in Table 2-3 shall be submitted to the Secretary, yet it appears to be more just a reference to all the permit sections that discuss submittals. Assuming it is intended to be a list of information to be submitted.</p> <p>Would be helpful to include applicable area or activity (General – sections 1-2, Containers – section 3, Tanks – section 4, Surface Impoundment – section 5, Landfill – section 6, VZMS – section 7, Closure – section 8, Corrective Action – section 9) that the requirement applies to since many sections have vague titles or the same title as another areas (e.g. Subpart CC Noncompliance, etc).</p> <p>Permit section 1.5.9.d is included in the table, yet there is no requirement discussed in this section (no text), except within the subsections, which are listed in the table as well.</p> <p>Contingency Plan Implementation is</p>	<p>This table has been provided as a summary table. No further action is required.</p> <p>Table will be altered for clarity.</p> <p>This has been included for completeness. No further action is required.</p> <p>This has been included for completeness. No further</p>	<p>N</p> <p>Y</p> <p>N</p> <p>N</p>

				this added requirement be eliminated.		
R88	Permit Conditions 4.1.4.b and 2.1.3	5	Waste Prohibition and Permit Modification	Concern that permit could be revised to accept more than 10% by volume of volatile organic compounds (VOCs) and eventually may not be in compliance with RCRA.	Revision of the Permit to accept more than 10% by volume of VOCs would require a permit modification subject to regulations under 40 CFR 270.41 and 270.42. This modification would be a Class 3 Modification requiring significant public involvement. Furthermore, compliance with the RCRA air emission requirements under 40 CFR 264 subpart BB and CC would require the installation of considerable air emission control equipment.	N
R89	Permit Condition 4.3	38, 39	Waste Acceptance Criteria	If the nature of the material being transported to the site is not known until it reaches the site for characterization and analysis, what will happen to the waste if it is not accepted? Who will determine what is included in the waste and what will happen if waste is not accepted?	In order for a waste stream to be accepted at the facility, the generator is required to provide a complete waste stream analysis and sample of the waste for analytical evaluation prior to shipment of any waste. After reanalysis of the waste stream by the facility, the facility will notify the generator if the waste is acceptable and can be shipped for disposal (Permit Condition 2.5 (<i>Waste Analysis</i>)). Discrepancies between the generator's and the facility's analysis as well as discrepancies between the generator's sample and the bulk wastes that are delivered to the facility are also addressed in this Permit Condition, including the requirement to return the waste to the generator. Waste acceptance procedures are also discussed in Permit Attachment N, Conditions 3.1.2 and 3.1.3.	N
R90	Permit Condition 4.6.1	108	Inspection Procedures	Reference to Attachment D, Inspection Procedures, Section 5.2, and Inspection Procedures is repetitive – Attachment D is Section 5.2.	While Attachment D only contains Condition 5.2 and its subparts, both Attachment D and Condition 5.2 are titled "Inspection Procedures". No further response is required.	N
R91	Permit Condition 4.6.3	109	Cathodic Protection Systems	Clarify inspection of Cathodic Protection System. Section 4.6.1 says they will be inspected daily for both liquid tanks and stabilization tanks, while Section 4.6.3 discusses different inspection schedule for stabilization tanks only. Why does	Liquid storage tanks are constructed of high-density polyethylene and do not require cathodic protection. Permit Condition 4.6.1 will be altered accordingly.	Y

R96	Permit Condition 5.2.1.a	138, 140, 199	Liner System	<p>Reference is made to the liner system, but specifications are general and no mention is made of the warranties offered by the manufacturers or of the relationship of the offered warranties to active life of the site to monitoring period after closure and the ultimate long-term effect on public health and safety over many centuries.</p> <p>Expressed concern that the landfill liner and cover would eventually leak. That they would leak sooner if they were installed improperly. The geosynthetic membranes have manufacturing defects and welds that tend to leak.</p> <p>Liners will become brittle and crack and the HDPE liners are susceptible to attack by chemicals.</p>	<p>The proposed liner materials are in compliance with the requirements outlined in 40 CFR 264.301 (c)(1)(i) and are the generally accepted materials within the industry and amongst regulatory agencies. GMI has not selected a geosynthetic liner material manufacturer; therefore it cannot provide any warranty information. Warranty information is not required by the regulations. NMED is confident that the regulatory requirements for monitoring releases from a hazardous waste management unit, together with the cleanup requirements should monitoring demonstrate that a liner material has failed, are sufficient to ensure that the permittee will have the incentive to use suitable liner materials.</p> <p>The long-term precautions to prevent a release from the landfill are more dependent upon the landfill cap construction, and its materials, than the liners. The means of determining whether either the liner or the cap is functioning effectively is the monitoring system.</p> <p>Fluids extracted from the regulated unit will be monitored to determine if they contain the chemicals known to cause liner materials to deteriorate.</p>	N
R97	Permit Condition 5.2.1.a	11	Construction Requirements	<p>What assurances are there concerning the reliability of the plastic liner and has the liner been tested at other facilities and under what conditions.</p>	<p>See R96. Furthermore, Permit Conditions 6.2.1.b requires a compatibility test be run on a synthetic leachate and the proposed liner prior to operation of the facility.</p>	N
R98	Permit Conditions 5.2.1.a and 5.2.1.b	11	Construction Requirements	<p>Information concerning the clay layer is inaccurate. The clay layer will guide any spilled liquids towards two surface water bodies not far from the site and could allow contaminated liquids to enter the aquifer.</p>	<p>NMED is not aware of the two surface water bodies, nor which clay layers the commenter is discussing. The permit requires a system of 20 monitoring wells monitoring the alluvial/Upper Dockum contact sloping toward the west, and the Upper/Lower Dockum contact sloping toward the east.</p>	N
R99	Permit Condition	279	Leak Detection and	<p>How do you know if there has been a leak? How do you monitor for leaks?</p>	<p>Both the landfill and the surface impoundment have multiple leak detection systems. Both regulated</p>	Y

R105	Permit Condition 6.2.1.b	138, 140, 199	Liner System	Comments were received that questioned the properties of the liner and life expectancy of the liner to keep contaminants from leaking through the liner system and into the soil and water below. Other questions raised included the effects of the liner due to exposure to the sun and about manufacturer's warranties.	See R96 and R97.	N
R106	Permit Condition 6.2.1.b	84, 299	Liner System	<p>6.2.1.b Liner Systems: 264.301 (c)(1) is not an accurate citation because it states the use of three (3) feet of compacted clay. GMI suggests that 264.301 (d) is more applicable to this permit.</p> <p>The second to the last bulleted item states that 3 feet of compacted clay will be part of the liner system. This statement should be removed from the permit or revised to state 6 inches of clay.</p>	<p>NMED concurs with this comment. The Permit will be altered to reflect this comment.</p> <p>NMED concurs with this comment. The permit will be modified to state 6 inches rather than 3 feet of clay.</p>	<p>Y</p> <p>Y</p>
R107	Permit Condition 6.2.1.h	81	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.	This comment has been overtaken by events. Based on the Hearing Officer's and Secretary's final orders, the number of shallow monitoring wells is 6 and total vadose zone monitoring wells is 17.	N
R108	Permit Condition 6.3.5	299	Leachate	Clarify that the Landfill leak detection systems include the LCRS, LDRS and VZMS systems.	NMED concurs with this comment. The permit will be modified for clarification.	Y
R109	Permit Condition 6.5.2.d	114	Leachate Sampling	Requirement to sample and analyze leachate from LCRS, LDRS and VZMS sumps prior to comingling with leachate from VZMS wells or Surface Impoundment are additional to permit application. Can leachate from the Landfill LDRS, LCRS, and the VZMS sump at the base of the Landfill be collected separately for sampling and	NMED believes that fluids from each of the systems can be sampled separately due to separate discharge pipes from each of these systems.	N

R114	Permit Condition 6.10.4	119	Contaminated Soil	Could not locate reference to CFR 268.49.	NMED suggests using 40 CFR 264, as revised July 1, 2000.	N
R115	Permit Part 7	81	Western Boundary Monitoring Wells	<p>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 a release, 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</p>	NMED concurs with GMI's proposal to install four monitoring wells into the alluvial sediments west of the waste management units. The construction, operation and maintenance of these wells have been made conditions of the Operating Permit at Permit Condition 7.2.1.b.	Y

		235, 242, 273-274, 276, 293-294, 298, 144, 165, 170, 211, 264		In addition to the 600-ft deep groundwater aquifer (Lower Dockum) and the Ogallala supplied Upper Dockum, there is a water table from which all wells in the Mescalero Sands draw. This water table should be addressed. There may be evidence that the site is not as “dry” as Gandy Marley claims.	Dockum saturated zone. (See R117) Furthermore, NMED is requiring additional monitoring wells to monitor existing shallow and possible deep saturated zones. (See R116) It is surmised that wells in the Mescalero Sands west of the facility get water from either saturated portions of alluvial materials (i.e., sands), or from the base of the Lower Dockum Unit (i.e., Lower Dockum or Santa Rosa Sandstone Aquifer). These wells are not drilled, nor are they constructed to definitively ascertain the groundwater source. NMED considers the monitoring network required in the Permit reasonably capable of ensuring that any release from the facility will be detected and controlled before any aquifer, including aquifers in or below the Mescalero Sands, becomes impacted.	
R119	Permit Part 7 and Attachments H and I	138	Groundwater	Several concerns as follows: The applicant has not done sufficient hydrologic investigations necessary to determine whether or not a variance is warranted. The estimate of fluid travel times in Upper Dockum had not been made using the most conservative assumptions, particularly the hydraulic conductivity.	NMED considers that there had been a reasonable amount of hydrogeologic investigation to justify the groundwater monitoring waiver, and has seen no new information that changes or refutes this conclusion. However, NMED is requiring additional monitoring based on concerns raised at the October 15, 2001 hearing. Four additional wells will monitor existing shallow saturated conditions near boreholes WW-1 and PB-14. Two other additional wells will monitor possible migration in the Upper Dockum northeast of the regulated units. And a single additional well will monitor within the Lower Dockum for any fluids that might be the result of fracturing or faulting of that Unit. The Upper Dockum Aquifer is not expressly protected by the regulation that requires using the most conservative assumptions (40 CFR 264.90(b)(4)). In addition, the monitoring system required by the Permit is tantamount to a	Y N

			<p>The possible existence of “fast flow paths” (i.e., fractures and buried stream channels) was not investigated. The author suggested here is insufficient information regarding the existence of fractures and faults and that fractures could be identified through angle coring. Buried stream channels could be located through an extensive drilling program or through geophysics.</p>	<p>NMED considers that the existence of “fast flow paths” has been sufficiently investigated in the subsurface, but is adding a permit condition that will help verify that fractures and faults that would transmit significant amounts of groundwater are nonexistent in the Lower Dockum Unit. New Permit Condition 7.2.1.a requires a single deep vadose zone monitoring well to be constructed and operated below the facility so as to determine the existence and quality of groundwater migrating through fractures and faults within the Lower Dockum Unit above the lower sandstone formation (Santa Rosa Sandstone). Paleo stream channels, if they exist, will be sufficiently monitored by the required monitoring system.</p>	Y
			<p>It doesn't seem to be known where the groundwater in the Upper Dockum is going (i.e., flow direction).</p>	<p>NMED considers the flow direction within the saturated portion of the Upper Dockum to be inconsequential with regard to issuing a permit. The regulations at 20.4.1.500 NMAC, incorporating 40 CFR 264.90(B) (4), only question groundwater migration times to an aquifer, not after it has arrived at that aquifer. Flow direction within the Upper Dockum will become relevant when and if a contaminant release enters the aquifer. NMED suspects there is a small amount of groundwater saturation in the Lower Dockum directly below Upper Dockum, but that the majority of water is moving in response to withdrawal by production wells.</p>	N
			<p>There is a lack of characterization of parameters that control the rate at which liquids move in the subsurface, particularly hydraulic conductivity. The applicant's estimation of the fluid flow rate through the Upper Dockum is incorrect. The applicant used an inappropriate flow rate by using the</p>	<p>The only parameter specifically mentioned is hydraulic conductivity. NMED considers that a reasonable effort was made by the applicant to determine that parameter. A CURE witness suggests that the laboratory analysis of hydraulic conductivity is inadequate, but the witness did not propose an alternative. NMED has imposed a new permit condition, 7.2.9, requiring that two new monitoring</p>	Y

					<p>within five feet of borehole location WW-1. This well will measure changes in fluid chemistry and fluid level at a location where shallow groundwater currently exists. A well will monitor the U/L Dockum contact at the northeast corner of the facility boundary. Another of the four wells will monitor the U/L Dockum contact one-half the distance between the northeast corner of the facility boundary and the northeast corner of the landfill and on a line that intersects those two points. These wells will both assist in determining the extent of Upper Dockum saturation, and monitor possible migration toward that saturated zone. The last of the four wells will be a located to sample fluids that may accumulate at or above the stratigraphic boundary between the alluvial material and the Upper Dockum. This shallow well shall be constructed and operated within fifteen feet of the deeper well required near borehole WW-1</p> <p>In the Final Permit, at Permit Part 7, NMED included requirements for three suction lysimeters, three neutron probe access tubes, and associated specific monitoring methodologies and schedules.</p>	Y
R121	Permit Condition 7.2.1.b	81	Shallow Vadose Zone Monitoring Wells	Change total number of shallow zone monitoring wells from three to four.	NMED will alter Permit Condition 7.2.1.b to refer to six shallow monitoring wells.	Y
R122	Permit Condition 7.2.1.c	85	Vadose Zone Monitoring Sumps	In addition, CFR 264.90 (f)(2) is referenced, but it appears this citation does not exist in the CFR.	NMED suggests using 40 CFR 264, as revised July 1, 2000.	N
R123	Permit Condition 7.2.1.c	299	Vadose Zone Monitoring Sumps	Reference 40 CFR 264.90(f)(2) is not applicable and should be removed. Rather references to 40 CFR Parts 264.226, 264.303 and 264.301(a)(2) should be inserted.	NMED concurs with this comment and will modify the permit to include the more appropriate references.	Y
R124	Permit	138	Vadose Zone	Expressed concern regarding the ability	NMED believes it is difficult to capture fluid moving	N

R128	Permit Condition 7.3.2.b	113	Vadose Zone Biennial Sampling	Clarify that biennial sampling described in this section only applies to VZMS wells according to Section 4.5.6 and 264.98(a) (relates to groundwater monitoring), not to sumps.	The sampling described in Permit Condition 7.3.2.b is for leachate collected in the sumps (LCRS, LDRS), not in the VSMS wells. The purpose of the Condition is to create a list of constituents (indicator parameters) to monitor in the wells.	N
R129	Permit Condition 7.5.7	72	Data Reporting	The Permit states that 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, GMI suggests that a time period of 60 days be used to allow sufficient time for testing and data reporting.	NMED will alter the Permit so that Permit Condition 7.5.7 coincides with Permit Condition 7.5.3, <i>Evaluation Schedule</i> . Both referenced Permit Conditions require expedited processes due to their association with a determination of a release. Permit Condition 7.5.3 will have language changed to allow leniency should fluids continuously appear in the VZMS that are not from a contamination source.	Y
R130	Permit Part 8	211, 274	Post-Closure Care	The State will only monitor for 60 years, but the waste will be hazardous for millions of years. How long will you monitor?	In accordance with 20.4.1.500 NMAC incorporating 40 CFR 264.117(a)(1), post-closure care is required for thirty years after completion of closure. NMED may extend the post-closure care period if it determines that it is necessary to protect human health and the environment (20.4.1.500 NMAC incorporating 40 CFR 264.117(a)(2)(ii)).	N
R131	Permit Conditions 8.1.2.b, 8.2.4 and 8.2.4.a	154	Landfill and Surface Impoundment Closure	Expressed his opinion that the design of the landfill vegetative cover was not adequate. He cited a lack of details in the Permit Application regarding soil characteristics and establishment of vegetation on the cover. Expressed the opinion that the thickness of the cover was inadequate (2.5 feet vs. 3.5 feet for mine sites).	NMED subcontracted an engineering evaluation of the landfill design that included an evaluation of the final cover design. A licensed professional engineer conducted the evaluation. The design of the landfill and final landfill cover was evaluated and approved by the licensed professional engineer assigned by NMED's subcontracted engineering consulting firm. Based on Hearing Officer's requirements, the closure specifications for revegetation were added to Permit Attachment O2, Closure Costs.	Y
R132	Permit Condition 8.1.4.b	87	Clean Closure Confirmation	The Permit references sampling rates of 500 square feet and 10 lineal feet. These rates should be struck from the Permit to	The Permit Application states that one sample will be obtained for every 2000 square feet of surface area at each unit during closure. The samples are to	N

					applicable RCRA requirements in 40 CFR 264.117 through 264.120, 264.228, 264.258, 264.280, 264.310, and 264.603. 40 CFR 264.144 also sets forth the requirements for creating, adjusting, and revising the cost estimate.	
R134	Permit Condition 8.3.2.a	154	Continuous Compliance with Financial Assurance Requirements	<p>Stated that no financial assurance instrument is identified in either the Permit Application or draft Permit.</p> <p>Expressed concern that a mechanism for disbursement of funds for post-closure care and maintenance of the landfill cover were not addressed in the draft Permit.</p>	<p>20.4.1.500 NMAC incorporating 40 CFR 264.143 and 264.145 requires that the owner or operator must establish and instrument for financial assurance for facility closure and post-closure care at least 60 days prior to the date on which hazardous waste is first received for treatment, storage or disposal. The Applicant is not required to establish an instrument for financial assurance prior to 60 days before the initial receipt of hazardous waste.</p> <p>NM Hazardous Waste Regulations do not address how these funds will be disbursed. NMED will follow standard contracting procedures to ensure completion of the post-closure care plan.</p>	N
R135	Permit Condition 8.3	207, 221, 223	Financial Responsibility	What if GMI walks-away? What safeguards are in place to assure financial stability to clean up the site if GMI walks away?	The Permittee must maintain financial assurance for bankruptcy (Permit Part 2.19) and for closure and post-closure care in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264 Subpart H).	N
R136	Permit Part 10, Highlights	1	Solid Waste Management Units	For clarity, add a statement to the Highlights Section that the investigation/cleanup process under this part does not necessarily have to follow the "phased approach", phases may be skipped if acceptable to the Administrative Authority.	NMED concurs with this comment and has altered the appropriate Permit language.	Y
R137	Permit Attachment A, Condition 1.2, and Permit	37, 40, 48, 55, 60, 61, 62, 65, 124, 137, 139, 216, 220, 275,	Site Environment and Climate	<p>Several comments were received that expressed concern over the Lesser Prairie Chicken and other special wildlife receptors.</p> <p>Specific comments included:</p>		

				of the Facility.		
R138	Permit Attachment A, Permit Condition 1.2	122	Site Environment and Climate	<p>Section 1.2 was not based upon any real facts, as evidenced by the lack of references and citations to substantiate any of the claims. There was no evidence that any actual fieldwork or studies were conducted to support the claims. It also appears that GMI did not consult with either the New Mexico Game and Fish Department or the Ecological Service Branch of the U.S. Fish and Wildlife Service. NMED releasing the Permit to the public in this condition, lacking any substantive references, citations and/or studies is considered neglectful of the NMED's legal duties and could be a violation of the Wildlife Conservation Action Section 17-2-37 to 17-2-46 NMSA 1978 and the U.S. Endangered Species Act. No adequate surveys for plants and animals contained within this project have been conducted. No adequate projections on the effects of an accident at this site on the rare and threatened species of the area. Not all threatened and endangered species of the area have been identified (i.e., Prairie Chicken and Sand Dune Lizard). Protective fencing and nets over ponds have reportedly resulted in the taking of threatened or endangered animals. In addition, no studies were conducted to determine if the fencing and nets were safe to <i>Sceloporus graciosis arenicolous</i>. Relocation of any of these animals would require a permit form the U.S. Fish and Wildlife Service, which is not discussed in the Permit. Approval of the Permit and subsequent construction of the Facility</p>	<p>The New Mexico Department of Game and Fish (NMSGF) has been consulted and has also reviewed the Permit. Comments received by NMDGF are being incorporated into the Permit. NMDGF has determined that the nets are safe and has recommended additional netting as well as enclosure fencing. Surveys of the plant and animal life in the area were conducted by the BLM and are referenced in the Permit. The Permit also references the New Mexico Forestry and Resource Conservation Division of the State Department of Energy, Minerals, and Natural Resources, which states that no rare or endangered plant species are located in facility area (Sections 17 and 18). The Permit will also be modified to include reference to the Prairie Chicken as a state-listed species and as a candidate for federal listing under the category of Warranted but precluded.</p> <p>The amount of information currently available for the site in terms of potential ecological impacts is deemed adequate, and additional ecological studies do not appear necessary at this time.</p> <p>In the event of a catastrophic accident at the Facility, Contingency Measures at outlined in Permit Attachment C would be followed to minimize any potential impacts to the environment.</p>	Y

R142	Permit Attachment A, Section 2.5.1.8	299	Gas Generation Management	Since the facility will be accepting MSW and C&D waste, the first sentence should be removed.	NMED concurs with this comment. The permit will be modified as suggested.	Y
R143	Permit Attachment A, Condition 2.5.2.3	299	Construction Quality Assurance	A space should be deleted in the first paragraph.	NMED concurs with this comment. The permit will be modified.	Y
R144	Permit Attachment B	134, 143, 207	Security Procedures	GMI should develop an emergency procedure that will secure toxic materials from use in a possible terrorist act. What about a 24-hour guard?	General procedures to prevent hazards, including security procedures, are contained within Attachment B. Security measures to be employed are security guards, fencing and warning signs. In addition, the Permittee must comply with the requirements of 20.4.1.500 NMAC, which incorporates 40 CFR 264.14.	N
R145	Permit Attachment B, Condition 5.4.8	299	Special Requirements	Special requirements to limit potential releases to the atmosphere also include the provisions for prohibited wastes. These prohibited wastes should be addressed in this section.	NMED concurs with this comment. The permit will be modified to include prohibited waste streams as a special requirement to aid in limiting potential releases to the atmosphere.	Y
R146	Permit Attachment C	41, 165, 223	Contingency Plan	Has human error been figured into anything? Working with unknown chemicals in an accident would be a danger to any responder to the scene. Expressed concern over ability of medical community to respond.	In the event of any unplanned event, the Facility has developed a Contingency Plan (Permit Attachment C), to minimize potential hazards to human health and/or the environment. In accordance with the Contingency Plan (Permit Attachment C), HazMat responders to accidents will be well trained in dealing with spills of hazardous waste. In accordance with U.S. Department of Transportation regulations, each truck must contain a manifest, which lists the types of waste being transported. The trucks must also be properly placarded for the specific waste types. Responders will have access to information concerning the types of wastes in order to properly respond and protect themselves and the public. More information on the	Y Y

				<p>Department (NMED), Air Quality Bureau and associated address and telephone numbers.</p> <ul style="list-style-type: none"> - The NMED Hazardous and Radioactive Materials Bureau is now the Hazardous Waste Bureau. Also the address and telephone numbers have changed. 		
R151	Permit Attachment C3	144, 170	Cooperating Local Authorities	Concerned that hospitals are ill equipped to handle an emergency. Concerned that the permit will be issued without the Permittee first contacting emergency responders.	Coordinating agreements and emergency arrangements with local state and federal agencies that would respond to an emergency that might occur at the Triassic Park facility must be obtained as required in the Contingency Plan. Cooperating Local Authorities are provided in Attachment C3.	N
R152	Permit Attachment F, Condition 4.1.2 and Permit Attachment F1, Condition 4.5.1	11	Prohibited Waste	It has been stated that there will be no nuclear waste, although the application lists low-grade radioactive wastes.	Radioactive and nuclear materials that are regulated by NMED or the New Mexico Oil Conservation Division and defined in 20 NMAC 3.1 Subpart 14 or materials regulated under the Atomic Energy Act of 1954 as amended (including materials defined in 20 CFR 20.1003) are prohibited wastes and will not be accepted by the facility.	N
R153	Permit Attachment F, Condition 4.4.3.1	140	Fingerprint Test Procedures	There are no standards for sampling beyond the number of containers to be sampled compared to the total number in the shipment. There are also no ASTM procedures defined in this section regarding pre-analysis sampling.	The Permit Condition requires that one sample will be collected from each ten waste drums in each waste stream in each shipment. Sampling methods are described in Section 4.6.1.	N
R154	Permit Attachment F1, Condition 4.5.1.2	55	Waste Analysis	What studies have been done to ensure waste compatibility?	Chemical analyses of the waste to determine compatibility with other wastes, the liner, tank, container or other equipment the waste may come into contact with are required under Permit Attachment F1, Condition 4.5.1.2.	N
R155	Permit	299	Overview of	Under the Leachate bullet, the word	NMED concurs with this comment. "Leaches" will	Y

R162	Permit Attachment L	299	Engineering Report	<p>The following modifications should be made to the Table of Contents for this Attachment:</p> <ul style="list-style-type: none"> - Appendix A Design Drawings: Include a note that this is included in the permit as Permit Attachment L1. - Appendix B Construction Quality Assurance Plan: Include a note that this is included in the permit as Permit Attachment M. - Appendix C Construction Specifications: Include a note that this is included in the permit as Permit Attachment L2. - Appendices D through H: Add a footnote indicating that these appendices are not included in the permit but may be referenced in the revised October 2000 Permit Application. 	NMED concurs with this comment. The permit will be modified as suggested.	Y
R163	Permit Attachment N, Condition 2.1 and 2.2	11	Drainage Systems	Designing the Facility to handle a 25-year rain (stated as being highly unlikely) is not adequate. The Facility should be designed to handle at a minimum the 50-year rain. A breach of the Facility due to rain greater than the 25-year standard could compromise groundwater (Ogallala aquifer) and surface water bodies.	40 CFR 264.301 (g) requires that the site run-on systems is capable of preventing flow from the result of a 25-year storm and 40 CFR 264.301 (h) requires the site run-off system be designed for the 24-hour, 25-year storm. The Facility run-on/run-off design criteria are in compliance with the regulations.	N
R164	Permit Attachment O, Condition 8.1	154	Closure Plan	Expressed concern that provision was not made in the closure cost estimate to ship the waste generated during closure to an off site disposal facility.	The closure cost estimate was calculated based on the assumption that all waste generated during closure would be placed in the landfill. The State made the assumption that there will be sufficient remaining capacity in the landfill to accommodate the waste and debris generated during closure.	N
R165	Permit Attachment O2,	153	Financial Assurance for Closure	Noted that there were differences between the closure cost estimate provided by the State and the closure cost estimate	The State calculated the cost of cover construction based on an average unit cost derived from a survey of New Mexico contractors. The cost estimate	N

				<p>administrative costs, were requested from the respondents as part of the unit costs for each task identified for facility closure and post-closure care. In addition, the NMED UST Bureau 1995 contractor price list and professional judgment were employed to establish that the unit cost estimates were adequate. The costs for mobilization are considered to be negligible for a project of this magnitude. The cost for testing and calculation of the stabilization requirements for treating hazardous waste at the stabilization unit are included in the unit costs for stabilization of hazardous waste generated at each facility unit during closure. The cost of engineering design for the construction of the final landfill cover will be added as a line item in Table O2-1 of Attachment O2 of the Permit.</p>	
			<p>Stated that the unit costs for estimating closure costs should be determined based on the use of national manuals and handbooks that reference unit costs for completing construction and maintenance activities.</p>	<p>NMED conducted a survey of New Mexico contractors to obtain current New Mexico rates for the tasks included in facility closure and post-closure care. NMED also consulted the NMED UST Bureau 1995 contractor price list and used professional judgment to establish that the unit cost estimates were adequate.</p>	N
			<p>Stated that 25-50% of the remediation waste generated during removal of contaminated materials as part of facility closure activities should be considered as hazardous as opposed to the States estimate that 10% of soil generated during closure activities be considered as hazardous for the purpose of estimating closure costs.</p>	<p>NMED used an estimate of 10% as the percentage of total waste generated that would be considered as hazardous during facility demolition at closure. Based on professional experience, NMED considers this to be a conservative estimate of the amount of hazardous waste that will be present in soils in the vicinity of the individual unit structures. Larger volumes of hazardous waste present in soils at the facility would indicate a release requiring corrective action. The need for corrective action was not part of the closure and post-closure care cost estimates because corrective action requires separate financial assurance requirements as outlined in Permit Part 10 Section 10.10.2.</p>	N