

TP 2003

03-004



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ENVIRONMENT DEPARTMENT

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 26, 2003

Larry Gandy
Vice President
Gandy-Marley Corporation
1109 E. Broadway
Tatum, New Mexico 88267

**SUBJECT: REJECTION OF DOCUMENT
FACILITY CORRECTIVE ACTION WORK PLAN
TRIASSIC PARK EPA ID# 001002484
HWB-TPDF-01-001**

Dear Mr. Gandy:

This correspondence provides the New Mexico Environment Department's (NMED) preliminary comments regarding Gandy-Marley, Inc.'s (GMI) Triassic Park Facility Draft Corrective Action Work Plan (FCAWP). The FCAWP was submitted to NMED under a cover letter dated March 17, 2003.

NMED finds the FCAWP does not conform to requirements in NMED's related Notice of Violation (NOV) dated January 30, 2003, primarily because it is not consistent with related permit conditions. Therefore, this document is not accepted for review. NMED further finds that the FCAWP does not fully identify or include the procedures specified at Permit Attachment R, *Facility Corrective Action Work Plan Outline*.

The FCAWP must be altered, at a minimum, in the following ways:

- It must reflect the Permit Condition 9.2 and 10.3 stipulations that the goal of all corrective actions is to remove or remediate contaminated environmental media to

background conditions. The FCAWP currently incorporates a risk-based goal.

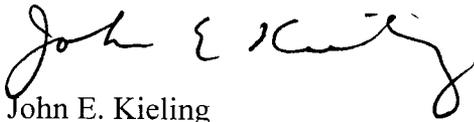
- It must address only those issues identified in Permit Attachment R, *Facility Corrective Action Work Plan Outline*. The FCAWP currently inappropriately re-establishes the general corrective action approach already established at Permit Parts 9 and 10, and provides an inordinate amount of information regarding the site geology and facility hazardous waste management units. If GMI feels it is necessary to incorporate this information in the FCAWP, NMED requires that it only be incorporated via reference to the appropriate permit or application language for the sake of brevity, usability, accuracy, and to avoid difficulties should GMI's Permit require modification.
- It must utilize only the RCRA corrective action terminology used in the Permit (e.g., Solid Waste Management Unit, Area of Concern, and RCRA Facility Investigation). The FCAWP currently inappropriately utilizes CERCLA or federal facility terminology (e.g., Potential Release Site, Material Disposal Area, and Remedial Investigation) as well as RCRA terminology.
- It must fully address the procedures identified at Permit Attachment R, *Facility Corrective Action Work Plan Outline*. For example, NMED cannot find a sufficient discussion of either the statistical procedures used in sampling or when grab or composite sampling techniques will be used.
- It must stress corrective action procedures associated with a release impacting shallow soils (e.g., thirty feet below ground level). The FCAWP currently stresses the far more improbable situation of an impact to ground water, which is at approximately 800 feet below ground level and would likely only result from a long-term release.

GMI is currently obligated to provide an approvable FCAWP by March 31, 2003. That obligation was established in a NMED correspondence to GMI dated January 30, 2003. NMED recognizes that this obligation is unattainable, and therefore requires GMI provide a revised FCAWP, incorporating the alterations identified above, within 45 days of the date of this correspondence. If GMI fails to provide an appropriately altered FCAWP, NMED may exercise its authority to initiate one of the formal enforcement actions identified in the January 30, 2003 correspondence.

Larry Gandy
March 26, 2003
Page 3

If you have any questions regarding this correspondence, please contact Steve Pullen at (505) 428-2544.

Sincerely,



John E. Kielling
Manager
Permit Management Program

cc: James Bearzi, NMED HWB
Steve Pullen, NMED HWB
David Cobrain, NMED HWB
File

File: Reading, TP 2003