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Environmental

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August 18, 2013

DCN: NMED-2013-11

Mr. David Cobrain
NMED - Hazardous Waste Bureau
2905 Rodeo Park Dr. East
Building One
Santa Fe, NM 87505

RE: Draft Technical Review Comments on the Revision 2 Part A and Part B Permit Renewal Application for the Triassic Park Waste Disposal Facility, Dated July 5, 2013

Dear Mr. Cobrain:

AQS has reviewed the July 5, 2013 Revision 2 Part A and Part B Permit Renewal Application for the Triassic Park Waste Disposal Facility in Chaves County, New Mexico. We offer the attached general and specific comments.

If you or any of your staff have questions, please contact me at (801) 451-2864 or via email at paigewalton@msn.com .

Thank you,

Paige Walton
AQS Senior Scientist and Program Manager

Enclosure

cc: Neelam Dhawan, NMED (electronic)
Kent Friesen, Wyoming Environmental (electronic)
Joel Workman, AQS (electronic)

Draft Technical Review Comments on the Revision 2 Part A and Part B Permit Renewal Application for the Triassic Park Waste Disposal Facility, Chaves County, New Mexico
Provided by Daniel B. Stephens & Associates, Inc.
Dated July 5, 2013

GENERAL COMMENT

A. In general, the Respondents have adequately addressed the previous comments, and the changes to the Part A and B Permit Application are consistent with the responses provided, and are generally adequate. We recognize that Respondents were reluctant to make significant changes to the engineering Drawings to preserve the integrity of the original design performed by other parties, and in general Respondents have added sufficient additional detailed description to the Permit Renewal Application text to make up for potential deficiencies in the Drawings. For example, the Phase IA closure configuration has been better described in the text, with adequate reference to existing Drawings, and with clarification that an additional Closure Plan submittal will be provided if facility closure occurs after Phase IA.

B. Regarding the Waste Analysis Plan in Section 4 of the Part B Permit Application, and in Attachment F, and also referred to in the Response to Comment 22: the following general comment is similar to our comment previously submitted to NMED on June 17, 2013.

   - We recognize Respondent's position that the Generator (or any subsequent Treatment Facility) of the accepted wastes have certain responsibilities to certify that Land Disposal Restrictions (LDRs) are met; however, we also understand that the disposal facility (i.e., Triassic Park) has responsibilities as well. We believe that the Waste Analysis Plan is less protective now than when treatment facilities were planned.

   - While laboratory analysis and certification that wastes meet LDRs will be provided by the Generator, the disposal facility must also conduct sampling and analysis of incoming wastes to verify that wastes meet the relevant treatment standards for the specific waste. The Response to Comment 22 suggests that an annual 10 percent analysis frequency is appropriate, citing precedence with both the Deer Trail and Grand View Landfills hazardous waste facilities; however, these are both treatment and disposal facilities, not just disposal as proposed at Triassic Park. Some additional language has been added by Respondents; see specific comment below.

   - There does not appear to be any specific regulation describing the testing frequency. Based on limited research, the current applicable guidance appears to be EPA, 1994 "Waste Analysis At Facilities That Generate, Treat, Store, And Dispose Of Hazardous Wastes - A Guidance Manual."

SPECIFIC COMMENTS

Following are specific comments on the Revision 2 submittal.

1. Page 4-17 of Permit Application text (first paragraph, last sentence), and Pg. F-18 of the Attachment F Waste Analysis Plan (2nd full paragraph, last sentence). New language that addresses the frequency of analyses performed by the disposal facility has been provided by Respondents. In addition to the random 10 percent sampling requirement, Respondents have added that analyses for initial shipments from new wastes generators will be "performed more frequently and will include the first shipment." We generally agree with this approach but suggest that NMED provide Respondents with more prescriptive requirements that precisely define what the "more frequent" analysis should be in the Waste Analysis Plan.

2. Pg. I-19 of Attachment I, Vadose Zone Monitoring System Work Plan. The new paragraph at the bottom of the page discusses a sample event every two years, but the Table I-2 Monitoring Frequency located on the same page indicates monthly monitoring. Clarify that monthly neutron access probe monitoring will be required. This is consistent with changes in Section 7.4.1.b of the Permit, where neutron access probe monitoring is changed from 6 months to monthly. We believe this can be easily fixed by adding "In addition to the monitoring frequency provided in Table I-2, ..." to the beginning of the referenced new paragraph.

3. Referred to Attachment I, Pg. I-20, Section 4.3, 5th paragraph; also response to Comment 46. There is no justification or technical basis provided for an action level of 100 ppmv for vadose zone soil gas monitoring. This level seems high; instead we suggest that soil gas monitoring should consider increases from previous monitoring events as potentially significant, and therefore triggering additional sampling and analyses. Alternatively, Respondents should provide additional justification for the 100 ppmv cutoff level for vadose zone monitoring of soil gas with the PID.