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January 20, 2017

Dave Cobrain, Program Manager  
Hazardous Waste Bureau – NMED  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, N.M. 87505-6303  
via email: [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)

RE: Triassic Park Draft Permit Public Comments

Dear Mr. Cobrain:

The following comments on the Triassic Park Draft Permit are hereby submitted on behalf of Gandy Marley, Inc.

1. Permit language: 3.7.2 Monitoring Requirements. "...the VZSW sump daily for presence of organic vapors..."

Comment: GMI requests organic vapor monitoring frequency of the VZSW sump be allowed to occur twice weekly on non-consecutive days.

2. Permit language: Section 4 Modifications to the Closure Plan, 1.8 Amendment of Plan. "The post-closure care plan amendments shall be submitted to NMED no later than 60 days after the owner or operator determines that the non-permitted management unit must undergo post closure care."

Comment: GMI requests this deadline be 120 days in order to properly review and amend the Closure plan.

3. Permit language: 4.6.3 Evaluation Schedule. "The Permittee shall perform the evaluations specified in Permit Condition 4.6.1, within 30 days after completion of sampling, in accordance with 40 CFR § 264.98(f)(2). The 30-day evaluation period includes the time required to perform laboratory analysis. The Permittee may petition the NMED in writing for an extension to the 30-day evaluation period. The reasons for extending the 30-day evaluation period shall be presented in the petition. The NMED will approve or disapprove the extension petition in writing within 15 calendar days of receipt of the petition."

Comment (Exhibit 2 at 160/ln18 to 161/ln2).: Given the time required for laboratory analysis (typically 2 to 3 weeks) and the time required for NMED approval or disapproval of the

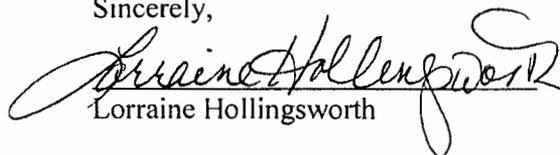
extension petition (15 calendar days or 2 weeks), the permittee will not have sufficient time to perform an evaluation without having to file an extension. Please clarify that the petition can be filed at any time during the evaluation period.

4. Permit language: 4.6.1.a Release Determination. “The Permittee shall determine whether a VZMS release has occurred, as required by 40 CFR § 264.98(f), by evaluating monitoring data for three criteria: 1) a significant change in non-leachate indicator parameter chemical concentrations, 2) the detection of any leachate indicator parameters, and 3) the detection of any organic compound that has potential to exist in a vapor phase within the regulated unit.”

Comment: The text of 40 CFR § 264.98(f) indicates that “The owner or operator must determine whether there is statistically significant evidence of contamination for any chemical parameter of hazardous constituent specified in the permit...”. The language that “ the detection of any detection of leachate indicator parameters” or “any organic compound that has potential to exist in the vapor phase” (emphasis added) is not consistent with the requirements of 40 CFR § 264.98.

Thank you for your consideration of these comments.

Sincerely,



Lorraine Hollingsworth

Cc: Gandy Marley, Inc. via email  
Gundar Peterson via email