

Meeting Notes from October 2, 1996 meeting with Transwestern Pipeline Company

The following issues were discussed with facility representatives, Bill Kendrick and George Robinson, at a meeting held in Santa Fe on October 2, 1996. HRMB attendees included Benito Garcia, Teri Davis, and Jerry Bober.

Issue 1)

The Oil Conservation Division (OCD) approved a Phase II Investigation Work Plan on July 24, 1996 which is integral to the proposed Alternate Closure Plan. The approval was contingent compliance with several conditions. HRMB commented that the Corrective Action Plan (CAP) within the Agreement on Consent (AOC) should incorporate all of OCD's conditions during subsequent phases of sampling during the closure process. Individual items within OCD's response were discussed and appeared to be agreed upon by TPC to be included within the CAP. Bill Kendrick agreed to modify the CAP to address these issues.

Issue 2)

HRMB asked that all monitoring wells should be sampled quarterly and analyzed for the following parameters: VOC, SVOC, metals, and petroleum hydrocarbons. Also HRMB asked that OCD requirements should also be included. The results of four quarters should be compared for statistical significance by an EPA approved statistical method and compiled into an annual report to be submitted to NMED. NMED's review of the annual report will determine subsequent ground water sampling requirements. TPC agreed to the above monitoring requirements with the condition that wells that exhibit an exceedance of 5 nTU be allowed filtration to obtain acceptable turbidity values. Background concentrations are still an issue. HRMB agreed to the filtration as guided by EPA 1992 draft Ground Water Monitoring Guidance. TPC will develop language for sampling requirements and submit to NMED within the revised CAP.

Issue 3)

HRMB requested that TPC submit all input parameters utilized to calculate the Texas Risk Reduction Standards proposed within the Alternate Plan to NMED for review and approval. Exposure scenarios should be explicitly detailed and toxicity data referenced. Once approved, this information should be included within the CAP. TPC commented that this will not be a problem and will provide this information as requested. HRMB brought up the land-use proposed for performance standards within Tables 7.1 and 7.2 are industrial and would like to see a comparison of industrial vs residential for off-site releases. TPC agreed to this comparison.

TPC meeting
October 3, 1996
Page 2

Issue 4)

HRMB commented that the Project Schedule within the CAP may need to be revised to reflect actual completion of Phase II Assessment Report. TPC asked if results of the Phase II could be incorporated within the CAP and the schedule revised to start with those activities to be conducted after Phase II. HRMB commented that the Settlement Agreement will need to reflect these changes.

Issue 5)

Table 7.1 and 7.2 within the Alternate Closure Plan should be revised where NMWQCC standards are higher than EPA MCLs. EPA MCLs should be used as action-levels. TPC stated that this should not be a problem since cleanup to obtain WQCC values will not significantly differ to obtain EPA MCLs, the values are so low to begin with.

Issue 6)

Table 7.2 within the Alternate Closure Plan should be revised for all TX RRR standards for which a NMWQCC narrative standards exist for "toxic pollutants" under Section 1-101 of WQCC to reflect the WQCC standard.

Issue 7)

HRMB recommended that TPC change the ppm TPH range of 1000 -5000 to 100 -5000 within Table 7.1. TPC agreed to this modification. TPC stated their concerns over the difficulty of reducing TPH to required levels due to adhesion of lube oils, heavy hydrocarbons, to the clay saturated zones. This concern was later discussed that TPC will probably need to submit a technically infeasible waiver, much like the WQCC allows for under the Abatement standards.

Issue 8)

HRMB recommend that all references within the Alternate Closure Plan to the phrase, "metals regulated by NMWQCC", to "metals listed under either the WQCC and the SDWA", EPA MCLs be replaced. TPC agreed this should not a problem and will revise within the revised CAP.

Issue 9)

Append all references within the Alternate Closure Plan to the phrase, "NMWQCC standards" with "and or EPA MCLs whichever is lower of the two". TPC agreed.

TPC meeting
October 3, 1996
Page 3

Issue 10)

HRMB recommended that TCLP should be referred within the QA/QC section for analysis to determine disposal for hazardous waste. TPC agreed.

Issue 11)

HRMB commented that if standards should change, such as WQCC, then the settlement agreement should reflect these changes, see section 7.3.1. TPC agreed to look into this issue and the specific wording within section 7.3.1 to reflect clearly such adoptions.

These concluded the issues HRMB discussed.

TPC brought up an issue of not wanting to handle the investigation derived wastes as RCRA wastes unless determined to be characteristic. TPC said this topic was a deal breaker and would need feedback on this subject as soon as possible.

TPC also discussed the dispute resolution section of the AOC. TPC wanted another party besides Mark Wielder to serve as tie breaker. TPC will propose an alternate to HRMB.

TPC wanted to understand the public notice comment requirements within the AOC. Susan McMichael will look into this.

TPC wanted 60 days to submitted the CAP with revisions. Benito mentioned he would have to ask Susan McMichaels about the legal ramifications of such action.