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June 7, 1996

FAX COVER SHEET MESSAGE TO FOLLOW

DATE: 6-7-96 TIME: 930A

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 10

TO:
COMPANY: NMED HRMB

ATTENTION: Cornelius-Aminoyas

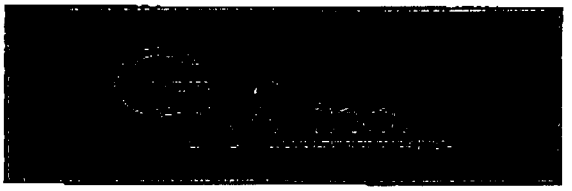
FAX NO. 827-1544

FROM:
SENDER: GANDY CORPORATION

MESSAGE: Here are the responses to the comments you sent me earlier this week the diskette is being Fed Exed Monday del. Any Questions call me!

Thanks

Larry Grandy



COMMERCIAL LAND FARMS

A New Mexico Enterprise
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Triassic Park Hazardous Waste Disposal Draft Permit
Comments and Responses

Dorothy J. Russell

COMMENT 1:

I am concerned with the level of toxicity of the items to be disposed of at the site. Specifically, I am concerned with the level of toxicity, the ability of local and county personnel to respond to a safety hazard should one occur and the ability of the medical facilities in the area to provide medical services should emergency services be needed.

RESPONSE:

In accordance with the draft Resource Conservation and Recovery Act (RCRA) permit (refer to Module VI, paragraph B.2.d), Gandy Marley, Inc. can not accept for disposal waste that does not meet the RCRA Land Disposal Restrictons (LDRs) codified in Title 40 Code of Federal Regulations (CFR) Part 268. Under the LDRs, the U.S. Environmental Protection Agency (EPA) has established treatment standards for each hazardous waste that are protective of human health and the environment when the wastes are land disposed. Thus, the toxic waste that Gandy Marley, Inc. can accept is limited to that which EPA has determined can be safely disposed.

Additionally, Gandy Marley, Inc. is required by 40 CFR 264.37 and the draft permit (refer to Module II, paragraph H.5) to make arrangements with local authorities such as police, fire departments, and emergency response teams to familiarize them with the layout of the facility, places where facility personnel would normally be working, entrances and roads inside the facility, and evacuation routes. Further, the facility must make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries and illnesses which could result from fires, explosions or releases at the facility. Such arrangements must be in place prior to receipt of waste at the facility.

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Dorothy J. Russell: Page 2

COMMENT 2:

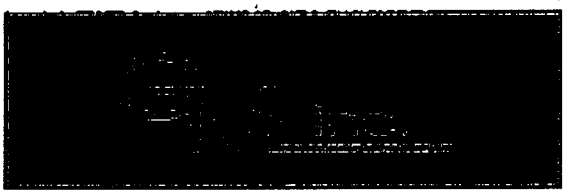
The proposal references that the site will be built to withstand a 25 year rainfall, yet in the open forum in Roswell on April 22, 1966, it was stated that facilities would be built to withstand a 100 year flood. As the facility would handle hazardous waste, I believe it needs to be built to withstand at minimum a 100 year flood. Personally I would prefer a 200 year standard.

RESPONSE:

It appears that there has been some confusion between (1) location standards for hazardous waste treatment, storage, and disposal facilities in 40 CFR 264.18 and (2) design and construction standards for individual hazardous waste management units in 40 CFR 264.301(g) and (h).

The location standards specify that facilities located in a 100 year flood plain must meet certain design, construction and operation requirements. Based on information provided by Chaves County as well as calculations performed by Gandy Marley, Inc. personnel (refer to permit attachment G, Flood Plain Information, Pages 5 and 6), it has been determined that the facility is not in a 100-year flood plain. A 100-year floodplain means any land area which is subject to a one percent or greater chance of flooding in any given year from any source. Since Gandy Marley Inc. is not in a 100-year floodplain, the facility is not required to meet the standards in 264.18. Further, the calculation performed by Gandy Marley, Inc. indicated that there are no flood plains within one mile of the proposed site.

The Gandy Marley, Inc. landfill will be designed and constructed in accordance with 40 CFR.301(g) and (h) which require that (1) the run-on control system be capable of preventing flow onto the active portion of the landfill during peak discharge from a 25-year storm and (2) the run-off management system be capable of collecting and controlling the volume of water resulting from a 24-hour, 25-year storm (refer to draft permit attachment G, Run-on/Run off Control, page 36 of 46).



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Dorothy J. Russell: **Page 3**

COMMENT 2:

RESPONSE:

Figure G-2 illustrates the location of the main run-on diversion channel which will prevent run-on from entering the active site, the location of the drainage channel which surrounds the landfill and will divert storm water from the waste processing corridor areas to the storm water retention basin, and the location of the north diversion channel which will channel run-off from the main access roadways to the retention basin. Mentioned in the text but not shown on the drawings, is the landfill slope interceptor ditch. This feature will divert storm water which drains from clean slope areas within the landfill to a lined temporary retention basin to be located in the base of the landfill. Together, these storm water control features address three possible sources of storm water which might contact the site: (1) run-on originating off-site, (2) run-on/run-off from the active landfill, and (3) run-on/run-off from the facility outside the active portion of the landfill.

COMMENT 3:

I would like to see increased precaution against blowing dust during the day. The site is located only four miles south of a main state highway and near a rest stop. With winds blowing up to 60 miles an hour on occasion, the hazardous dust and debris could blow into vehicles traveling the highway as well as into the facilities at the rest stop causing a potential hazard to the traveler.

RESPONSE:

Measures to be taken to control wind dispersal of waste and debris and dust from the landfill are discussed in permit attachment G, Wind Dispersal Control Procedures, page 37 of 46. These measures, which have proven to be successful in the hazardous waste industry, include daily soil cover placed directly on the waste and water spray applications to the soil cover and roadways.

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Triassic Park Hazardous Waste Disposal Draft Permit
Comments and Responses-Continued

Dorothy J. Russell:

COMMENT 3:

RESPONSE-CONTINUATION

The term "daily cover" originates in the municipal waste industry and is commonly used to refer, generically, to soil material placed on the waste to control windblown debris. The term, however, is somewhat of a misnomer in that it implies that soil material is applied daily, which could be interpreted as "once per day". In reality, daily cover application is made shortly after waste placement by pushing previously stockpiled cover material onto the waste with bulldozers or waste compactors. The process of moving cover soil material into the landfill and placement of material onto the waste occcurs at rates commensurate with waste receipt in order to minimize dispersal of wind blown material.

The rate of water spray application is typically in direct response to dust generation in the landfill. As wind velocities increase, roadways will dry out faster and water applications may have to increase to control dust generation. Dust generation from un-trafficked covered areas over which a soil crust has formed will generally be minimal.

COMMENT 4:

Are plans in place by the facility or the State to restrict the transport of hazardous waste in the towns in the area during peak traffic times to avoid the risk of a traffic accident.

RESPONSE:

Currently, there are no plans in place to restrict the transport of hazardous waste in towns during peak traffic times; however, the transportation of hazardous waste will be conducted in accordance with U.S. Department of Transportation (DOT) requirements in 49 CFR parts 171 through 179, as well as any state and local requirements and restrictions.

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Dorothy J. Russell: Page 5

COMMENT 5:

Will the State ensure that there is sufficient funding in place to properly close the facility in accordance with appropriate environmental codes and standards at time or closure (i.e., the site is full).

RESPONSE:

As indicated in the draft permit in permit attachement H, and as required in 40 CFR 264.140 through 264.151, Gandy Marley, Inc. personnel have prepared closure and post closure care cost estimates. These estimates are based on costs for closure when each waste management unit is at maximun capacity, which represents the point in the facility's active life when the extent and manner of its operation would make closure most expensive. In accordance with the permit, Gandy Marley, Inc. must submit documentation demonstrating financial assurance for closure and post-closure based on these cost estimates sixty days prior to receiving the first hazardous waste at the facility. Cost estimates must be adjusted for inflation annually. Gandy Marley Inc. must also submit proof of liability coverage for sudden and nonsudden accident occurences at the same time.

COMMENT 6:

Has the Chaves County approved this site as a hazardous waste disposal site (zoning).

RESPONSE:

The proposed facility location is curently zoned A1 for agricultural use. Gandy Marley, Inc. has indicated that they will petition for rezoning of the area only upon issuance of a final RCRA permit because rezoning prior to issuance of a permit would result in a higher tax liability on the property before it has the potential to support these taxes. In addition, should the permit be denied, the property would then have to be rezoned to agricultural use resulting in an unnecessary burden on the county zoning commission.

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Thomas L. Pearson: Page 6

COMMENT 1:

The sand dune sagebrush lizard which is listed as a candidate for protection can probably climb the barrier devised to exclude it. I feel that this limitation of the system should be reconsidered.

RESPONSE:

In its response to techincal comments issued by NMED in September 1995, Gandy Marley, Inc. committed to pursue several alternatives of excluding birds and small animals from the surface impoundment areas.

Specifically, Gandy Marley committed to researching the effectiveness of constructing a 1-inch, mesh hardware cloth fence around the perimeter of the impoundments. The proposed design would extend 2 to 3 feet above and 1 to 1 1/2 feet below the ground, and horizontally away from the impoundment approximately 3 feet.

In subsequent discussions with the New Mexico Department of Game and Fish, alternative barrier materials have been discussed as being potentially more effective in excluding the Sand Dune Sagebrush Lizard from the impoundment areas.

As the final design of the facility continues to be developed, Gandy Marley, Inc. will continue to work with the New Mexico Department of Game and Fish, the Bureau of Land Management-Roswell Resouce Area, and other cognizant land management agencies to develop and construct the most effective barrier in order that the Sand Dune Sagebrush Lizard can be effectively excluded from the facility.

COMMENT 2:

Attachment G Berm system states the system will control at least the water volume from a 25 year storm. It was my understanding from the Roswell public meeting that the system was designed to withstand a 100 year storm. Could you please address this question?

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Thomas L. Pearson: Page 7

COMMENT 2:

RESPONSE:

It apears that there has been some confusion between (1) location standards for hazardous waste treatment, storage, and disposal facilities in Title 40 Code of Federal Regulations (CFR) Part 264.18 and (2) design and construction standards for individual hazardous waste management units in 40 CFR 264.301 (g) and (h):

The location standards specify that facilities located in a 100-year flood plain must meet certain design, construction, and operation requirements. Based on information provided by Chaves County as well as calculations performed by Gandy Marley, Inc. personnel (refer to Resource Conservation and Recovery Act (RCRA) permit attachment G, Flood Plain Information, pages 5 and 6), it has been determined that the facility is not in a 100-year plain. A 100-year floodplain means any land area which is subject to a one percent or greater chance of flooding in any given year from any source. Since Gandy Marley, Inc. is not in a 100-year floodplain, the facility is not required to meet the standards in 264.18. Further, the calculation performed by Gandy Marley, Inc. indicated that there are no flood plains within one mile of the proposed site.

The Gandy Marley, Inc. landfill will be designed and constructed in accordance with 40 CFR 301 (g) and (h) which require that (1) the run-on control system be capable of preventing flow onto the active portion of the landfill during peak discharge from a 25-year storm and (2) the run-off management system be capable of collecting and controlling the volume of water resulting from a 24-hour, 25-year storm (refer to draft permit attachment G, Run-on/Run-off Control, page 36 of 46).

Figure G-2 illustrates the location of the main run-on diversion channel which will prevent run-on from entering the active site, the location of the drainage channel which surrounds the landfill and will divert storm water from the waste processing corridor areas to the storm water retention basin, and the location of the north diversion channel which will channel run-off from the main access roadways to the retention basin. Mentioned in the text but not shown on the drawings, is the

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Thomas L. Pearson: **Page 8**

COMMENT 2:

RESPONSE:

landfill slope interceptor ditch. This feature will divert storm water which drains from clean slope areas within the landfill to a lined temporary retention basin to be located in the base of the landfill. Together , these storm water control features address three possible sources of storm water which might contact the site: (1) run-on originating off-site, (2) run-on/run-off from the active landfill, and (3) run-on/run-off from the facility outside the active portion of the landfill.

COMMNENT 3:

Attachment G Berm Waste Disposal states that cover soil will be placed over the hazardous waste at the end of each working day to prevent wind dispersal of the waste." The end of the day is obviously too late on any day the wind blows. How can this be resolved except by regulating disposal dependent on weather conditions. This must be made a condition of the permit to obviate dispersion of hazardous material.

RESPONSE:

Measures to be taken to control wind dispersal of waste and debris and dust from the landfill are discussed in permit attachment G, Wind Dispersal Control Procedures, page 37 of 46. These measures, which have proven to be successful in the hazardous waste industry, include daily soil cover placed directly on the waste and water spray applications to the soil cover and roadways.

The term "daily cover" originates in the municipal waste industry and is commonly used to refer, generically, to soil material placed on the waste to control windblown debris. The term, however, is somewhat of a misnomer in that it implies that soil material is applied daily, which could be interpreted as "once per day". In reality, daily cover application is made shortly after waste placement by pushing previously

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Thomas L. Pearson: **Page 9**

COMMENT 3:

RESPONSE:

stockpiled cover material onto the waste with bulldozers or waste compactors. The processs of moving cover soil material into the landfill and placement of material onto the waste occurs at rates commensurate with waste receipt in order to minimize dispersal of wind blow material.

The rate of water spray application is typically in direct response to dust generation in the landfill. As wind velocities increase, roadways will dry out faster and water applications may have to increase to control dust generation. Dust generation from un-trafficked covered areas over which a soil crust has formed will generally be minimal.

COMMENT 4:

The lesser prairie chicken has a well known and very popular (both statewide and beyond) habitat in the scrub oak just a few miles north of the proposed site. This bird is not listed as endangered but this colony is only one of a few remaining in the United States. In view of the obvious implication of the previous paragraph and the fact that prevailing winds in the area are from the south at velocities recorded in Roswell up to 58 miles per hour, I believe procedures must be adopted to prevent wind dispersion. At the very least, this would require stopping placing material in the open pit during specified wind conditions.

RESPONSE:

Waste filling operations will be terminated if the operator is unable to control or otherwise manage wind dispersal of particulate matter from the landfill as required in 40 CFR 264.301 (j). Also see response to item c. above.