

MEMORANDUM

To: J. Dreith, Triassic Park File

From: G. Starkebaum

Subject: Meeting with TP Consultant

Date: April 15, 1999

I met with Pat Corser of Montgomery Watson from approximately 9:00 to 12:00 this morning to discuss resolution of the TechLaw comments on the November, 1998 Part B Permit Application for the proposed Triassic Park facility. We did not address the comments prepared by NMED.

Prior to beginning the discussion, I provided to Mr. Corser a copy of the October 5, 1984 EPA HQ Memorandum concerning the use of Compliance Schedules in a permit (RCRA Permit Policy Compendium document number 9524.1984(01)). (Copies of this document were previously provided to and discussed with N. Persampieri and S. Pullen.) Mr. Corser stated that he was not familiar with this basic policy statement, but will take it back to his office and review it in preparation for further discussions (next Monday). I also briefly repeated my summary of the basis for many of the landfill design review comments, quoting 270.21(b). Mr. Corser insisted that his "Proposed Design Process for Permitting and Construction Documents" (handed out at yesterday's meeting with NMED) would not involve a "Compliance Schedule." I explained that my understanding of the proposal was that a permit condition(s) would require submittal of final "Bidding and Construction" plans which would provide the details identified as missing in many of the current design review comments, prior to construction, and that this would therefore be in appearance and function a Compliance Schedule. The proposed approach seems to me to violate both the regulation and the 1984 policy statement.

Mr. Corser then explained that none of the proposed submittals (drawings and specifications "For Construction") would change the waste management unit designs in the existing application, nor would they be necessary to demonstrate compliance with 270.14, 270.21, etc. He will draft additional language to be included in Volume 1 of the application to explain how this is to be accomplished, including a proposed "Class 1 modification" to make these final drawings and specs part of the permit. He stated that this procedure has been adopted by the State of Colorado in dealing with new landfill designs at the Highway 36 (Safety-Kleen) facility, which he claims are much less detailed than the plans in the 11/99 application. He has been in charge of revised landfill designs included in the renewed permit for that facility, for about the last 3 years. (The original permit for that facility was issued in 1986.) I will contact the Colorado permit coordinator (Tanell Roberts) to see how this procedure is viewed. I explained my opinion that if the "final design" details are provided in a revised application (as required by the regulations) before draft permit issuance, and if the "for construction" drawings do not modify those designs, there would not appear to be a need for a permit modification (those plans could be considered

simply as required submittals, in the same category as the "as-built" drawings to be submitted after construction is complete).

D. Process Information: Mr. Corser agreed (after much discussion) to include a brief expanded explanation of the meaning of the "Not For Construction" notes on most of the current drawings, in the text of Volume 1, to supplement Note 3 on page 2 of the drawings attached to the Engineering Report.

Mr. Corser questioned the need to produce a Final Operations Plan for the facility (as stated in section 2.5.3.2 of the application, and requested in this and other comments to be provided- prior to permit issuance), because each section of the engineering report discusses planned operations. I explained that the existing discussions are not adequate because they provide little or no detail on how the units will be operated and maintained (as discussed at length in the 4/14 meeting). I quoted the 40 CFR 270 regulations again (270.14(b), 270.15(b)(2) and 270.21(b), etc.) to emphasize the need for additional information explaining how the facility will be operated. Mr. Corser explained that the level of detail was intentionally limited because they do not want to "lock-in" the future operating procedures, that it is difficult to predict exactly how containers and tanks will be operated, wastes and treatment processes will change, etc. He wishes to preserve as much flexibility in future operating procedures as possible, and to avoid or minimize the need for future permit modifications (most of which would be Class 2 or 3). I agreed that this could be a hindrance to future operations, but reiterated the explicit and specific requirements in the above (and other) regulations to provide operating procedures/ plans/ practices for each permitted unit, in the application, and strongly recommended that more rather than less detail is the better solution to this potential problem. I suggested including (where appropriate) a range of possible operating procedures, to provide both the required detail and flexibility to deal with different wastes, weather conditions, types of containers, etc. I am not sure how Mr. Corser will respond to this suggestion.

D-1. Containers: We agreed that the stabilized waste rolloff storage area is to be included with the incoming rolloff area as one permitted unit. Mr. Corser proposed that a geomembrane liner is not necessary under the stabilized waste storage area because there will always be a plastic liner in each rolloff which will be the "primary container," and the steel rolloff itself will therefore provide "secondary containment," and no further containment should be necessary. He stated that this reasoning was approved for a facility in California. After considerable discussion of the definition of "container" in 260.10, I suggested that a more appropriate approach to avoiding the requirement for secondary containment would be to provide (in the Final Operations Plan) for documenting the absence of free liquids in wastes to be placed in the stabilized waste area. This is explicitly allowed in 270.15(b) and 264.175(c).

D-1a(3): Trench stability and the adequacy of the foundation for the drum storage unit will be addressed in a revised discussion and new calculations, in the application. Select Subbase material is included in the specifications (section 02229)- the third paragraph in this comment is in error. The application will be revised to address storage of incompatible wastes (separate containment sump areas in the drum storage unit; no tank trucks (liquids) to be stored in the incoming rolloff area. The inconsistency between the sump pipe dimension in Appendix E-32

and Drawing 43 will be explained. The last paragraph in this comment section is in error- Drawing 41 is a scale drawing and includes a scale bar (no response necessary).

D-1a(3)(a): Structural adequacy of the lined rolloff storage area will be addressed in the application (comparing loading stresses due to wastes and truck traffic to foundation and road base material bearing capacity, and liner strength). The third bullet of the comment is in error- the surface (road base) material is not intended to be impervious but is relatively inert material (sand and gravel) so compatibility with wastes is not of major concern. The underlying geomembrane's compatibility with wastes will be addressed in detail in the revised application (see landfill/impoundment comments). Additional explanation of the operation and maintenance plans for the rolloff unit will be provided in the revised application (e.g., regrading of rutting, other repairs, inspection and removal of liquids from sump, etc.). The third and fourth full paragraphs of this comment section are in error; the road base surface is not required to provide a working surface equivalent to concrete, although additional info on structural adequacy is necessary.

D-1a(3)(c): Minor calculations will be adequate to demonstrate that the incoming rolloff area has the required containment (10% of waste plus 25 year precipitation).

D-1a(3)(e): Operational details (sump monitoring and liquid removal) will be provided.

D-1b: Stabilized waste area will be included.

D-1b(1): Comment is partly in error- section 2.2.2 of the application does mention that stabilized wastes will be tested for free liquids. This will be expanded as part of the new operations plan.

D-1b(2): Mr. Corser is unwilling to specify a certain maximum number of containers or a comprehensive list of types, because there are many possible different sizes and types, and he can't predict which might be present in the future. I again suggested simply explaining this, listing the common types, with the maximum (Part A) waste volume as the only actual limit, and with references as appropriate to container marking and inspections. Another series of items which should be in the Final Operation Plan.

D-1b(4): Drainage and liquid removal- More discussion of information which is explicitly required by regulation to be provided in the application, but which Mr. Corser thinks is "obvious" or would be too restrictive if written down, or which will be specified in a Standard Operating Procedure to be written sometime after the final permit is issued. But some explanation will be provided for how liquid will be removed from the sump and where it will be taken to (evap pond or stabilization basin or tank).

D-2. Tanks: The comment should not have requested "construction drawings." Additional verbiage will be included in the application to explain Not For Construction notes, shop drawing and as-built drawing procedure. The Truck Wash will be included in the permit.

NOTE: We briefly discussed the additional info that will be needed to include the sump

and (contaminated) wash water tank and the clarifier as permitted unit(s). The three structures appear to be separate "tanks" (EPA has issued guidance on treating sumps which are not strictly secondary containment as tanks). We agreed that the overall structure and sump should provide more than adequate containment for the wash water tank and clarifier. Mr. Corser has not designed the clarifier yet- it may be steel or concrete, and must be strong enough to withstand frequent cleaning to remove mud. (With a vac truck or back hoe?) I told him that I need to consult further w/NMED about the preferred approach to permitting. Should the truck wash be treated as 3 tanks? Can the clarifier be excused from permitting if it is cleaned out (dry) at the end of every working day?

D-2a: The drawing (33) was correct- a north arrow will be added, section 6.1.2 will be corrected.