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**FACT SHEET**

**Intent to Issue a Permit for the Operation of  
A Hazardous Waste Treatment, Storage and Disposal Facility under the  
New Mexico Hazardous Waste Act**

**Triassic Park Waste Disposal Facility  
Chaves County, New Mexico**

**Facility Name:** Triassic Park Waste Disposal Facility

**EPA ID Number:** NM0001002484

**Type of Facility:** The Triassic Park Waste Disposal Facility is classified as a hazardous waste treatment, storage, and disposal facility under the New Mexico Hazardous Waste Act (HWA) and the Resource Conservation and Recovery Act, Subtitle C (RCRA). The facility will be permitted to manage, treat, store, and dispose of specific types of HWA- and RCRA-regulated hazardous waste. The facility may also treat, store, and dispose certain wastes contaminated with polychlorinated biphenyls (PCBs).

**Location:** The facility will be located in southeastern New Mexico on approximately 480 acres of land in Chaves County. The site is located in Sections 17 and 18 of Township 11 South, Range 31 East, and is located approximately 43 miles east of Roswell and 36 miles west of Tatum.

**Owner/Operator:** Gandy Marley, Inc.

**PUBLIC PARTICIPATION**

The procedures for persons who wish to review the Draft Permit or the associated administrative record, make comment on the Draft Permit or request a public hearing, are set forth in an associated the attached Public Notice.

**INTRODUCTION**

Gandy Marley, Inc. (GMI) is the owner and operator of a proposed hazardous waste disposal facility that is required to obtain a permit from the Department to manage, treat, store, and dispose hazardous waste at the Triassic Park Waste Disposal Facility pursuant to the HWA and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*). Prior to issuing a final permit, the Department is required to issue a draft permit for public comment, pursuant to 20.4.1.901.A.3 NMAC. This fact sheet contains all required information under 20.4.1.901 (a) through (f) and is intended to facilitate public review of the draft permit.

**REGULATORY BACKGROUND**

Subtitle C of RCRA provides for "cradle to grave" environmental regulation for the management, treatment, storage, and disposal of hazardous waste at a hazardous waste disposal facility. These requirements will be applicable from the moment waste is received at Triassic

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Park until the facility is closed, and through a post-closure period. The New Mexico Administrative Code (20.4.1.500 and 20.4.1.900 NMAC, incorporating 40 CFR 264 and 270) provides specific performance standards. There is a wide range of general and specific environmental requirements that will apply to this facility.

The Department is authorized by the United States Environmental Protection Agency (USEPA), under RCRA, to issue and enforce RCRA hazardous waste facility permits (see 50 FR 1515, January 11, 1985). New Mexico implements this authority under the HWA, Sections 74-4-1 *et seq.* (Repl. Pamp. 1992). On January 2, 1996, New Mexico received final authorization to implement federal requirements under the Hazardous and Solid Waste Amendments of 1984 (HSWA, see 61 FR 2450, January 26, 1996).

The Department, by and through its Secretary, is responsible for the administration and enforcement of the HWA. The HWA requires each person owning or operating (or both) an existing facility or planning to construct a new facility for the treatment, storage, and/or disposal of hazardous waste identified or listed under law to have a permit. NMED has adopted pertinent sections of the federal code of regulations (40 CFR Parts 260 through 270 and 273) under which it administers its hazardous waste treatment, storage, and disposal facility permitting program, as codified in the New Mexico Hazardous Waste Management Regulations 20.4.1 NMAC. Thus, the Department Secretary has the authority to administer the issuance of a hazardous waste facility permit for the Triassic Park Waste Disposal Facility.

## PROCEDURAL BACKGROUND FOR THE TRIASSIC PARK APPLICATION

**General Permit Application Requirements:** The Department followed the same regulatory procedure for Triassic Park's permit application as it does for other facilities seeking a RCRA permit. Owners or operators of hazardous waste management facilities are required to submit a comprehensive permit application covering all aspects of design, operation, maintenance, and closure of the facility. This permit application is divided into two parts: A and B.

Part A is a short, standard form that summarizes general information about a facility, including the name of the owner/operator, a list of the types of wastes managed at the facility, a facility layout diagram, and the activities requiring a permit.

Part B is a much more extensive document, submitted in a narrative, tabular, and schematic format, that describes the facility operations in detail. This information must include, but is not limited to: a general description of the facility; a waste analysis plan; information on the design and operation of all hazardous waste management units; procedures to prevent hazards; a contingency plan; and special information where applicable (such as a description of the groundwater monitoring program). In addition to the general Part B information required of all applicants, the New Mexico Hazardous Waste Management Regulations provide that applicants comply with specific information requirements for containers, tanks, surface impoundments, and landfills under 20.4.1.900 NMAC (incorporating 40 CFR 270.15, 270.16, 270.17, and 270.21).

**Permit Application.** Gandy Marley, Inc. submitted a Permit Application between November 17, 1994 and February 1, 1995 to manage, treat, store, and dispose hazardous waste at its proposed Triassic Park Waste Disposal Facility. GMI revised the permit application in response to the Department's technical comments. The Department deemed the application administratively complete on March 1, 1995 and technically adequate on November 11, 1995.

On April 4, 1996, the Department issued a Draft Permit for public review and comment for a period of 90 days. During the public comment period, the Department received written

comments. Based upon the comments received, the Department issued a public notice rescinding the Draft Permit on July 7, 1997.

On December 15, 1997, Gandy Marley Inc. submitted a revised permit application that was determined to be administratively complete on October 16, 1998. The Department reviewed the revised application for technical adequacy, and issued a request for supplemental information on March 11, 1999. On September 6, 2000, the Department issued a Notice of Deficiency (NOD) for several sections of the permit application. The NOD sought additional information and described technical inadequacies. On September 12, 2000, the Department issued an additional NOD for the remaining sections of the permit application. GMI responded to the NODs in September of 2000, through the submittal of a revised final permit application. In January of 2001, the Department issued GMI a request seeking final revisions to its permit application and describing technical inadequacies. GMI responded to this request in March of 2001. In March of 2001 the Department determined that GMI's permit application was technically complete. The Department has prepared a Draft Permit based on the revised final permit application.

On March 15, 2001, NMED issued another version of the draft permit. That version was found to have been an incorrect version, so it was rescinded on May 17, 2001. This Fact Sheet accompanies a third version of the Draft Permit.

#### **TYPE AND QUANTITY OF WASTES PROPOSED TO BE TREATED, STORED, AND DISPOSED.**

**Type of Wastes** The facility will be permitted to store, treat, and dispose of the following hazardous wastes. (Note: the "D", "F", "K", and "U" Codes are EPA Hazardous Waste Numbers that are assigned to specific hazardous wastes. These codes can be identified at 20.4.1.200 NMAC (incorporating 40 CFR 261, Subparts C and D).) In addition, the facility will store, treat, and dispose of soils and non-ignitable liquids with polychlorinated biphenyl (PCB) concentrations less than 50 parts per million and bulk PCB-contaminated remediation waste.

- **D Codes** (Wastes exhibiting the characteristics of Ignitability, Reactivity, Corrosivity, and/or Toxicity): D001 - Ignitability<sup>1</sup>; D002 - Corrosivity<sup>1</sup>; D003 - Reactivity<sup>1</sup>; D004-D018; and D022-D043.

<sup>1</sup> Only those ignitable, corrosive, or reactive wastes that can be treated by permitted methods at the facility prior to placement in the Landfill will be accepted.

- **F Codes** (Wastes from non-specific sources): F001-F012, F019, F024-F025, F032, F034-F035, and F037-F039.
- **K Codes** (Wastes from specific sources): K002-K011, K013-K052, K060-K062, K064-K066, K069, K071, K073, K083-K088, K090-K091, K093-K118, K123-K126, K131-K132, K136, K141-K145, and K147-K151.
- **P Codes** (Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof): P001-P018, P020-P024, P026-P031, P033-P034, P036-P051, P054, P056-P060, P062-P078, P081-P082, P084-P085, P087-P089, P092-P099, P101-P106, P108-P116, and P118-P123.

- **U Codes** (Wastes identified as toxic wastes): U003-U012, U014-U039, U041-U053, U055-U064, U066-U099, U101-U103, U105-U138, U140-U174, U176-U194, U196-U197, U200-U211, U213-U223, U225-U228, U234-U240, U243-U244, U246-U249, U328, U353, and U359.

**Storage Units.** The facility will be permitted to store the hazardous waste and the PCB-contaminated wastes identified above, and hazardous waste generated on-site in drums and roll-off containers. The facility may store hazardous waste as follows:

- **Drum-handling Unit:** The facility may store hazardous waste in as many as 1,120 55-gallon drums or equivalent (61,600 gallons).
- **Roll-off Container Unit:** The facility may store hazardous waste in 132 40-yd<sup>3</sup> roll-off containers or roll-off container equivalent (5,280 cubic yards).
- **Liquid Waste Storage Tanks:** The facility may store hazardous waste in four 9,000-gallon, double-lined, above-ground polyethylene liquid storage tanks (36,000 gallons).

**Treatment Units.** The facility will be permitted to treat the hazardous waste and PCB-contaminated wastes identified above, and hazardous waste generated on-site, in two separate treatment units. The facility may treat hazardous waste as follows:

- **Treatment Tanks:** (Stabilization Bins): The facility may treat hazardous waste by solidification in four in-ground, double-lined steel stabilization bins with a combined capacity of 10,000 cubic feet.
- **Surface Impoundment Units:** The facility may treat hazardous waste by evaporation in a double-lined surface impoundment consisting of two ponds (Ponds IA and IB) with an approximate combined capacity of 5.2 million gallons and an area of approximately 78,600 square feet.

**Disposal Unit.** The facility will be permitted to dispose of the hazardous waste and PCB-contaminated wastes listed above, and hazardous waste generated on-site, in a double-lined hazardous waste landfill with a capacity of 553,200 cubic yards and covering approximately 35 acres.

## ORGANIZATION OF THE PERMIT

The Triassic Park Waste Disposal Facility operating permit follows the general format specified by the Department for hazardous waste facility permits. The Permit also follows the format suggested by EPA (*Model RCRA Permit for Hazardous Waste Management Facilities*, Office of Solid Waste, U.S. Environmental Protection Agency, September, 1988).

This permit specifies the actions that GMI may take during treatment, storage, and disposal operations, during closure, during the post-closure care period, and any corrective action required at the Triassic Park Waste Disposal Facility. The permit specifies general and specific conditions that generally apply to all hazardous waste management facilities under the HWA and

RCRA. Conditions covering general facility requirements include:

- general waste analysis (20.4.1.500 NMAC (incorporating 40 CFR 264.13));
- security and inspection (20.4.1.500 NMAC (incorporating 40 CFR 264.14 and 264.15));
- training (20.4.1.500 NMAC (incorporating 40 CFR 264.16));
- ignitable, reactive or incompatible wastes (20.4.1.500 NMAC (incorporating 40 CFR 264.16 and 264.17));
- standards for preparedness and prevention to ensure the facility is designed, constructed, maintained and operated to minimize the possibility of fire, explosion or unplanned sudden or non-sudden releases of hazardous wastes into the environment, including testing of equipment (20.4.1.500 NMAC incorporating 40 CFR 264.30 *et seq.*);
- contingency and emergency procedures (20.4.1.500 NMAC (incorporating 40 CFR 264.50 *et seq.*));
- record-keeping and reporting (20.4.1.500 NMAC incorporating 40 CFR 264.70 *et seq.*);
- closure activities for each regulated unit and each facility unit and the post-closure care requirements for the landfill (20.4.1.500 NMAC (incorporating 40 CFR 264.110 through 264.120));
- the corrective action requirements for regulated units;
- corrective action for releases from solid waste management units and/or areas of concern (20.4.1.500 NMAC (incorporating 40 CFR 264.101)); and
- financial assurance requirements (20.4.1.500 NMAC (incorporating 40 CFR 264.140 *et seq.*)).

Additionally, the permit covers specific requirements such as conditions for:

- storage of hazardous waste in containers (20.4.1.500 NMAC (incorporating 40 CFR 264.170 *et seq.*));
- the storage and treatment of hazardous waste in tanks (20.4.1.500 NMAC (incorporating 40 CFR 264.190 *et seq.*));
- treatment by evaporation of hazardous waste in surface impoundments (20.4.1.500 NMAC (incorporating 40 CFR 264.220 *et seq.*)); and
- disposal of hazardous waste in the landfill (20.4.1.500 NMAC (incorporating 40 CFR 264.300 *et seq.*)).

The Permit specifies conditions and requirements of a vadose zone monitoring system under 20.4.1.500 NMAC (incorporating 40 CFR 264.90(f)(2)) and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)). A ground water monitoring waiver for the Facility has been approved by the Secretary for reasons specified at Permit Attachment H, *Ground Water Monitoring Waiver Request and Approval*, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.90(b)(4)). It is pursuant to these regulations, and as a condition of the waiver approval, that vadose zone monitoring is required.

The permit is organized into ten parts as described below. The column titled *Regulation* provides the regulatory authority for each permit condition. The permit also expressly incorporates attachments that have been approved, with revisions, for enforceability consistent with Department regulations.

PERMIT ORGANIZATION		
PERMIT PART	TOPIC	REGULATION
1	GENERAL PERMIT CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 270)
2	GENERAL FACILITY CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts B through H)
3	HAZARDOUS WASTE STORAGE IN CONTAINERS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart I)
4	HAZARDOUS WASTE STORAGE AND TREATMENT IN TANKS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart J)
5	HAZARDOUS WASTE TREATMENT IN THE SURFACE IMPOUNDMENT	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart K)
6	HAZARDOUS WASTE DISPOSAL IN THE LANDFILL	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart N)
7	VADOSE ZONE MONITORING	20.4.1.500 NMAC (incorporating 40 CFR Part 264)
8	CLOSURE AND POST-CLOSURE CARE	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart G); 20.4.1.900 NMAC (incorporating 40 CFR Part 270)
9	CORRECTIVE ACTION FOR REGULATED UNITS	20.4.1.500 NMAC (incorporating 40 CFR Part 264.100)
10	CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS	20.4.1.500 NMAC (incorporating 40 CFR Part 264.101)

**Permit Part 1** contains conditions that generally apply to all hazardous waste management facilities and includes permit conditions specifying: the Effect of Permit; Permit Actions; Severability; Definitions; Duties and Requirements; Signatory Requirement; Reports and Notifications Submitted to the Secretary; Confidential Information; Documents to Be Maintained at the Facility; and a Compliance Schedule.

**Permit Part 2** contains conditions covering general Facility requirements for the Triassic Park Waste Disposal Facility and includes permit conditions specifying: Construction and Operation; Run-on And Run-off Controls; Permitted And Prohibited Waste Sources; Permitted And Prohibited Waste; Waste Analysis Plan; Security; General Inspection Requirements; Personnel Training; Special Provisions For Ignitable, Reactive, or Incompatible Waste; Preparedness And Prevention; Contingency Plan; Recordkeeping And Reporting; Waste Minimization Program; Transportation of Hazardous Waste; General Closure Requirements; and General Post-closure Care Requirements.

## ISSUES

This section of the fact sheet addresses issues and major permit conditions that may be of interest to the public. In order to facilitate public review, the following is a summary of issues and non-standard permit conditions.

**PCB-Contaminated Waste** The Permittee may accept soils and non-ignitable liquid waste with PCB concentrations of less than 50 parts per million. These wastes are not regulated under the Toxic Substances Control Act (TSCA). The Permittee may also accept bulk PCB-contaminated remediation wastes. These wastes are permitted under TSCA to be disposed in a hazardous or municipal waste landfill; however, these wastes continue to be regulated under TSCA.

**Vadose Zone Monitoring System** Permit Part 7 contains the conditions and requirements for the vadose zone monitoring system (VZMS). As discussed above under *Variance*, the Department determined that the Permittee's variance request to install and operate a VZMS in lieu of a ground water monitoring system, as required at 20.4.1.500 NMAC, incorporating 40 CFR 264, Subpart F, was appropriate because the proposed VZMS will adequately protect human health and the environment. The VZMS, as proposed, is capable of immediately detecting a release from the regulated units to the vadose zone before ground water can be adversely affected.

**Clean-up Performance Standard** The Department has determined that as a condition to the permittee's authorization to operate the Triassic Park Waste Disposal Facility, the Permittee must remove or remediate all hazardous wastes or hazardous constituents released to any and all environmental media (i.e., soils and ground water) to a statistically significant level that can be considered equivalent to clean background concentrations. This condition is consistent with the Permittee's Closure/Post-Closure clean closure commitment contained in the permit application (Section 8.3, *Closure Performance Standard*), which commits to removing contaminated soils at closure to "clean background" levels for all permitted units except the landfill. The clean-up performance standard of background concentrations is also the standard used to implement corrective action in Permit Part 10 and is specified at Permit Conditions 10.2.2 and 10.2.3 (*Soil Action Levels and Ground Water Action Levels*). This stringent clean-up performance standard is consistent with the regulatory requirements specified at 20.4.1.500 NMAC (incorporating 40 CFR 264.93(a)) and 20.4.1.900 NMAC (incorporating 270.32(b)(2)).

**Closure Cost Estimate** The Department has estimated closure cost for the landfill cap based on a survey of unit cost estimates acquired from EPA Region VI and from local contractors in New Mexico. The Department's cost estimate was also based on the assumption that a third party would be contracted by the State of New Mexico to construct the landfill cap and vegetative cover.

**Other** The Department has imposed certain permit conditions applicable to lithologic characterization, compatibility of well construction materials, compatibility of well construction materials, chemical analysis of drilling fluids, and decontamination of materials introduced into boreholes. These conditions are based on the EPA's guidance document, *RCRA Ground-Water Monitoring Technical Enforcement Guidance Document*, model permit language and/or standard operating procedures for the Department.