



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 377TH AIR BASE WING (AFMC)

JUN 14 2007

Colonel Robert E. Suminsby, Jr.
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2000 Wyoming Street, SE
Kirtland AFB NM 87117-5000



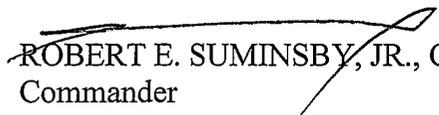
Mr. John E. Kieling
Program Manager, Permits Management Program
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe NM 87505-6303

Dear Mr. Kieling

I am submitting Kirtland AFB's comments concerning the Kirtland AFB Open Burn and Open Detonation Draft Permit issued by your office, as requested in your letter dated 16 Apr 07. This submission is within the 60 day comment period provided by your Public Notice Number 07-03, dated 16 Apr 07. You will find that the comments are presented in three documents attached to this cover letter, with each document representing various organizational responses.

If during your comment review and consideration process, you have any questions or concerns regarding our comments, please contact either Mr. John S. Pike, Chief, Environmental Compliance, at (505) 846-8546, or Mr. J. Barry Shupe, Chief, Environmental and Real Property Law, at (505) 846-4596.

Sincerely


ROBERT E. SUMINSBY, JR., Colonel, USAF
Commander

3 Attachments:

1. KAFB Comments
2. KAFB Contract Support Comments
3. EOD Comments

Attachment 1
KAFB COMMENT SHEET

Draft Open Burning and Open Detonation Treatment Units Hazardous Waste Operating Permit – EPA ID No. 9570024423

Comment No.	Page No.	Section No.	Subsection No.	Comment
1		Global		<p>As written, the Permit is hard to read and confusing. The combining of requirements for Kirtland AFB (KAFB) restoration activities with the requirements for the OB and OD Treatment Units makes for an extremely convoluted permit, which creates substantial compliance difficulties for the Permittee by impeding clear interpretation of requirements. Thereby creating a significant risk for non-compliance and the unintentional failure of providing protection of human health and the environment.</p> <p>If it is the intent of the NMED to include additional requirements for KAFB Restoration/Cleanup activities in this draft permit, then KAFB recommends separating the OB and OD Treatment Units requirements from all corrective action requirements for sites outside of the OB and OD Treatment Units. The corrective action site requirements should have their own independent section within the permit. Thereby creating a Permit that has 2 sections, one dealing with only the OB and OD treatment units requirements and the other dealing with only the non-OB and OD treatment units corrective action requirements. Sections 4.0 - 6.0 would be included in the non-OB-OD Treatment Units section.</p> <p>Alternatively, the existing HSWA Module from the previous RCRA Hazardous Waste Storage permit could be modified to address all NMED concerns. The HSWA module may act as a stand-alone document with enforceable regulatory compliance guaranteed until the NMED confirms all existing restoration sites are fully addressed and validated for closure.</p>
2		Global		<p>Responsibilities for the Operating Permit and for the Corrective Action portion of the Permit would appear to be divided among CEVR, CEVC, and EOD at the base. There does not seem to be one logical Point of Contact for all aspects for the Permit. This will require close coordination among all three groups to ensure compliance with all of the Permit requirements. Additionally NMED will need to carefully understand the roles and responsibilities of different function groups. It may be more streamlined to separate the OB/OD and Corrective Action portions of the permit into separate documents. Currently there is a potential for confusion as to which requirements apply to the OB/OD area, the corrective action units, or both.</p>

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3		Global		Use of capitals varies in the Table of Contents and the Report Headers, making it somewhat confusing as to what sections are parallel to others.
4		Global		Suggest using A, B, and C instead of 1, 2, and 3 for the Permit Attachments to avoid duplication of Section numbers within the document. As it exists now, it is somewhat confusing for citations.
5		Global		In general, the Permit does not appear to recognize either the size (greater than 52,000 acres) or complexity of the operations at Kirtland AFB. Statements such as "all" and "every" are difficult to apply universally to a very large facility with numerous tenants and missions. Furthermore, the Permit does not appear to recognize the amount of active site work that occurs at Kirtland AFB on a regular basis. Broad requirements such as NMED being notified of "all field activities", "all data quality exceptions", approving all "waste disposal" activities, etc. would be a very large administrative burden on Kirtland AFB and NMED to coordinate and process all such notifications and document approvals.
6		Global		It is imperative that the NMED commit to review and approval timeframes for work plan documents and other "approvals" Kirtland AFB is required to receive under this draft Permit. Historically timely review and receiving documentation of such from the NMED has been an issue. If there is not a mechanism to require timely review and approval of work planning documents and/or provide a mechanism for Kirtland AFB to move forward without approval, investigation progress for the Restoration program will slow dramatically.
7		Global		Regulatory requirements under established regulatory documents do not need to be re-stated verbatim within the Permit document. Permit writers should identify requirements by citation only thereby decreasing the confusion inherent in such a verbose document. Other OB and OD permits from many other states with sound regulatory programs accomplish the same regulatory control with significantly shorter permits thereby enhancing potential for Permittee compliance.

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8		Global		References to Air Quality and Air Emissions requirements are not the regulatory responsibility of the NMED within Bernalillo County. Enforcement of these regulatory requirements are the responsibility of the Albuquerque Environmental Health Department, which holds the delegated authority to oversee the regulations. Placing these and other similar type regulatory requirements into the proposed permit could provide the Department with the opportunity to "double penalize" KAFB in the event of a non-compliance action based on permit language.
9		Global		Reference to "Facility" in permit language needs to be appropriate to the permit intent and should be changed to "OB and OD Treatment Units" when in agreement with General Comment 1.
10		Cover		Verify and correct as needed EPA ID number used on cover (NM9570042243) and headers in the permit (NM9570024423). EPA ID number on the cover is not the same as in the headers in the report body
11		Cover	Header	The document title on the cover page does not match the title in the document header. Recommend changing both to read: "Draft Open Burning and Open Detonation Treatment Units Operating Permit - EPA ID No. NM 9570024423."
12	1	1.0		Permit Part 1 as written only applies to the OB/OD units and as such, all regulatory language pertaining to activities outside of the OB/OD units (including corrective action, treatment processes, and associated lands) should be removed from Permit Part 1.
13	1	1.1		Recommend changing language to read: ". . . issues this Permit to Kirtland Air Force Base, hereafter . . ."
14	1	1.1		Direct regulatory citations should be verbatim and not paraphrased, unless specified, and should include a complete regulatory citation. Please include a correct citation to RCRA.

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15	1	1.2	Paragraph 1	The chapter is titled " General Permit Conditions " and should represent the conditions for the OB and OD Treatment Units for which the permit application was intended and written. The first paragraph of this chapter 1.0 INTRODUCTION properly states the purpose of this Part, but then subsequent writings state requirements not pertinent to the Part.
16	1	1.2	item a	Recommend changing language to read: "One Thermal Treatment Unit composed of an explosive ordnance treatment unit used for open detonation/destruction of hazardous wastes and is identified as the OD Unit." Purpose of treatment of explosive wastes is previously identified in the first part of the paragraph and does not warrant restatement.
17	1	1.2	item b	Recommend changing language to read: "One Thermal Treatment Unit composed on an explosive ordnance treatment unit used for open burning/destruction of hazardous wastes and identified as the OB Unit." Purpose of treatment of explosive wastes is previously identified in the first part of the paragraph and does not warrant restatement.
18	1	1.2		Lines 7-9 should be changed to read: "This permit also establishes standards for closure and post-closure care of the OB-OD treatment units pursuant to the HWA and the HWMR."
19	1	1.2		Lines 15-17 should read: "This permit authorizes the treatment of hazardous wastes, including explosive wastes, only at the Open Burn and Open Detonation Units located at the EOD Range and at no other locations at the Facility."
20	1	1.2		Open burn/Open detonation of firearms has been a critical support function provided by KAFB to surrounding government agencies and departments including Bernalillo County Sheriffs, City of Albuquerque Police, Drug Enforcement Agency, and other DoD departments. All agencies have noted that such services provide a significant savings in their limited budgets and should be considered in line with destruction of Ordnance disposal/treatment. The loss of such services will negatively impact all agencies identified above. The activity poses little or no environmental impact when performed. Thus, recommend changing last sentence to read: "This Permit also establishes standards for closure and post-closure requirements of the OB and OD Treatment Units, pursuant to the HWA and the HWMR."

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21	2	1.2.1		Please insert the statutory/regulatory citation of the self-regulating provisions. If this statement refers to Table 2 of 40 CFR 271.1, then it appears that 40 CFR 271 is not adopted in accordance with NMAC 20.4.1.
22	4	1.6	Facility	<p>The definition of Kirtland AFB or "Facility" appears to include <u>all</u> land under the control of the owner or operator. This statement could be inferred to include all tenant organizations such as Sandia National Laboratories (SNL) and could make Kirtland AFB liable for RCRA permit violations on SNL operated facilities and any other facilities. The only area that might be excluded in NMED's definition is SNL Technical Area III (Figure 1-1), Permit Attachment 1. See Comment 9.</p> <p>Recommend changing the language to read: ". . . means Kirtland Air Force Base (KAFB), including all contiguous land, structures, other appurtenances and improvements on the land under the control of the owner or operator seeking this permit under the HWA (See Map 1-1 in Permit Attachment 1, General Facility Information)."</p>
23	5	1.6	Hazardous Waste	delete last sentence of the definition for hazardous waste.
24	5	1.6	Permit	Recommend changing language to read: ". . . means this permit, issued to the Permittee, pursuant to the HWA and the New Mexico Hazardous Waste Management Regulations to operate the open burn and open detonation hazardous waste treatment units (OB Unit and OD Unit) at KAFB, EPA ID No. . . ."
25	5	1.6	Permittee	Recommend changing language to read: ". . . means United States Air Force, Kirtland Air Force Base, a military service within the Department of Defense."
26	5	1.6	SWMU	Definition of "SWMU" appears to apply at <u>any</u> area of the Facility: The definition of Kirtland AFB or "Facility" appears to include all land under the control of the owner or operator. This statement could be inferred to include all tenant organizations such as Sandia National Laboratories (SNL) and could make Kirtland AFB liable for RCRA permit violations on SNL operated facilities and any other facilities. The only area that might be excluded in NMED's definition is SNL Technical Area III (Figure 1-1), Permit Attachment 1. NMED needs to revise the definition of Facility to more accurately describe Kirtland AFB with regard to the draft permit.. This definition may also apply to areas such as

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				SNL and their SWMUs which appear to be included in this OB/OD permit. The definition of SWMU needs to be revised to reflect this. May need legal comments from JA on the inter-relation of SNL and Kirtland AFB SWMUs.
27	5	1.6	Last Paragraph	As written, KAFB could be held out of compliance based on new definitions inserted into the permit without its knowledge. Recommend changing the last paragraph of section to read: "If, . . . to this Permit. If the Department determines that such a change is needed, it will notify the Permittee in writing of this change prior to applying the new definition to the Permit."
28	6	1.7	Part 2	Recommend changing language to read: "General OB and OD Treatment Unit Conditions" to conform with Comment 9.
29	6	1.7	Attach 1	Recommend changing language to read: "General OB and OD Treatment Unit Information" to conform with Comment 9.
30	6	1.7	Attach 3	Delete. See Comment 8.
31	7	1.10		Since the draft RCRA permit applies to the OB/OD units only, the requirement for a permit modification for a land transfer anywhere on the "Facility" is not valid.
32	9	1.20		"IINSPECTION" should read "INSPECTION"
33	9	1.20		NMED has access to the AR/IR, which contains the records/data requested
34	10	1.20		Last paragraph references Permit Condition 1.21 – should be changed to 1.20.
35	10	1.21.1		Representative sampling should focus on what is applicable to military munitions, which do not present a safe opportunity for sampling. Most waste characterization is based on "Acceptable Knowledge" for this type of waste because any attempt to sample is both cost prohibitive and dangerous. Again by combining restoration activities for the rest of Kirtland AFB with requirements for the OB and OD Treatment Units, substantial confusion is introduced. The first sentence refers to "representative samples and

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				measurements” - Please insert regulatory citation for this requirement and identify and insert the required sampling frequencies.
36	10	1.21.1		Kirtland AFB does not store hazardous waste at the OB/OD Units and word "store" should be deleted from the last sentence of this paragraph.
37	10	1.21.2		Because of the attempt to combine restoration and OB and OD Treatment Unit activities into a single permit, many of the records/documents specified do not apply to an OB and OD Treatment Unit permit and should be deleted to conform with Comment 1. Recommend changing 1 st sentence to read: “The Permittee shall retain the following OB and OD records until completion of closure. . .”
38	10	1.21.2	Bullet 1	Kirtland AFB does not collect or maintain any calibration, maintenance records or strip chart recordings for continuous monitoring instrumentation because no regulatory requirement for such instrumentation exists for the Units.
39	11	1.21.2		Language in last bullet is too broad and undefined. Recommend changing to read: “All other corrective action reports, work plans and associated documents related to actions required by this Permit.”
40	11	1.21.3	2	Qualifications of individuals performing sampling and/or measurements is not currently documented in each monitoring round. 40 CFR 270.30(j)(3) does not require documenting the qualifications of such individuals. Pursuant to 40 CFR 270.30(j)(3), monitoring information is only required to have the (i) date, exact place, and time of sampling or measurement; (ii) the individual(s) who performed the sampling or measurements; (iii) the date(s) the analyses were performed; (iv) the individual(s) who performed the analyses; (v) the analytical techniques or methods used; and (vi) the results of such analyses. Recommend changing the language to read: "The names of the individuals who performed the sampling or measurements."

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41	11	1.21.3	5	The names and qualifications of the analytical chemists for off-site laboratories are not typically provided in standard laboratory data packages for site investigation analyses. 40 CFR 270.30(j)(3) does not require documenting the qualifications of such individuals. Recommend changing the language to read: "The names of the individuals who performed the analyses, if the sample is used for waste characterization and disposal purposes."
42	11	1.21.3	12	Data used for waste management and disposal is usually not validated. Usually, only quality control, detection limits, and data qualifiers are evaluated. Data validation is usually performed when evaluating the nature and extent of contamination studies. Recommend changing the language to read: "12. Data validation results, for data used to evaluate nature and extent of environmental contamination."
43	12	1.24		<p>Section 1.24 states that "If any permitted unit is modified, the Permittee shall not treat or store hazardous waste in the modified portion of the permitted unit, unless the following conditions have been satisfied". However, 40 CFR 270.30(l)(2) adds the text "except as provided in 40 CFR 270.42". This allows the agency to issue temporary authorizations to protect human health and the environment (see 40 CFR 270.42[e]).</p> <p>Recommend changing the language to read: "If any permitted unit is modified, the Permittee shall not treat or store hazardous waste in the modified portion of the permitted unit, except as provided in 40 CFR 270.42, unless the following conditions have been satisfied."</p>
44	12	1.24		What is the definition of "independent" with regards to professional engineer? 40 CFR 270.30(l)(2) only specifies that the professional engineer be licensed. An engineering company contracted by Kirtland AFB to do construction or modification work on a permitted unit will provide professional engineering services as specified in a contract. Would this qualify as independent?
45	12-14	1.25	1	This subsection requires submission of information not specified in 40 CFR 270.30(l)(i and ii). List should be changed to comply with CFR. (i.e. Requirements IAW the regulatory citation for Oral Reports does not include the stated requirement in the draft permit language for 1.b.i or 1.b.ix. The requirements for Oral Reporting should only reflect those stated in the regulations 40 CFR 270.30(l)(6).

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46	12-14	1.25	2	This subsection requires submission of information not specified in 40 CFR 270.30(l)(i and ii). List should be changed to comply with CFR. (i.e. Request the NMED consider submittal of any written report required from this citation within 15 days (as allowed by the regulation) as opposed to 5 days which is insufficient time to generate and gain approval for such a submission.)
47	14	1.26		Delete from Part 1 of permit. OB and OB treatment units are subject to the attached closure plan. See Comment 1.
48	14	1.27		KAFB will not waive its right to raise any and/or all objections in an administrative or judicial action/proceeding. Section must be deleted or reworded to preserve that right.
49	14	1.28		Recommend changing language to read: “. . . all instances of OB and OD non-compliance not otherwise . . .” See Comment 1.
50	14	1.28		It appears the reference to Permit Condition 1.26 should actually be a reference to 1.25.
51	15	1.32		See Comment 1. Kirtland AFB established an IR/AR for restoration activities on the facility prior to the request in this draft permit and it is applicable to those restoration activities and not the active OB and OD Treatment Units. Recommend moving this Section to the recommend Corrective Action Section of the Permit.
52	16	1.33	Table 1-1	Facility Submission Requirements column– change to read “OB and OD Treatment Units Submission Requirements”; numerous entries cite an improper permit "Part" including those for "Non-Compliance Oral Report", " Non-Compliance Written Report", and "Certificate of Construction or Modification"; Biennial Reports – add space between Part and 2; Other Submittals/Reports – Certification of Constructions or Modification should reference Section 1.24, not Section 1.25; and Facility Submission Requirements – Well Completion Report due date should be changed to 90 days, in that 30 days is not a sufficient time period to obtain the well record, boring logs, laboratory data, etc.;

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				Facility Submission Requirements – Corrective Action items need to be removed from Part 1 and inserted into a Corrective Action Section not pertaining to the OB and OD Treatment Units Section (i.e. "Human Risk Screening ----", "General Facility Information", "Reports of Potential Receptors", "Surface Water and ----", "Air Contamination Report", "Subsurface Gas Report", "CMS Work Plan ---", "CMS Report: ----", and "Military Munitions Assessment Report"). See Comment 1.
53	17-18	1.34		All requirements not specific to the OB and OD Treatment Units should be removed from this section. See Comment 1. Also, please insert a NMED document review and approval schedule for reviewing and approving submitted KAFB documents, including work plan approvals.
54	18	1.34	Bullet 8	Delete. The requirement cited applies to "certain waste piles" or "surface impoundments for which the permittee intends to remove or decon the hazardous waste at partial or final closure. The OB and OD Treatment Units do not treat waste in waste piles or surface impoundments. Therefore this requirement, as cited in 40 CFR 264.112(a), should not be applicable.
55	18	1.35		Please provide the definition of "inadequate". This statement is very arbitrary and subjective in nature and leaves the Permittee at the mercy of NMED personnel who might not have the technical background nor are qualified to ascertain whether a submittal is "inadequate". Suggest striking the term "inadequate". NMED sends out Notices of Deficiency not Notices of Inadequacy.
56	21	Part 2		Title should read: "Permit Part 2: General OB and OD Treatment Units Conditions" See Comment 1.
57	21	2.0		Recommend changing language to read: "Permit . . . applicable to the OB and OD Treatment Units."
58	21	2.1	Paragraph 1	Heading should read "Operation of the OB and OD Treatment Units. Recommend changing the 2 nd and 3 rd sentence to read: "The Permittee may store hazardous wastes elsewhere on KAFB, as provided in 40 CFR § 262, Standards Applicable to Generators of Hazardous Waste." Delete last sentence of paragraph, in that KAFB does not store hazardous waste at the OB and OD Treatment Units. See Comment 1.

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59	21	2.2		Heading should read "General OB and OD Treatment Unit Standards"
60	21-22	2.2.3		This requirement, while regulatorially driven, places a tremendous burden on the permittee because of the specified requirement for "names" of all individuals filling positions within the OB/OD activity. The high operations tempo and frequent personnel rotation within the EOD organization would in effect force the permittee to file multiple Class 3 permit modifications each year in order to remain compliant. Class 3 permit modifications currently are billed by NMED at a minimal rate of \$1000 per request which adds a significant financial burden to the facility. Suggest the regulatory officials look at the intent of this requirement, ensuring proper training and accountability, as opposed to the letter of the regulation, in order to minimize an unforeseen and egregious effect of the regulation.
61	22	2.3.1		Recommend changing the language to read: ". . .shall maintain equipment as specified in Table 8-2 at the OB and OD Treatment Units and/or in vehicles used to access the units when in operation. Additional equipment as identified in Table 8-3 and required by the Contingency Plan shall be maintained and available for use as necessary to implement the Plan as required . . ."
62	22	2.3.4		This section is irrelevant to the OB and OT Treatment Unit, which is an outdoor facility with confined space limitations.
63	26	2.5.4.1		1 st Sentence – change to read "Re-evaluation shall be performed once every three years to verify . . ."
64	30	2.6.6		Delete 2 nd sentence, in that 40 CFR Part 264 SubPart BB, Air Emission Standards for Equipment Leaks, is inapplicable for the OB-OD Treatment Units.
65	34	2.8.2.2	Paragraph 1	4 th Sentence – please define "may potentially become contaminated in the future." This is vague and open to interpretation.
66	37	3.1	Paragraph 1	Line 4 - change to read: ". . . event, 100,000 pounds per calendar year or 1,000,000 pounds for the term of the Permit."

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67	37	3.1	table 3-1	Open Detonation – Maximum Quantity: change values to read 100,000 lbs per year and 1,000,000 lbs total over Permit term
68	41	3.4		See Comment 8. Delete 1 st and 2 nd Paragraphs. The City of Albuquerque does not require KAFB to do any routine air monitoring. The City itself runs air monitoring stations throughout Bernalillo County and is the regulatory authority. 40 CFR 264.401(c)(5) states only that we will prevent releases into the air of hazardous constituents that might impact human health or the environment, and that we will consider “the existing quality of the air, including other sources of contamination and their impact on the air”. There is no Federal requirement that monitoring be performed before, during, and after operations. KAFB has performed air dispersion modeling to evaluate impacts of hazardous constituents both as part of the RCRA Subpart X application, as well as our Title V permit application; this dispersion modeling takes into account other sources of emissions, including ambient pollutant levels. We apply for event permits from the City of Albuquerque, the regulatory authority in this case, and we estimate emissions monthly based on amounts burned/detonated. Annually, these emissions are reported to the City of Albuquerque because they hold primacy for regulation, not NMED. On the day of the event, we are not approved to proceed with the event if meteorological conditions or ambient air quality levels (as provided by the City of Albuquerque) are not acceptable. Doing real-time monitoring before, during, and after each operation would be resource prohibitive and difficult to implement to achieve any meaningful data.
69	42	3.6.1		What is the rationale for requiring at least three down-gradient monitoring wells? This practice is utilized to determine the groundwater flow direction. Since the groundwater flow direction is known in this area, then requiring at least three down gradient wells is an excessive cost of the Government. Recommend 2 down-gradient wells.
70	42	3.6.1		90-day requirement for a monitoring well installation plan is too stringent for Department of Defense budgeting purposes. As it stands, it will automatically create a permit violation through no fault of the Permittee. Recommend at least a 12-18 month submission period.
71	42	3.6.2		Recommend changing language to read: “The Permittee shall submit to the Department groundwater sampling and analysis data, subject to and in compliance with, 40 CFR § 264.98, which is incorporated herein by reference. The Permittee shall submit: . . .”

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72	43	3.6.2	Table 3-2	Recommend establishing ground water monitoring parameters consistent with the KAFB Long-Term Groundwater Monitoring Plan (Rev 1/1997), which is used for establishing baseline and performing detection monitoring events and has been in place since 1996.
73	44	3.7		Delete this section, in that 40 CFR Part 264 SubPart BB, Air Emission Standards for Equipment Leaks, is inapplicable for the OB-OD Treatment Units.
74	45	4.1.1		Delete this section. KAFB is not authorized to act as an agent for NMED.
75	45	4.1.2		What are defined field activities? Schedules within the Permit work and sampling plans should suffice for adequate notice.
76	45	4.1.2		What is the regulatory driver for the 15-day minimum notice? If Kirtland AFB is sampling groundwater, does the Base notify HWB or the GWQB? Are personnel from HWB qualified to take split samples? The HWB hasn't taken samples for years and hasn't had the budget to do so. Therefore is this requirement simply an attempt to impose further requirements that HWB has no intent on participating in? Regulation cannot be by policy nor be arbitrary and capricious.
77	46	4.1.5		Recommend changing language to read: "All OB and OD corrective action-related . . . for review and approval."
78	46	4.1.5		Does NMED intend on reviewing the Quarterly Reports? It appears that the reports submitted are not being reviewed as evidenced by a 47% error rate in Table 4-2. If Kirtland AFB is being charged for the review of these documents, it would be appreciated if NMED reviews them.
79	46	4.1.7	Paragraph 1	Paragraph indicates that Corrective Action is required for all SWMU's and AOC's identified in Table 4-2. Table 4-2 contains sites that do not appear appropriate for inclusion under a RCRA corrective action program (i.e. sewage treatment facilities, storm sewers and septic systems) and should be deleted from the table.

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80	46	4.1.7	Paragraph 2	Delete Paragraph 2, in that New Mexico has adopted the Military Munitions Rule and newly discovered SWMU's, AOC's and releases are covered in Section 4.1.8. The Military Munitions Rule specifically addresses munitions used in testing and training activities and excludes them from the definition of solid waste.
81	46	4.1.8		How can a SWMU be both, an AOC or release or other?
82	46	4.1.8		30 days other than 15 days as indicated in the last paragraph
83	47	4.1.8	Paragraph 4	The 15 day written report requirement is a repeat from Para 1 of the section. Please define the criteria for instigating further investigation and/or an RFI
84	47	4.1.9		"based upon review of the Permittee's request for a permit modification..." NMED should be subject to review (i.e. 30 days).
85	47	4.1.9	Paragraph 3	Delete – same as paragraph 4.
86	47	4.1.9		Insert: "Permittee may petition NMED for a No Further Action on sites where long-term monitoring and maintenance will be continued (i.e. landfills)."
87	48-49	4.1.10		Delete Section 4.1.10. A Health and Safety Plan is not required under RCRA or the HMA; it is require by Occupational Safety and Health (OSH) regulations. As a result, this Plan is modified to reflect new OSH requirements, not waste management requirements. There is no regulatory authority to have the requirement for a Health and Safety Plan in the hazardous waste permit. Having it in the hazardous waste permit requires additional recordkeeping unrelated to safety and health. It appears that this reference may be a relict from a very early permit. For example, the 1985 NIOSH guidance referenced in this section was eventually promulgated at 29 CFR 1910.120; the EPA Orders listed also are very old.
88	49	4.1.11	3	Delete this item. KAFB's public repository and reading room (AR/IR) is already complete and is available at the CNM Montoya Campus.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
89	49	4.1.11	5	Delete subsection 5. Public tours of the OB and OD treatment units and SWMU's are not practical due to security and safety issues.
90	49	4.1.11	7	Delete subsection 7. Public observation of the corrective action process is not practical due to security and safety issues.
91	49-50	4.1.12		What is the name of EPA's pilot institutional controls data base and tracking system?
92	50	4.1.13		Delete section. This is regulated under NMED's Liquid Waste Disposal System Regulations and does not fall under the purview of the HWA or HWMR.
93	50	4.2	Title	Please define "Special Information" and the underlying regulatory drivers (citations). If required, more than 90-days will be required for submittals due to the Department of Defense budgeting process. Programming and budgeting is typically completed in the spring for funding in late Q1 or early Q2 of the next Federal FY.
94	50	4.2.1		Delete. This information has been previously submitted to NMED in corrective action documents and well completion reports. The information is also maintained by and available from the NM State Engineer. Some of the requested information is already contained in the Draft Permit Application (i.e. Figure 4-1 showing locations of SWMU's and AOC's). If retained, the 30-day reporting period is unreasonable and should be extended to at least 90-120 days, and this requirement should be deleted for SWMU's and AOC's without identified lateral boundaries, in that site investigations need to be completed (Table 4-2 should be appropriately modified).
95	50	4.2.2		Need to specify a submission date/time-frame.
96	50	4.2.2	1(b)	This information is maintained by and available from the NM State Engineer.
97	50	4.2.2	2	For consistency with the other requirements in 4.2.2, recommend changing the language to read: ". . . waters adjacent to the Facility."
98	51	4.2.3		If required, more than 90-days will be required for submittals due to the Department of

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				Defense budgeting process. Programming and budgeting is typically completed in the spring for funding in late Q1 or early Q2 of the next Federal FY.
99	51	4.2.4		Is this requirement for corrective action or for the OB-OD Treatment Units? Does the required information pertain to sites undergoing corrective action or to the particulate/gaseous effluent being emitted by the facility as a whole? This section is vague and would be difficult to know how to comply with. Remediation areas that actively generate air emission streams (such as SVE units), do track this type of information and should already be reported in the context of the amount of contamination removed. Most other types of remediation do not generate air emissions in regulated quantities, and we do not maintain this type of information, again because the City of Albuquerque does not require such activity through their permits.
100	52	4.2.4	3	delete "radiological" in that RCRA does not regulate radiological constituents.
101	52	4.2.4		Need to specify a submission date/time-frame.
102	52	4.2.5		Delete section. This requested information is documented in applicable individual site reports.
103	52	4.3		Recommend changing the 2 nd sentence to read: "If there has been a release of hazardous waste or hazardous constituents into the environment and corrective action is necessary to protect human health or the environment from the release, corrective measures will be conducted at the contaminated site to remove or isolate the contaminants that pose the human health or environmental contamination risk."
104	52	4.3.1		Numerous sites listed in Table 4.2 are already in NFA status and need to be deleted from the Table. Recommend changing the language to read: "The Permittee shall conduct a site investigation, in accordance with the provisions of 4.3.1.1, for each SWMU or AOC listed on Table 4.2 of this Permit, excluding those listed sites with an unexecuted approved work plan or a filed petition for NFA status. The Department . . . is needed, it will notify the Permittee in writing within 45 days of receiving the Permittee's site investigation report."

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Comment No.	Page No.	Section No.	Subsection No.	Comment
105	52	4.3.1.1		Why would an AOC need an RFI? If an AOC warrants further investigation under RCRA wouldn't it become a SWMU? Recommend changing the language to read: “. . . for each SWMU needing further investigation, excluding those listed in Table 4-2 of this Part (4) with an unexecuted approved work plan or a filed petition for NFA status. An individual RFI Work Plan may cover several SWMU's. The RFI Work Plan . . . RFI Report for background information. ”
106	52	4.3.1.2		Delete this section, in that it should be moved to and discussed in Section 4.3.1 of the same title.
107	53	4.3.2.2		If required, more than 90-days will be required for submittals due to the Department of Defense budgeting process. Programming and budgeting is typically completed in the spring for funding in late Q1 or early Q2 of the next Federal FY.
108	53	4.3.2.3		Incorporate footnote into section. Recommend changing language to read: “. . .selecting a remedy, which may encompass several separate actions.”
109	54	4.3.2.5.2	Implement-Ability	What if this is not supported by public comment?
110	55	4.3.2.6		Section 4.3.2.6 does not include language about Department approval of the CMS report. Suggest adding language stating this.
111	55	4.3.2.6		Selection of a remedy should include Permittee input. Recommend changing 2 nd sentence to read: “If the Department proposes a different remedy from that recommended by the Permittee in the CMS Report, the Permittee and Department will mutually develop a remedy satisfactory to both.” and the 5 th sentence to read: “As provided in 20.4.1.901(A)(5)(a)-(c), the Department will provide. . .”
112	55	4.3.2.7		More than 90-days will be required for submittals due to the Department of Defense budgeting process and if the parties have to develop a mutually agreeable remedy. Programming and budgeting is typically completed in the spring for funding in late Q1 or early Q2 of the next Federal FY.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
113	55	4.3.2.7		The first sentence references "ninety (90) days" whereas previous sections only list "90 days". Reformat "permit" to be consistent.
114	56	4.3.2.10		The first sentence references "ninety (90) days" whereas previous sections only list "90 days". Reformat "permit" to be consistent. Recommend changing report submission date from 90 days to 120 days.
115	56-57	4.3.3.1		Section 4.3.3.1 states that the Permittee may implement an Accelerated Corrective Measures in lieu of the process stated in Section 4.3.2. If this is the case then why are CMI reports (Section 4.3.2) required to be submitted as required in Section 4.3.3.3?
116	56	4.3.3.2		Section 4.3.3.2 refers to Part 1, Section 1.34 for ACM report disapproval. In accordance with the permit language in Part 1, Part 1 only refers to the OB/OD units and not corrective action. What is the required review and approval schedule for an ACM work plan?
117	57	4.3.3.3		Why is the reference to CMI reports in this section? It should be discussed in Section 4.3.2.7.
118	57	4.3.4.2		More than 90-days will be required for submittals due to the Department of Defense budgeting process and if the parties have to develop a mutually agreeable remedy. Programming and budgeting is typically completed in the spring for funding in late Q1 or early Q2 of the next Federal FY.
119	58	4.4		Section 4.4 contains a reference to Section 4.3 for cleanup. This should be changed to Section 4.4.
120	58	4.4.1		Recommend changing the language to read: ". . . Safe Drinking Water Act (42 U.S.C. §§ 300f to 300j-26). In those circumstances where the groundwater background concentrations exceed the established WQCC or EPA concentration levels, the groundwater background concentration shall become the established concentration level for terms of the Permit."
121	58	4.4.1		Recommend changing KAFB's clean-up level to an industrial standard, in that there is no foreseeable change in KAFB's mission, activities or BRAC related closures.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
122	58	4.4.2		<p>Change to read “24 µg/L (ppb),” as per EPA’s 26 Jan 2006 “Assessment Guidance for Perchlorate” memorandum. That memo established 24.5 µg/L (ppb) as the preliminary recommended remediation goal for perchlorate, and the guidance in Section 4.4.1 above.</p> <p>Under current DoD policy, DoD samples for perchlorate as required by the National Contingency Plan (NCP). Where sampling indicates perchlorate concentrations in water exceed the level of concern (24 µg/L) DoD components are directed to conduct site-specific risk assessments in accordance with CERCLA, the Defense Environmental Restoration Program (DERP), and/or the NCP to evaluate the extent of actual or potential exposures. If a site specific risk assessment indicates perchlorate concentrations could potentially result in adverse health effects, DoD components will prioritize the site for appropriate risk management.</p> <p>While New Mexico has listed perchlorate as a toxic pollutant (§ 20.6.2.7(WW) NMAC), it has failed to promulgate an applicable concentration standard for contamination (§ 20.6.2.3103 NMAC). Therefore, KAFB believes the DoD policy and EPA’s concentration standard of 24 µg/L to be more than adequate.</p> <p>Additionally, before using 4 µg/L as the State perchlorate concentration standard for permits, NMED must follow the rulemaking procedures set forth in the New Mexico Administrative Procedures Act, (§§ 12-8-1 to 12-8-25 NMSA, 1978).</p>
123	58-59	4.4.3		<p>Recommend changing KAFB’s clean-up level to an industrial standard consistent with its past, present, and future industrial land use. There are no foreseeable change in KAFB’s mission, activities or BRAC related closures.</p>
124	59	4.4.4		<p>This section requires KAFB to propose PCB cleanup levels based on a residential land use scenario. This is contrary to AF Performance Based Cleanup Policy for basing cleanup decisions based on current and reasonable anticipated or realistic future land use (ref: SAF/IEE ltr, 27 Oct 04). Recommend changing KAFB’s clean-up level to an industrial standard consistent with its past, present, and future industrial land use. The Department’s use of a policy paper, <i>Risk-based Remediation of Polychlorinated</i></p>

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Comment No.	Page No.	Section No.	Subsection No.	Comment
				<i>Biphenyls at RCRA Corrective Action Sites</i> , to set contaminant concentration levels does not comport with NMSA § 12-8-3 (1978).
125	59	4.4.5		Since the OB and OD units, SWMU's and AOC's are not residential property or child occupied sites, 400 mg/kg is inappropriate. Recommend 1200 µg/g (ppm) as a concentration level (see 40 CFR Part 745).
126	59	4.4.6		Delete this section. Surface waters are regulated by the WQCC.
127	59	4.4.7		see comment 110. Recommend clarifying that ecological risk be evaluated at SWMUs or AOCs only when there is a potential for ecological receptors.
128	59	4.4.8		Recommend changing the language to read: “. . . If a WQCC standard is involved, the Permittee may request an alternative abatement standard from the NMED Groundwater Quality Control Board in accordance . . .”
129	60	4.5	Line 7	Since the Department already reviews all submissions for compliance, delete sentence: “All work plans and reports shall be prepared with technical and regulatory input from the Department.”
130	60	4.5	1	Delete this item. The required laboratory data summaries would be an excessive amount of material included in the quarterly report. Furthermore, data summaries are presented in association with site reports. Data should not have to be further summarized and reported in the quarterly report document.
131	60	4.5	6	KAFB does not currently include discussions of project personnel in the quarterly report.
132	60	4.5	8	Reporting of analytical data in the quarterly report would be out of context concerning site evaluation. The results should be reported in the individual site report, which provides a complete evaluation of the results.
133	60-61	4.5.2		How does the general discussion of the RFI work plan requirements relate to the NMED suggested format for previously issued RFI work plans? Also, figures and tables should be included with the text of the document, not separated into its own section.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
134	61	4.5.3		See comment 119.
135	62-63	4.5.4		Please specify if the periodic monitoring report is for the OB and OD Treatment Units, specific SWMU's or AOC's, or is a facility wide report. What monitoring and reporting frequency is required?
136	63	4.5.5		Line No. 2-Consistency? 4.5.2-Executive Summary vs. 4.5.3-Executive Summary (Abstract).
137	63	4.5.5		Recommend removing the requirement that "page numbers" be included for references citing other reports or clarify that specific citation details can be presented in a formal reference section of the document.
138	65	4.5.7		Section 4.5.7 twice refers to Section 4.2.2.4, which does not exist.
139	66	4.5.8		Sentence 1 – change “CMS” to “CMI”
140	67	4.5.11		Insert citation: “40 CFR 270.11(d)(1)”
141	68	4.6		Since NMAC § 20.4.2 identifies both NFA's and “corrective action complete without Controls,” please clarify on Table 4-3.
142	69	Table 4-1	Annual Rpts	Delete Annual Report – see Comment 66
143	69	Table 4-1	Qtrly Rpts	Delete Qtrly Perchlorate Screening Report – There is no regulatory requirement for this report.
144	69-71	Table 4-1		Please increase the submission dates for all reports that do not have a 90 day submission period
145	69	Table 4-1	Other Rpts	delete “Offsite Access” Report. See comment 60.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
146	69	Table 4-1	Other Rpts	Field Sampling Activities – change 2 nd column to read: “Withing 24 hours or as soon as practical after release discovery.”
147	70	Table 4-1	Other Rpts	Risk Assessment Report – this can also be submitted with the RFI as stated in Section 4.5.5.
148	70	Table 4-1	Other Rpts	CMI Work Plan - The 90 day timeframe may not be met; a fund request must be submitted after the final remedy is selected that could require up to a year to be funded.
149	70	Table 4-1	Other Rpts	The 60 day timeframe may not be met; a fund request must be submitted after notification is received that could require up to a year to be funded.
150	70	Table 4-1	Other Rpts	Change all 60 and 90 day submission periods to 120 days (9 of them).
151	70	Table 4-1	Other Rpts	There appears to be no difference between the CMI, ACM, ACM CMI, IM and EIM reports – please clarify the differences.
152	71	Table 4-1	Other Rpts	<p>Delete first three table items on this page: The CMI Report for Landfills LF-001, LF-002 and LF-008 were previously submitted to NMED for review. The CMI Report for LF-008 was approved by NMED in a letter dated May 4, 2006 from James Bearzi. CMI Reports for LF-001 and LF-002 were submitted to NMED for review on August 10, 2006, and February 28, 2007 respectively. The current requirement for CMI report submissions is 180-days from the completion of the CMI. The landfill CMIs were submitted to NMED within 180-days. As Table 4-1 (page 71 of 236) specifies 90-days for CMI submission, NMED appears to want this requirement to be retroactive. This portion of Table 4-1 should be deleted since it is not applicable.</p> <p>The CMI Qtrly Progress Reports are inapplicable in that the 3 landfill CMI’s are completed.</p> <p>The Long Term Monitoring and Maintenance Plan was submitted to NMED on 3 November 2006.</p>
153	71	Table 4-1	Closure Rpt	Change 60 day submission period to 120 days.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
154	72	Table 4-2	SMWU 6-1	SWMU 6-1, LF-001, Landfill # 1, the required submittal, Remedy Completion Report (Corrective Measures Implementation Report), due 6/13/06, has already been submitted, the Corrective Measures Implementation (CMI) Report, Aug-06, AR Docs # 3037 & 3038. Please delete this submission requirement.
155	72	Table 4-2	SMWU 6-1	SWMU 6-1, LF-001, Landfill # 1, the required submittal, Long Term Monitoring and Maintenance Plans, due 180 days after Remedy Completion Report approved, has already been submitted, the Long Term Maintenance (LTM) Plan, LF-001, LF-002, LF-008, Nov-06, AR Doc #3095. Please delete this submission requirement.
156	72	Table 4-2	SMWU 6-1	The SWMU 6-1 the Quarterly Progress Reports were previously submitted and the CMI remedy is completed. Please delete this submission requirement.
157	72	Table 4-2	SMWU 6-2	SWMU 6-2, LF-002, Landfill # 2, the required submittal, Long Term Monitoring and Maintenance Plans, due 9/7/06, has already been submitted, the CMI Report, Feb-07, AR Docs # 3127 & 3128. Please delete this submission requirement.
158	72	Table 4-2	SMWU 6-2	SWMU 6-2, LF-002, Landfill # 2, the required submittal, Long Term Monitoring and Maintenance Plans, due 180 days after Remedy Completion Report approved, has already been submitted, the LTM Plan, LF-001, LF-002, LF-008, Nov-06, AR Doc #3095. Please delete this submission requirement.
159	72	Table 4-2	SMWU 6-2	The SWMU 6-2 the Quarterly Progress Reports were previously submitted and the CMI remedy is completed. Please delete this submission requirement.
160	72	Table 4-2	SMWU 6-3	SWMU 6-3, LF-007, Landfill # 3, the required submittal, Remedy Completion Report (Corrective Measures Implementation Report), due 12/31/07, has already been submitted and in Response to KAFB Corrective Measures Implementation (CMI) Report, Sep-06, a No Further Action Approval letter, 5-Jan-07, AR Doc #3118 was received from NMED. Please delete this submission requirement.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
161	73	Table 4-2	SWMU 6-4	SWMU 6-4, LF-008, Landfills 4, 5, and 6, the required submittal, Remedy Completion Report (Corrective Measures Implementation Report), due 3/31/07, has already been submitted, CMI Report, LF-008, 5-Jan-06, AR Doc #3025; NMED Approval of Report, 4-May-06, AR Doc # 2985. Please delete this submission requirement.
162	73	Table 4-2	SMWU 6-4	SWMU 6-4, LF-008, Landfills 4, 5, and 6, the required submittal, Long Term Monitoring and Maintenance Plan, due 180 days after Remedy Completion Report approved, has already been submitted, Nov-06, AR Doc #3095. Please delete this submission requirement.
163	73	Table 4-2	SMWU 6-4	In addition to the due dates for the Selenium Investigation Plan and Reports having past, the Plan and report are not necessary - selenium concentrations in both the perched and regional aquifers have been below the UTL determined for SWMU 6-4 in the KAFB Long-Term Groundwater Plan and the MCL from September 2002 to the most recent monitoring event, September 2006. Please delete these 2 submission requirements.
164	73	Table 4-2	SMWU 6-11	SWMU 6-11, LF-044, Fill Area SE of Sewage Lagoons. The required submittal Remedy Completion Report, due 12/31/07, has already been submitted, 16-Mar-06. NMED Approved of KAFB's VCM Imp Report, LF-044, 23-Sep-05, AR Doc #2925; NMED NFA'd, 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
165	73	Table 4-2	SWMU 6-19	SWMU 6-19, OT-029 EOD Range, for the required submittal, Investigation Report, due 12/28/07, one 3-Aug-06, KAFB's Request for Class 3 Mod for 16 SWMUs, OT-29 was requested to be administratively removed from Table A, AR Doc #3040 - it is an active site not a SWMU . Please delete this submission requirement.
166	73	Table 4-2	SWMU 6-22	For SWMU 6-22, OT-046, the required Remedy Completion Report, due 12/31/07, on 27-Jul-06, AR Doc #3012, NMED Approved the VCM, OT-046, May-06; NMED NFA'd OT-046 on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
167	73	Table 4-2	SWMU MGB	VCM Work Plan to investigate TCE in the Manzano Base area was submitted in April 2006. The report is scheduled for June 2007, as outlined in the Work Plan.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
168	73	Table 4-2	SWMU 6-24	A RCRA Facility Investigation (RFI) was submitted to NMED on June 13, 2006 and approved by NMED on July 27, 2006. Why is there a requirement for an additional RFI? Nothing in the July 27, 2006 letter to Kirtland AFB mentions a need for more RFIs. The agreed to plan for WP-16 was to initially install one monitoring well and sample it for Appendix IX constituents. If the results dictated the need for an additional monitoring well(s) then the location of the additional well would be determined. Nothing in the new monitoring well nor an existing monitoring well indicate the need for more wells. Please delete this submission requirement.
169	73-74	Table 4-2	SWMU 10-2-C SWMU 10-2-D SWMU ST-295 SWMU 10-21-D SWMU ST-297 SWMU 10-21-E SWMU 10-21-F SWMU 10-21-G SWMU 10-21-H SWMU 10-21-I SWMU 10-21-J SWMU ST-287 SWMU ST-290 SWMU ST-292	the required Investigation Report, due 12/31/09, was submitted as a Request for NFA, 5-Feb-07, AR Doc #3122. Please delete these submission requirements.
170	75	Table 4-2	SWMU ST-307 SWMU ST-315 SWMU ST-308 SWMU ST-317 SWMU ST-320 SWMU ST-323 SWMU ST-324	the required Investigation Report, due 12/31/09, was submitted as a Request for NFA, 5-Feb-07, AR Doc #3122. Please delete these submission requirements.
171	75	Table 4-2	SWMU ST-340	KAFB has sent a letter to NMED requesting NFA for this site.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
172	76	Table 4-2	SWMU ST-342 SWMU ST-346	the required Investigation Report, due 12/31/09, was submitted as a Request for NFA, 5-Feb-07, AR Doc #3122. Please delete these submission requirements.
173	76	Table 4-2	SWMU ST-70-I SWMU ST-73 SWMU ST-106 SWMU DP-088 SWMU WP-026	These projects are regulated by the Groundwater Quality Bureau and are not subject to the KAFB RCRA permit. Please delete these submission requirements.
174	76	Table 4-2	SWMU ST-70-E	The due date is in conflict with previous direction from NMED. An Interim Corrective Measure workplan is being developed in compliance with a November 7, 2006 NMED approval of a response to a Notice of Deficiency. The approval does not have a compliance date.
175	76	Table 4-2	SWMU ST-70 A-D and F-I	A VCM report was submitted on 1 Sep 2006 that addressed investigation of ST-70 A-I with the exception of ST-70 E. The due date is in conflict with previous direction from NMED. An Interim Corrective Measure workplan is being developed in compliance with a November 7, 2006 NMED approval of a response to a Notice of Deficiency. The approval does not have a compliance date.
176	76	Table 4-2	SWMU WP-26	Unclear as to what the workplan should address. A Combined RFI report, addressing both the Sewage Lagoons and the Golf Course Main Pond will be submitted by 1 Aug 07, as approved by NMED. The report will require review by NMED prior to determination of whether or not an Investigation Workplan is required for further investigation. Due date for the report cannot be established until NMED completes the review of the Combined RFI report to determine if an Investigation Workplan and Report are required.
177	77	Table 4-2	SWMU 8-35 SWMU ST-64 SWMU ST-108	These submissions have been completed and NMED has deemed them appropriate for NFA, which is currently pending.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
178	77	Table 4-2	SWMU TAG	CME should be corrected to CMS, based on Section 5.1.3.1 of draft permit. No basis for CMS due date; NMED has not responded to the TAG Investigation Report submitted in November 2005, which will be the basis for the CMS.
179	77	Table 4-2	SWMU SS-78-B SWMU SS-78-C SWMU SS-78-D SWMU ST-64	In a April 11, 2007 ltr from NMED/HWB, Mr. John Kieling issued the public for an intent to Approve the sites for an NFA. Please delete the submission requirement.
180	77	Table 4-2	SMWU 6-11	For SWMU 6-11, LF-044 Fill Area SE of Sewage Lagoons, required Investigation Report due 12/31/10, on 16-Mar-06 NMED Approved KAFB's VCM Imp Report, LF-044, 23-Sep-05, AR Doc #2925; NMED NFA'd the site on 26-Oct-06, AR Doc #30932. Please delete the submission requirement.
181	77	Table 4-2	SWMU 6-32	For SWMU 6-32 FT-014 Manzano Fire Training Area , required Investigation Report due 12/31/10, NMED Approved of KAFB's VCM Imp Report, FT-014, Sep-05, AR Doc #3153; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete the submission requirement.
182	77	Table 4-2	SWMU 8-35	For SWMU 8-35 ST-214 Waste Oil Storage Tank Bldg. 471, required Investigation Report due 12/31/10, KAFB submitted a NFA Proposal, Jan-01, AR Doc #191, NMED Approved the NFA Proposal, 25-Jul-06, AR Doc # 3004; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
183	77	Table 4-2	SWMU 10-2-E	For SWMU 10-2-E, SS-063 Jet Engine Test Cell, required Investigation Report due 12/31/10, KAFB submitted a RFI, Nov-05, AR Doc #2898 and NMED Approved the RFI and found the site Suitable for NFA, 27-Jul-06, AR Doc # 3010; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
184	77	Table 4-2	SWMU ST-348	For SWMU ST-348 Building 610 Septic Tank, required Investigation Report due 12/31/10, on 1-Nov-05, NMED's Resp to the KAFB 20-May-05 Resp, 23-Feb-05 RSI 23-Nov-04 Resp to RSI Release Assessment Report (SAR), NMED approved No Further Action petitions for ST-347, ST-348, ST-349, ST-350, ST-351, ST-352, ST-353, ST-354, ST-355, ST-356, AR Doc #2785; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
185	77	Table 4-2	SWMU ST-349	For SWMU ST-349 Building 626 Septic Tank, required Investigation Report due 12/31/10, on 1-Nov-05, NMED's Resp to the KAFB 20-May-05 Resp, 23-Feb-05 RSI 23-Nov-04 Resp to RSI Release Assessment Report (SAR), NMED approved No Further Action petitions for ST-347, ST-348, ST-349, ST-350, ST-351, ST-352, ST-353, ST-354, ST-355, ST-356, AR Doc #2785; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
186	77	Table 4-2	SWMU SS-077	For SWMU SS-077 Abandoned Railroad Spur, required Investigation Report due 12/31/10, on KAFB NFA Proposal, Jan-01, AR Doc #191; NMED Approved the NFA Proposal, 25-Jul-06, AR Doc # 3004; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
187	77	Table 4-2	SWMU ST-107	For SWMU ST-107 Hospital Demolition Debris, required Investigation Report due 12/31/10, on 21-Oct-05, NMED found the site suitable for NFA in Response to 15-Feb-05 Resp to 17-Dec-04 RSI, 7-Oct-04 Resp to 13-Jul-04 ST-64 VCM Apr-03 AR Doc #2781; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
188	77	Table 4-2	SWMU ST-108	For SWMU ST-108 Abandoned JP-4 Fuel Line (ST-108) required Investigation Report due 12/31/10, on 1-Nov-05, NMED Resp to KAFB 8-Sep-05 to 11-May-05 RSI: Supp RFI Report, ST-108, Jan-05, AR Doc #2786; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.

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189	77	Table 4-2	SWMU ST-356	For SWMU ST-356 Skeet Range Septic Tank (Domestic Sewage), required Investigation Report due 12/31/10, on 1-Nov-05, NMED's Resp to the KAFB 20-May-05 Resp, 23-Feb-05 RSI 23-Nov-04 Resp to RSI Release Assessment Report (SAR), NMED approved No Further Action petitions for ST-347, ST-348, ST-349, ST-350, ST-351, ST-352, ST-353, ST-354, ST-355, ST-356, AR Doc #2785; NMED NFA'd the site on 26-Oct-06, AR Doc #3093. Please delete this submission requirement.
190	78	Table 4-3	Comments	Why is there a reference to the 2004 AUA? Is Table 4-3 an old table?
191	78	Table 4-3	Table Heading	Please change to read: ". . . is Complete Without Controls (i.e. NFA)"
192	78	Table 4-3	SWMU 6-8 SWMU 6-14 SWMU 6-22 SWMU 6-29 SWMU 6-31	These sites has been deemed appropriate for NFA, which is still pending. The VCM Completion report that addresses remedy completion was submitted in May 2006. NMED has determined, that based on the report, they are appropriate for NFA.
193	79	Table 4-3	SWMU 10-1-F	SWMU 10-1-F ST-283 Sanitary Sewer System F is missing. Please add this site to the table.
194	79	Table 4-3	SWMU 10-1-G	SWMU 10-1-G ST-284 Sanitary Sewer System is mislabeled as 10-1-F. Please correct.
195	79	Table 4-3	SWMU 10-1-H	SWMU 10-1-H ST-327 Manzano Sanitary Sewer System is mislabeled as 10-1-G. Please correct.
196	81	Table 4-3	LF-268	Inclusion in table is incorrect. The site is an active C&D Landfill and corrective action has not been implemented.
197	82	Table 4-3	SWMU ST-072	SWMU ST-072, the site named is listed incorrectly as 30146. Please correct it to MWSA Security Garage Oil/Water Separator Bldg. 30146).

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198	84	5.0		For any remaining landfills that would require a CMS, the 180 day timeframe for submittal of the CMS may not be met; a fund request must be submitted that could require up to a year to be funded.
199	84	5.1.1		Section 5.1.1 references Section 4.2.2.2. There is no Section 4.2.2.2. Section also states that Permittee has 180 days after the effective date to submit a CMS workplan for each landfill. Does this mean current closed landfills or future landfills? CMS workplans have already been submitted and corrective actions have been taken at current landfills. Please delete last sentence.
200	84	5.1.2		<p>Please delete this Section. Military munitions on KAFB's ranges that are used for their intended purposes fall under the Military Munitions Rule, as adopted by New Mexico, and are not 'discarded.' Therefore, they are not solid waste as defined in § 74-4-3(M) NMSA 1978; 40 CFR §§ 261.2 and 266.202. The MMRP is a CERCLA program and does not fall under the regulatory authority of the NMED/HWB.</p> <p>The MMRP Comprehensive Site Evaluation Phase I document (which contains substantial portions of Section 5.1.2) is complete and has been offered to HWB for their review. To date, there has been little interest in the document by HWB. HWB indicates it will not officially review it since they have no fee mechanism in place for the MMRP.</p>
201	85	5.1.3		What technical criteria was used in establishing that the listed sites have the potential to contaminate ground water? Groundwater investigations for the Manzano Storage Complex have not led to the determination that an impact has occurred at that site. Thus it is necessary to understand how the NMED is defining "potential to contaminate groundwater." It is also important to have this information to property design RFI's where appropriate.
202	85	5.1.3	3	Manzano landfill LF-020 (SWMU 6-29) was approved for NFA status by NMED on 21 September 2005. Please delete this item.
203	85	5.1.3	5	Delete
204	85	5.1.3	6	Delete. This well is not KAFB's responsibility.

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205	86	5.1.3.1	2 nd Paragraph	What specific actions does “. . . Permittee shall cooperate with Sandia National laboratories and the Department. . .” require KAFB to perform? This a overly broad. Also, there is no basis for requiring KAFB to submit this CMS Report. NMED has not responded to the TAG investigation report submitted in November 2006, which will be the basis for a CMS.
206	86	5.1.3.2		<p>This Section is not necessary. Selenium is being monitored as part of the KAFB Long-Term Groundwater Plan (LTM). Concentrations of selenium in both the perched and regional aquifers have been below the UTL determined for SWMU 6-4 in the LTM and the MCL from September 2002 to the most recent monitoring event, September 2006.</p> <p>Characterization of TCE is also not necessary. TCE is being monitored as part of the LTM and has been detected in the perched aquifer since monitoring was initiated in 1996. All of the detections have been below the MCL; the greatest detections of TCE have occurred in the up-gradient well (TJA-2) indicating an up-gradient source (evaluation of the detections of TCE at SWMU 6-4 has been reported in the KAFB LTM). TCE was detected one time (2004) in the regional aquifer; the detection was considered the results of mixing of the perched and regional aquifer that merge in this area. The TAG Investigation report submitted to NMED in November 2005 addressed the detections of TCE at SWMU 6-4. Due date inaccurate. KAFB/SNL TAG Investigation Report submitted to NMED in November 2005</p>
207	86	5.1.3.3		<p>Please delete this Section. The Manzano landfill LF-020 (SWMU 6-29) was approved for NFA status by NMED on September 21, 2005. Submittal has been completed. A VCM workplan to investigate TCE in the Manzano Base area was submitted to NMED in April 2006. NMED has not responded to the proposed workplan. The plan has been implemented and the report is scheduled for June 2007, as outlined in the workplan. The VCM Completion report that addresses remedy completion was submitted in May 2006. NMED has determined that OT-046 is appropriate for NFA based on the report. Additionally, the concentrations of TCE have remained below the MCL since September 1999.</p>

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Comment No.	Page No.	Section No.	Subsection No.	Comment
208	86	5.1.3.4		A Combined RFI report, addressing investigations completed from 2004-2006, at both the Sewage Lagoons and the Golf Course Main Pond, will be submitted by 1 Aug 07, as approved by NMED. The report will require review by NMED prior to determination of whether or not corrective measures are required. Reports of previous investigations have been submitted to NMED. Unclear as to what the workplan should address. Required report is assumed to address corrective action activities proposed in the Investigation Workplan required in preceding entry in Table 4-2. Due date for the report cannot be established until NMED completes the review of the Combined RFI report to determine if an Investigation Workplan and Report are required.
209	86-87	5.1.3.5		<p>Delete this Section. KAFB is already complying with a path forward on this site per communication with HWB (Bill McDonald). Several monitoring wells have been installed and sampled for Appendix IX constituents in and around WP-16 (SWMU 6-24). To date there are no indications of groundwater contamination in the area of WP-16 (SWMU 6-24). Therefore, the requirement to conduct another RFI (several have been conducted already) and install more monitoring wells is arbitrary and has no scientific basis for spending more taxpayer money on the site. Funding will not be provided by Air Staff for a project that has no scientific merit. Geologists and Scientists from several prominent local engineering companies have reviewed all WP-16 (SWMU 6-24) data and have come to the conclusion that the site is not a contributor to groundwater contamination and therefore does not warrant further investigation. HWB appears to ignore any recommendations.</p> <p>The soil at WP-16 (SWMU 6-24) has been sampled to a depth of 18-feet with little or no contamination present.</p>
210	87	5.1.3.6		Please delete this Section. Monitoring well WYO-4 is a Sandia National Laboratories (SNL) well and should be included SNL's permit.
211	87-88	5.1.3.7		Delete this section. Since the Department has indicated that the nitrate plume originates from up-gradient wells off of KAFB and has deemed SWMU OT-28 suitable for NFA., KAFB should not have to address this issue in its nitrate abatement plan. Also, this site is not a SWMU and does not fall under NMED regulatory authority. This incident has no connection to the Nitrate groundwater plume.

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212	88	5.1.4		<p>Amend to read 24 µg/L (ppb), as per EPA’s 26 Jan 2006 “Assessment Guidance for Perchlorate” memorandum. That memo established 24.5 µg/L (ppb) as the preliminary recommended remediation goal for perchlorate,</p> <p>Under current DoD policy, DoD samples for perchlorate as required by the National Contingency Plan (NCP). Where sampling indicates perchlorate concentrations in water exceed the level of concern (24 µg/L) DoD components are directed to conduct site-specific risk assessments in accordance with CERCLA, the Defense Environmental Restoration Program (DERP), and/or the NCP to evaluate the extent of actual or potential exposures. If a site specific risk assessment indicates perchlorate concentrations could potentially result in adverse health effects, DoD components will prioritize the site for appropriate risk management.</p> <p>While New Mexico has listed perchlorate as a toxic pollutant (§ 20.6.2.7(WW) NMAC), it has failed to promulgate an applicable concentration standard for contamination (§ 20.6.2.3103 NMAC). Therefore, KAFB believes the DoD policy and EPA’s concentration standard of 24 µg/L to be more than adequate.</p> <p>Additionally, before using 4 µg/L as the State perchlorate concentration standard for permits, NMED must follow the rulemaking procedures set forth in the New Mexico Administrative Procedures Act, (§§ 12-8-1 to 12-8-25 NMSA, 1978).</p> <p>Change this requirement to read that newly installed monitoring wells will be sampled for perchlorate for one event. In addition, delete wells KAFB-1001, 1002,1003,1004,1005, and KAFB-1901, 1903. Perchlorate sampling has been conducted 2 different time periods in LTM wells (most recently in 2006) with minimal or no exceedances of 4 ug/L. Wells listed are no longer able to be sampled.</p>
213	88	5.2.1	1,2,3 and 5	<p>Delete items 1, 2, 3 and 5. The CMI report has already been completed for LF-001, LF-002, and LF-008 and the CMI completion report for SWMU 6-4 was submitted to NMED in January 2006. Samples can no longer be collected from groundwater monitor wells KAFBs-1001-1005 (McCormick Ranch/Range) due to declining groundwater levels and from KAFB-1903 (Lake Christian) as the well has been removed.</p>

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214	89	5.2.1	4	Delete this item. Groundwater monitoring data collected during implementation of the CMI was submitted as part of the Groundwater Monitoring System (NMED-GWQB) and Long-Term Groundwater Plans (NMED-HWB).
215	89	5.2.1		The LF-002 sanitary sewer line is owned by the City of Albuquerque. Therefore, any demand to remove the sanitary sewer line shall be directed to the City of Albuquerque. Also, studies have been completed by engineering companies that support leaving the LF-002 sanitary sewer line in place with appropriate leak detection devices in place. NMED/HWB does not have the engineering expertise on staff to determine whether the sanitary sewer line needs to be removed. It is constructed of vitrified clay pipe which is stronger and not susceptible to crowning corrosion like concrete pipe. Delete this provision.
216	89	5.2.2		Delete this Section. Since construction at the 3 landfills is complete and in the M&M Phase, progress reports are not longer needed.
217	89-90	5.2.3		Delete this Section. The LTM&M Plan was submitted to the NMED on November 3, 2006.
218	90	5.2.4		See Comment 194.
219	91	6.0	1 st Paragraph	The specific methods and requirements listed in the various Permit sections should be the basis on which permit compliance is evaluated. The current language is very broad and open to interpretation. Recommend changing the language to read: "The investigation, remediation and monitoring activity methods contained in this Permit shall fulfill the requirements of this Permit; provide the accurate and representative data for evaluation of site conditions, the nature, concentration, rate of migration and extent of contamination and contaminant migration; and for remedy selection and implementation, where necessary."
220	92	6.2	10	Recommend changing to read: " Field monitoring data."

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Comment No.	Page No.	Section No.	Subsection No.	Comment
221	92	6.2.1		Delete items 4 and 5. KAFB basewide plans and implementation of best practices do not include the use of nitric acid or methanol for decon due to the generation of hazardous waste. What will constitute "approval" of other decon methods by the Department and acceptance of a site work plan that specifies those procedures? What documentation and tracking process will be used?
222	93	6.2.3.1	1	New disposable gloves shall be used to collect each sample only if sample comes in contact with gloves. No reason to change gloves if there is no contact. Recommend changing language to read: " New disposable gloves shall be used to collect samples. If any glove is contaminated by touching the sampled material, the glove will be replaced before taking another sample."
223	93-94	6.2.3.1 6.2.3.2		Recommend combining both sections and changing the language to read: "The handling and shipment of all samples taken, as per the requirements of this Permit, shall comply with current industry standards and shall insure the chain of custody remains intact during the analysis process."
224	94	6.2.5		5 th line – change to read: ". . . federal, state . . ."
226	95	6.2.6	1 st Paragraph	Recommend changing the language to read: "The horizontal . . . location shall be determined in accordance with the State Plane Coordinate System . . . The Permittee shall prepare site maps certified as per 61-23 NMAC (1978), presenting the surveyed locations and elevations of each monitoring well required by this Permit, including relevant site features and structures, for submission with each well's initial report to the Department. All subsequent reports for each well shall not require certification as per 61-23 NMAC (1978)." As per 61-23, Engineering and Surveying, NMAC (1978), a professional engineer can provide and certify the requested information, if the professional engineer is designing the project.
227	95	6.2.6		It appears that the reference to Sections 500.1 through 500.12 is out of date (i.e. pre-NMAC). Please revise the reference to include the most current NMAC.

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228	96	6.2.7		Since HAS or DPT drilling methods are only viable in the upper 100-150" of borings, recommend limiting this requirement to borings \leq 150'. Also, what will constitute Department approval process for approval of drilling fluids project work plans?
229	96	6.2.7		Please add Air Rotary Casing Hammer (ARCH) to the list of approved methods.
230	96	6.2.7	2 nd Paragraph	Referenced Section 5.4.6 does not exist. Also, please reference NM citation for proper well abandonment, as well as the technical rationale for doing so.
231	96	6.2.7	3 rd Paragraph	Item 1- the requirement should have a depth threshold, unless the requirement is intended to require 25 feet of additional drilling below all soil contamination, even at shallow depths, ie contamination terminating at a depth of five feet below grade surface.
232	97	6.2.9		Suggest specifying a numerical depth. Also, Since the EPA specifies discrete samples to be collected for VOC's, not SVOC's, delete ". . . and semivolatile organic compounds (SVOCs)" from the 2 nd sentence in the 4 th paragraph.
233	98	6.2.9.1		Please define a depth range for "shallow"
234	98	6.2.9.2		Please change to read: "Samples shall be screened in the field for the presence of contaminants, if required by the project specific work plan." Also, please provide a basis for using metals screening, in that it has a potential to lead to false results based on naturally occurring metals.
235	100	6.2.9.4		Completion of logs should not be limited to geologists, other physical scientists/engineers can be qualified to log soil rock and sediment samples.
236	100	6.2.9.10		Suggest revising this entire section. Soil vapor is a fluid and should be purged and sampled in a manner similar to groundwater. The direction provided for purging and capturing a vapor sample in this section is not clear and does not seem to be the best technical approach.
237	101	6.3.1	1	delete "historical"

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Comment No.	Page No.	Section No.	Subsection No.	Comment
238	101	6.3.1	4	please clarify what the Department will consider appropriate means for determining groundwater flow velocities.
239	101	6.3.1	5 to 12	Delete items 5 through 12 – these requirements exceed the realm of RCRA investigations.
240	102	6.3.1		The requirement that all “existing wells and piezometers” be surveyed in accordance with section 6.2.6 is a retroactive requirement, which was previously submitted to the N.M. State Engineer. Therefore, the Department already has access to this information.
241	102	6.3.1.1	2 nd Paragraph	Please clarify what “24 hour time-frame”?
242	102	6.3.1.2	1 st Paragraph	Why must groundwater samples be collected between 10 and 30 days after well installation? Specifying a minimum timeframe before which newly installed wells can be sampled may be reasonable but why a maximum timeframe? What if wells are simply to be rotated into a next scheduled sampling event that is more than 30 days after well installation. Also, to better facilitate post-installation samples, a minimum timeframe of 48 hours would be more feasible to implement. It is likely that sample collection can be more easily conducted closer to the conclusion of well installation when other field activities may still be ongoing.
243	103	6.3.1.2	1 st Paragraph	Change to read: “Groundwater samples shall be collected, as necessary, from all . . .” Also, please clarify “for one or more of the following” and specify the exact requirements required of KAFB.
244	103	Table 5-1		Please remove parameters not included in the KAFB Long-Term Groundwater Monitoring Plan, Rev 1 (1997)
245	103	6.3.1.3		What constitutes NMED approval of measuring instruments? Approval of the project work plan?
246	104	6.3.1.4	1 st Paragraph	Change 1 st sentence to read: “ completion or well purging or longer if necessary based on recharge rate of well”. Certain LTM wells have had historically slow recharge and maybe required to sit overnight to allow for sampling after purging.

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247	104	6.3.1.4	2 nd Paragraph	What will constitute NMED approval of disposal method? Approval of the project work plan? If not, what is timeframe in which NMED will provide approval.
248	104	6.3.1.4	3 rd Paragraph	The requirement for the analyses of groundwater samples for total metals will produce results that are not representative the actual metal content of the groundwater, which is determined by dissolved metal analyses.
249	105	6.3.1.4	3 rd Paragraph	Recommend specifying that trip blanks are required only for VOCs. Verify that trip blank is required "per shipping container" vs. per shipment.
250	105	6.3.1.5		Change 90 days to 180 days for the KAFB FY LTM Annual Summary Report. The detail required for this annual submittal requires a longer time permitted for development and review.
251	105	6.3.2		Delete this section.
230	106	6.3.3		Delete this section. Surface water discharges are regulated under the NPDES program by the U.S. EPA. It is not appropriate to include surface water discharges in the RCRA permit.
252	106	6.3.4	1 st Paragraph	Recommend changing language to read: "The Permittee shall submit samples for laboratory analysis." KAFB DOES NOT utilize the EPA CLP program.
253	106	6.3.4	2 nd Paragraph	Insert language allowing for other electronic data formats in lieu of excel such as Access . Large sets of data such as LTM for example are not conducive to management in excel. Also, why will NMED not accept diluted sample results? Insert following sentence in 2 nd Paragraph: "Results for analytes that are reported as part of a method in which sample dilution is required for specific method analytes due to elevated concentrations, are acceptable to be reported with a J-qualifier for values detected below the method reporting limit. When there are elevated concentrations of a method analyte requiring the sample to be diluted for analysis, the dilution will impact any low-level sample detections as well, and therefore the lab will report those with a J-qualifier if they fall below the method reporting limit."

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254	106	6.3.4.1		Recommend changing language to read: “The Permitted shall provide the names of the contract analytical laboratories within forty-five. . .”
255	107	6.3.4.1.3		Recommend changing language to read: “. . . Laboratory batch QC samples shall be specific to the project, or as required in the project-specific work plan.” Project specific MS/MSD samples are charged to project and in some cases, may not be required to be run on KAFB specific samples.
256	107	6.3.4.2		See Comment 231, in that EPA Level IV applies to the CLP. Section 6.3.4 needs to be modified.
257	109	6.3.4.2		Section 4.4 appears to be the wrong reference.
258	109	6.3.5.1		Request that the reporting time requirements be extended to at least one week with corresponding increases in the written reports, since the one day requirement may not allow for reporting to NMED since employees on both sides may not be in the office (i.e. leave etc). Suggest new time requirements to allow for NMED and Kirtland AFB employee schedules.
259	109	6.3.5.1	1 st Paragraph	Delete 2 nd sentence. KAFB and its contractors are the responsible for ensuring the data will meet DQOs, not the Department. The Department will have final say in acceptance of data to achieve project objective.
260	110	6.3.5.2	13	There is no Section 5.4.5.1 in the draft permit.
261	111	6.3.5.2		Section 4.4 appears to be the wrong reference.
262	111	6.3.6.1	Line 2	Change language to read: “. . .quality samples, attempt to ensure that the well . . .” It is not possible for KAFB to ensure wells will last the duration of a project due to dropping regional water levels; particularly if NMED does not revise their allowed well screen lengths.

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263	112	6.3.6.1		There appears to be updated versions of the documents cited for groundwater monitoring well construction.
264	113	6.3.6.2.1	4	The sample requirement of 5- and 10-foot intervals is excessive. The vadose zone thickness, 200 feet or greater, at Kirtland AFB makes this sample frequency excessive and costly. It is recommended that the sample frequency be reduced to 50 feet intervals a depth greater than 50 feet below land surface.
265	113	6.3.6.2.2	1	What are the "site specific" conditions requiring geophysical surveys? Is it based on what is specified and approved in a site work plan?
266	114	6.3.6.2.2	3	This requirement is vague and should be deleted. If retained, then modify to insure NMED comments are confined to the 5-day period allowable for keeping a boring open and uncased and clarify the additional conditions for well construction that may be imposed by the state as part of future site work. It is not feasible for the NMED to require a boring to be extended to the aquifer during an in-progress field effort if that was not the original plan.
267	114	6.3.6.2.3	3	Does the term "geophysical measurements" mean geophysical logging of the boring is required? Conducting geophysical logging prior to well construction will limit the type of logging that can be conducted due to the use of the ARCH drilling technology used to complete groundwater monitor wells at KAFB, which uses a steel casing to keep the soil boring open prior to well construction. Geophysical logging requirements should be specified.
268	114	6.3.6.2.3	5	Please clarify how the NMED would expect wells to be constructed to accommodate vapor monitoring. Dual completion within the same well bore could result in the soil vapor migrating to the groundwater resulting in cross contamination.
269	114	6.3.6.2.3	6	Reference to Sec. 5.3.11.2 needs to be corrected; that section does not exist in the permit.
270	116	6.3.6.5		Pressure grouting is not necessary for monitoring wells installed at KAFB in the regional and perched aquifers due to the depth of the wells (300-500 feet) which results in sufficient weight to compress the grout to ensure that bridging does not occur and that

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				an adequate seal is created between the casing and the boring. NMED should allow the grout to be placed by gravity feed. The thick vadose zone and hydrostatic head of the grout in the tremie pipe will result in a high quality annular seal. The requirement for pressure grouting is excessive, costly, and unnecessary.
271	117	6.3.6.8		There is no Section 5.4.6.10 in the draft permit.
272	117	6.3.6.8		Recommend revising requirement to allow well construction summary information to be submitted as part of the project report at the time that report is scheduled for submission. As written this section will require the submittal of an additional report since the well construction info will presumably be reiterated in more detail in the actual project report most likely submitted at a later time. Otherwise, change to 90 days for the well completion report to allow for analytical sample results, well record from the driller, bore logs etc. In many cases, receiving Std lab TAT for data results can take as long as 3 weeks. Time needs to be allowed to provide bore logs etc to driller so that they can generate the well record. Many times they are busy with other projects and we need to wait for them to provide this record.
273	117	6.3.6.9	1 st Paragraph	Recommend adding the option to abandon wells using power-grouting technique rather than overdrilling for all wells at KAFB. Overdrilling is the preferred technique usually when the well materials if left in place, serve as a source for groundwater contamination, or the construction of the well could allow cross-contamination of deeper water bearing zones. Most all wells at KAFB are constructed of PVC and were installed using up to date protocol in BWP. Unless there is specific evidence that a well has been compromised or has contributed to groundwater degradation then the wells should be power grouted rather than overdrilled and removed. Overdrilling is a much more costly option and not necessary in most cases.
274	117	6.3.6.9	2 nd Paragraph	Recommend revising requirements for overdrilling small diameter wells to include "as appropriate". It is not always technically feasible nor necessary to overdrill any well vs. pressure grouting it for abandonment.
275	118	6.3.6.9	3 rd Paragraph	Please delete this paragraph or allow variances for abandoning the well in place instead of removing the well casing.

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Comment No.	Page No.	Section No.	Subsection No.	Comment
276	120	6.3.6.11		Presumably vapor well design will be "approved" by the NMED as part of overall work plan approval. Will a separate approval be required outside of the work plan? And if so what will be the mechanism to document that and what will be the turnaround for approval?
277	124	Attach 1	1.4.2	SWPPPs are under the purview of the Clean Water Act not RCRA. Please cite the regulatory authority for HWB to require this information in the RCRA permit.
278	128	Attach 1	1.8	The Department makes many references to the regional hydrogeologic characterization work completed by Sandia National Laboratories (SNL), thereby accepting this work as reliable for determination of regional hydrogeologic conditions. The Permit contains many requirements for the performance for regional characterization work. The Permit should specifically state that, where relevant information from SNL already exists, the data is acceptable for use by KAFB to meet is Permit condition requirements.
279	132	Attach 1	1.10	Section 1.10 of Permit Attachment 1 specifies that the Albuquerque/Bernalillo County Air Quality Control Board regulates the air quality in Bernalillo County. Therefore air quality requirements specified in the draft permit should be deleted.
280	136	Attach 2	3 rd Paragraph	Recommend changing the language to read: “. . . (EPA, 1986)(SW-846), Section 7.3, as amended, the definition. . .”
281	151	Attach 3		Please define the acronym “INPUFF”
282	185	Attach 6		The sampling requirements listed in Permit Attachment 6 are much less stringent than the sampling requirements specified in Permit Part 6. Please explain the discrepancy. Regulation cannot be by policy nor be arbitrary and capricious.
283	230	Table 10-3		This table is not particularly useful if NMED is not going to provide compound specific detection limits.
284	232	Table 10-5 Table 10-6		Suggest removing these tables. NMED can require KAFB to use SW-846 methods which will have associated sample preservation and container requirements. It is not necessary for that specific information to be part of the permit.

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Comment No.	Page No.	Section No.	Subsection Title	Comment
1	1	Fact Sheet		The EPA ID Number listed is incorrect. The correct number is NM9570024423.
2	1	1.0	Introduction	Specify that the permit conditions apply to the Open Burn and Open Detonation " <i>miscellaneous units</i> ."
3	1	1.2	Permitted Activity	Specify that the permitted units are " <i>miscellaneous units</i> " used to treat hazardous waste rather than more traditional "treatment units."
4	1	1.2	Permitted Activity	The last paragraph of this section poses the condition that OB or OD "of firearms or contraband that are not reactive or ignitable hazardous waste" is not authorized. Section 5.1.1 of Permit Attachment 5 states that "Non-hazardous wastes (e.g., contraband, firearms) are also treated at the Open Burn Unit and Open Detonation Unit as a service in support of the various agencies listed in Table 5-1". This important service to the community should remain allowable; therefore, delete the last paragraph of Permit Part 1 Section 1.2.
5	2	1.2.2	Effect of Inaccuracies in	The Part B permit application, Revision 1.0, is dated December 2005, not November 2005, as indicated in the first sentence. Revise for accuracy.
6	5	1.7	The Complete Permit	The first sentence indicates the complete permit consists of . . . Permit Parts 1 through 5 . . . There are 6 Parts listed. Revise for accuracy. Under Part 3, the listed title of this part is incomplete. It should read "Open Burn and Open Detonation Treatment Units".
7	8	1.14	Permit Review	Except for permits that are for land disposal facilities (40 CFR § 270.50(d)), RCRA regulations do not include a required mid-point regulator review of a TSDF permit nor does such a review address a required activity of the Permittee. The OB/OD units are not land disposal units. Furthermore, 40 CFR § 270.41 authorizes modification or revocation/reissuance for "cause" or at Permittee request. The permit condition as written exceeds NMED authority. Delete this permit condition.
8	9	1.19	Duty to Provide Information	The second paragraph states "This Permit Condition (1.20) . . ." Revise for accuracy to read (1.19).
9	10	1.20	Inspection and Entry	The last paragraph of this section states "This Permit Condition (1.21) . . ." Revise for accuracy to read (1.20).
10	10	1.21.2	Record Retention	The list of records exceeds the requirements for recording and reporting of monitoring results specified in 40 CFR § 270.31, the operating record requirements of 40 CFR § 264.73(b), and the closure plan requirements of 40 CFR § 264.112(b). Revise this permit condition to reflect RCRA requirements.
11	11	1.21.3	Monitoring Records Contents	40 CFR § 270.30(j) requires items 1, 2, and 4-7 (except that the "qualifications" of the individuals performing sampling, measurements, or analyses are not required by RCRA). Items 8-12 are not required by 40 § CFR 270.30(j). Delete the items listed that are not RCRA requirements.
12	12	1.25.1	Twenty-Four Hour and Subsequent Reporting	In Item 1.b, replace "a" before fire in the second line with "an unplanned".
13	13	1.25.2		In the "Written Report" paragraph, change "become" to "becomes". In Item 2.b, replace "a" before fire in the second line with "an unplanned".

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14	14	1.28	Other Noncompliance	Should the Permit Condition 1.26 in the third line actually read Permit Condition 1.25?
15	14	1.29	Signatory and Certification Requirements	Revise this sentence by inserting "other" after the first "or" and by inserting "requested by the Secretary" after "information", per 40 CFR § 270.11(b).
16	16	Table 1-1	Other Submittals / Reports	The parts referenced for Non-Compliance Oral Report, Non-Compliance Written Report, and Certification of Construction or Modification appear to be incorrect and should be revised. The Notification and Certification Statements requirement should read "One-Time Notices and Certifications". It should also reference the appropriate tables in Permit Attachment 5.
17	17	Table 1-1		The "Human Risk screening exceedances of SSLs" should have caps for "Screening" and "Exceedances". Under General Facility Information, should the referenced section read Part 4, Section 4.2.1? For due date of CMS Work Plan where it says "Upon Department request", Permit Part 5, Section 5.1.1 states within 180 days after effective date. Under Military Munitions Assessment Report, in Permit Part 5, Section 5.1.2, it is called a Military Range Assessment Report. Revise as appropriate for consistency.
18	21	2.1	Operation of the Facility	In the second paragraph, insert "unplanned" between "any" and "sudden" in the second line.
19	22	2.2.3	Personnel Training	40 CFR 264.16(d) requires that these records be maintained at the facility. KAFB maintains these records at the facility for OB/OD Unit personnel in accordance with the Personnel Training Plan. Delete the paragraph at the top of page 22 from the permit.
20	22	2.2.4	Location	There is no discussion that KAFB meets the seismic standards in 40 CFR § 264.18(a). Text should be added, as this section addresses both the seismic and floodplain standard.
21	23	2.4.2	Copies of the Plan	The Part B Permit application indicated that copies of the Contingency Plan would be kept at the EM Branch Office and in the vehicle driven to the EOD Range on the day of each treatment. Maintaining a copy at the EOD Range bunker is not ideal, as rodents sometimes gain entrance to this building and the copy could be contaminated with rodent droppings. Revise this permit requirement to reflect the information provided in the application.
22	23	2.4.4	Emergency Coordinator	40 CFR § 264.52(d) does not require office and home addresses, it only requires office and home phone numbers.
23	28	2.5.6	Records of Waste Characterization	In the fifth line, replace "notification" with "notices", replace "certification" with "certifications", and delete "statements".

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24	30	2.6.6	Air Emissions	In the fourth line, it states the "Permittee shall comply with the applicable requirements of 40 CFR Part 264, Subpart BB." This subpart is Air Emission Standards for Equipment Leaks, and applies to pumps in light liquid service; compressors; pressure relief devices in gas/vapor service; sampling connection systems; open-ended valves or lines; valves in gas/vapor service or in light liquid service; pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors; and closed-vent systems and control devices. The OB unit does not have any of these types of equipment associated with it. In addition, the OB unit itself would not contain or contact hazardous waste with an organic concentration of at least 10 percent by weight for more than 300 hours per calendar year. Thus, per 40 CFR § 264.1050(f), the OB unit is excluded from the requirements of §§ 264.1052 through 264.1060 if it is identified, as required in §264.1064(g)(6) of Subpart BB. Thus, the only applicable Subpart BB requirement for the OB unit is 40 CFR § 264.1064(g)(6). Revise.
25	31	2.7.1	Facility Map	Inclusion of an oversized facility map in the permit is not required. Item 1 calls for showing tanks on the map. KAFB does not have RCRA storage or treatment tanks. Item 3 calls for providing correct locations of the OB and OD units on Figures E-1, F-1, F-2, I-1, and I-2. There are no such figures numbers in the draft permit. If NMED is referring to these figures in the permit renewal application, the "correct" locations of the units are already shown on these figures. Item 14, coordinate grid system, is not required by 40 CFR § 270.(b)(19).
26	32	2.7.5	Personnel and Telephone Number Changes	RCRA regulations do not require notifications for phone number changes for individuals with these job titles. Delete this permit condition.
27	32	2.7.6	Notification and Certifications	Add a period at the end of the sentence.
28	35	2.9.1 & 2.9.2	Post-Closure Plan	In 2.9.1, the plan is called a Contingent Post-Closure Plan. In 2.9.2, the plan is called a Contingent Post-Closure Care Plan. To be consistent, delete "Care" throughout 2.9.2.
29	37	3.1	Maximum Quantity	The quantities listed are incorrect, per the permit renewal application. For the OB unit, the amount per treatment event is 1,500 pounds net explosive weight (NEW) [emphasis added] uncased explosives or 200 pounds cased munitions and 5,000 pounds hazardous and nonhazardous waste combined, per calendar year is 80,000 pounds NEW , and 800,000 pounds NEW for the term of the permit. For the OD unit, the amount per treatment event is the same as for the OB unit, and per calendar year is 100,000 pounds NEW and 1,000 000 Pounds NEW for the term of the permit. (See Part A page 6 of 7 and Part B Sections 2.1, B.1.3, and G.2.1 of the permit renewal application.) The "Fact Sheet" had the correct quantities.
30	37	Table 3-1		Under Open Burn, D007 and D018 were not listed in Table B-2 of the permit renewal application. Add NEW after both "lbs" entries in right-hand column. Under Open Detonation, Figure G-2 of the permit application shows the unit diameter to be approximately 1500 feet. Add Reactive Wastes in center column, and add NEW after both "lbs" entries in the right-hand column. Correct the quantities as indicated in comment regarding Section 3.1.
31	38	3.2.1	General Requirements	4th paragraph. The OD unit does not have a cover nor a secondary containment system. Delete "and Open Detonation Unit" from this paragraph.

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32	39	3.2.3.2	Weather Conditions	1st paragraph. Per Section G.2.1 of the application, operations at the OB unit are not conducted if wind speeds exceed 15 mph, and operations at the OD unit are not conducted if wind speeds exceed 20 mph. 2nd paragraph. Per Section G.2.1 of the application, there is no procedure limiting operations from being conducted when a thunderstorm is imminent or within 10 miles. There <i>is</i> a procedure limiting operations from being conducted if lightning is within 5 miles or when extreme fire hazard conditions exist <i>and</i> wind speeds exceed 10 mph (emphasis added). 3rd paragraph. Per Section G.2.1 of the application, only OD operations are not conducted during a snowstorm. 4th paragraph. Per Section G.2.1 of the application, only OD operations are not conducted during a dust storm or sand storm. Correct these permit conditions.
33	39	3.2.3.4	Other Restrictions	The term "Range Control" is used. Change to "EOD Shop".
34	39	3.2.4.1	Personnel Safety	2nd paragraph. In the second line, replace "Leader" with "Chief".
35	40	3.2.5.1	Accumulated Precipitation	The draft permit condition requires the removal of accumulated precipitation within 24 hours after a precipitation event. Permit Attachment 2 (Section 2.1.1, p. 138) acknowledges that "during inclement weather ..., accumulated precipitation in the OD (<i>NOTE: should move this to the OD Unit description in 2.1.2</i>) Unit cannot be prevented, and road conditions do not allow access to the Unit." Therefore, the imposition of a 24-hour removal requirement is unrealistic in some circumstances. Change 24-hours to " <i>as soon as practicable</i> ."
36	40	3.2.5.4	Open Burn Container	The inspection plan requires a <i>pre-burn</i> inspection of the burn container and surrounding walls. Revise this permit condition or delete.
37	44	3.7	Organic Air Emissions	See comment regarding Part 2, Section 2.6.6, above.
38	45	4.1.4	Releases	In the second line, insert "that" after "and".
39	46	4.1.5	Work Plans, etc.	Should Section 1.35 read 1.34?
40	46	4.1.7	List of SWMUs	There is no Figure 4-1 in the draft permit.
41	50	4.2.2	Potential Receptors	Table 1-1 of Part 1 requires this report within 30 days of the effective date. This requirement should be included in this section if this permit condition remains in the permit.
42	51	4.2.4	Air Contamination	Table 1-1 of Part 1 requires this report within 30 days of the effective date. This requirement should be included in this section if this permit condition remains in the permit.
43	52	4.2.5	Subsurface Gas	Table 1-1 of Part 1 requires this report within 30 days of the effective date. This requirement should be included in this section if this permit condition remains in the permit.
44	55	4.3.2.7	CMI Work Plan	1st paragraph, 5th line. Should Section 1.35 read 1.34?
45	58	4.4	Cleanup Levels	Should (4.3) read (4.4)?
46	65	4.5.7	CMS Report	First Item 10 and second Item 12. There is no Section 4.2.2.4.
47	66	4.5.8	CMI Work Plan	Item 5 reads "construction and construction". Correct as appropriate.
48	69	Table 4-1		Under Quarterly Perchlorate Screening Reports, change 5.14 to 5.1.4.
49	70	Table 4-1		Under CMS Work Plan, should this read 4.3.2.2? Under Accelerated Corrective Measures, is this a Work Plan?
50	71	Table 4-1		First entry, per Section 5.2.1 of Part 5, 90 days should be 180 days.
51	99	6.2.9.3	Field QC	2nd paragraph. Why is there a requirement for equipment blanks if disposable sampling equipment is used? This should only be if nondisposable (i.e., reusable) equipment is used. The frequency is stated as 10% here; however, on page 104, it is 5%. Typically the frequency is 1 in 20, or 5%. Revise for accuracy and consistency.

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52	104	6.3.1.4	GW Samples	1st paragraph, 5th line. Should Section 6.2.3 read 6.1.3.3? Also, same comment re: equipment blanks for disposable equipment as in comment above.
53	112	6.3.6.2	Monitoring Wells	In the first line, is the reference to Section 4.6 correct?
54	113	6.3.6.2.1	Alluvial Wells	Items 4 and 5. Should the reference to Part 5 read Part 6?
55	114	6.3.6.2.2	Perched Wells	Item 6. Delete the word "Section". Also, Section 4.3 is called out here for work plans, yet in 6.3.3.2.3, Item 1, Section 4.5 is referenced. Are these references each correct?
56	Attachments		General	Throughout the attachments, organics and metals are limited to certain constituents; however, the Part A lists more constituents in case they are potentially contained in future wastes to be treated. Revise to be less limiting. Replace Attachment 4 with pages 6 and 7 of 7 from the Part A which, as stated on page 3 of the fact sheet, includes a list of the types of wastes managed.
57	Attachments		General	Throughout the attachments (e.g., Attachment 1, page 123, Section 1.3.2, first paragraph), references are included in the text, but no reference section is provided. Delete references within the text if a reference section will not be included in the permit.
58	Attachments		General	Through the attachments, acronyms are introduced and/or used inconsistently (e.g., in Section 1.6, etc.) and a list of acronyms/abbreviations is not included in the draft permit. Use acronyms consistently (and provide a list of acronyms/abbreviations) or don't use them at all.
59	Attachment 1		General	The information in this attachment should only address required permit conditions, either in this attachment or elsewhere in the permit. Appendices A and H that were included in the permit application were provided only to meet permit application requirements, and the information included is subject to change over the life of a 10-year permit. KAFB should not be subject to requesting a permit modification (and incurring the related unnecessary expense) any and every time a minor change to this information occurs; thus, most of this attachment should be deleted.
60	121	1.1	General Description	2nd paragraph. Delete "(the collective name for the Open Burn Unit and Open Detonation Unit)". The EOD Range does not always imply the OB and OD units.
61	122	1.2	Description	Top of page. The last sentence conflicts with Permit Part 1, page 1, Section 1.2, 4th paragraph, with respect to treatment of non-hazardous wastes. See Comment #4 and revise to allow service in support of various agencies listed in Table 5-1 of Attachment 5.
62	122	1.2	Description	1st complete paragraph. Insert "NEW" after "pounds" in Line 2, and delete ", as indicated in Permit Attachment 4, Lists of Authorized Wastes". Permit Attachment 4 does not discuss treatment capacities. In Line 3, Photo 1 is referenced, but is not included in the draft permit. Photos do not need to be included in the permit. Delete reference to photo.
63	122	1.2	Description	2nd paragraph. Insert "NEW" after "pounds" in Line 1 and change (i.e., correct) "18,000" to "100,000" in Line 2. Insert "NEW" after "pounds" in Line 2. Photos do not need to be included in the permit. Delete reference to photo.
64	122	1.2		3rd paragraph, 2nd sentence: Revise to read "Treatment operations shall be conducted only under the climatic conditions described in Section 2.2.6 of this Attachment (2)."
65	122	1.3.1	Routes of Travel	1st paragraph, Line 1. Delete ", shown on Map 1-1,". This map was not included in the draft permit and should not be included in the final permit.
66	122	1.3.1	Routes of Travel	2nd paragraph. Revise to delete reference to Map 1-1.
67	123	1.3.2	Traffic Volume	Last paragraph. Insert "NEW" after "pounds" in Line 4.

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68	124	1.4.2	Floodplain Standard	Revise first paragraph to delete reference to Map 1-1, which should not be included in the final permit. This map was provided with the application only to meet the requirements of 40 CFR § 270.14(b)(19). 2nd paragraph. Storm Water Pollution Prevention Plans are required by the Clean Water Act and regulated by the NMED Surface Water Quality Bureau. Sampling/analysis data are submitted in accordance with SWQB requirements. RCRA does not require the submittal of storm water sampling and analysis data. Delete this permit condition. In addition, it has nothing to do with the floodplain standard.
69	124	1.5	Topographic Map	Delete this section. Map 1-1 was provided with the application only to meet the requirements of 40 CFR § 270.14(b)(19).
70	125			Second bullet. If Section 1.5 is not deleted, delete this bullet and Figure 1-6. A wind rose is on Map 1-1 (Map A-1 in the application).
71	128	1.8	Hydrology	2nd paragraph, last line. Insert a dash in "semi confined" or make it one word.
72	129	1.8		2nd full paragraph, Line 5. Insert "available" before "hydrologic", as written in the application.
73	130	1.8.2	Vadose Zone	1st paragraph, last sentence. This was not included in the permit application. Where was this information obtained?
74	130	1.8.3	Groundwater	1st paragraph, last sentence. Replace this sentence with the one included in the permit application.
75	132	1.9.2	Winds	1st paragraph, last sentence. Per the wind rose provided on Map A-1 of the permit application, prevailing winds are from the east. Replace this sentence with the language provided in the permit application, and delete the reference to Figure 1-6.
76	136	2.0	Introduction	4th paragraph, last sentence. The second 10 in "1010" should be in superscript.
77	137	2.1.1	The Open Burn Unit	Delete "The" in the title of the section, to be consistent with Section 2.1.2 (Open Detonation Unit).
78	none given		Roll-Off Containers	Engineering drawings are provided that are specific to the construction and specifications for the OB Unit. Delete the Cooper Tank Roll-Off Containers page. Also, delete "is the equivalent of a Cooper Tank Roll-Off Container," on page 138, 1st paragraph, Line 2.
79	138	2.1.1	OB Unit	2nd paragraph. In Line 2, Figure 2-1 is referenced as illustrating additional details of the retractable cover, which is incorrect. Reference the correct figure, or delete this sentence. Line 6 discusses the OD unit (in the OB unit section). Move this sentence to Section 2.1.2.
80	138	2.1.2	OD Unit	Revise 2nd sentence to read "Detonations are conducted in pits, <i>typically</i> about 30 ft long, 15 ft wide, and about 12 ft deep."
81	139	2.2.1	SOPs	1st paragraph, 1st line. Replace "180,000" with "100,000" and insert "NEW" between "lbs" and "of". 1st paragraph, 3rd line. Insert "NEW" between "pounds" and "uncased".
82	139	2.2.1		2nd paragraph. Delete the second sentence (see Comment #4) or revise to read "Non-hazardous waste shall not be treated unless <i>it is</i> used as fuel to sustain an open burning event, serves as packaging for the hazardous wastes that are treated in the Open Burn Unit or Open Detonation Unit, <i>or are contraband/firearms destroyed as a service in support of the various agencies listed in Permit Attachment 5, Table 5-1.</i> " Insert "NEW" after "of" in 3rd sentence.
83	139	2.2.2	Waste Screening	Line 2. Insert "meets the operating acceptance limits indicated above and" between "waste" and "is".
84	140	2.2.2		Top of page. Delete "in advance" from the first line. Some preparations are conducted after the waste is transported to the units (e.g., inspection of unit, raising range flag, etc.)

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85	140			1st complete paragraph, Lines 2 and 3. Delete "and direction". Neither the permit application nor Attachment 1 describe the meteorological tower as a source for measuring wind direction. There is no Permit Condition 2.3.6. Did you intend this to read 2.2.6?
86	140	2.2.4	Transportation	4th bullet. Replace "cleared" with "cleated", as indicated in the permit application. 2nd paragraph, Line 8. Delete "ABC-type". EOD personnel are capable of determining the type of fire extinguishers needed, and they may not always be ABCs.
87	141	2.2.5	Waste Staging	Last paragraph: Delete the requirement that waste remaining at the Unit "shall be watched continuously by KAFB security personnel until it is possible to perform the treatment or safely remove the waste." The security precautions (procedures and barriers to control entry) are sufficient to protect the Unit until a treatment event can be completed.
88	141	2.2.6	Waste Treatment	1st paragraph, Line 9. "team chief" should be first letter capitals.
89	141	2.2.6		2nd paragraph, Line 2. Replace "ten" with "five" (see Comment #32). Line 8. Replace "15" with "20" (see Comment #32).
90	142	2.2.6		4th paragraph, Line 6. Delete "stored off-site of the EOD Range". Moving such waste to store off site of the EOD Range poses unnecessary safety issues. The waste remains in the OB unit until treated again. Line 7. Delete "or shipped off-site for treatment". The waste is treated at the OB unit. Line 9. Insert "the same or following day" after "again", per the permit application text. Last sentence: Revise to read "Hazardous wastes shall not be stored at the OB or OD Units <i>but may be staged at the OB Unit as described in Permit Condition 2.2.5 if a treatment event is aborted.</i> "
91	142	2.2.7	Waste Management Practices	1st paragraph. Line 4. Insert "(if present)" after "metals". Line 6. Insert ", or by knowledge of process (KOP)" after "as needed". Line 7. Insert "or KOP" after "analysis". Line 9. Insert "or KOP" after "analysis". Line 10. Insert "off-site" after "permitted".
92	143	2.2.7		2nd complete paragraph. Line 2. Insert ", if necessary," after "sampled". Line 3. Replace "samples" with "treatment residue". Line 4. Replace the first "samples" with "treatment residue", and replace the second "samples" with "residue". Line 8. Insert a dash between "than" and "90". Insert "(if necessary)" after "analysis". Last sentence: Revise to read "Treatment residues shall be removed from the OB Unit within two (2) working days after a burn or as soon as practicable in the case of <i>inclement weather that prevents access to the Unit.</i> "
93	143	2.3	IRI Wastes	40 CFR § 264.17(a) specifies that "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste. It says nothing requiring that signs be posted in languages other than English.
94	144	2.4.1	Required Equipment	Top of page, first line. Replace "decontamination" with "spill control".
95	144	2.4.1		1st complete paragraph. Line 7. Replace "Two-way radios and cellular phones" with "hand-held radios", as indicated in the permit renewal application. Only radios are listed in Table 8-2.
96	144	2.4.1		2nd paragraph. Line 3. Insert "A" before "portable" and replace "extinguishers" with "extinguisher".
97	144	2.4.1		3rd paragraph, 1st sentence: Revise to read "Shovels carried in the vehicles utilized at the Open Burn Unit and Open Detonation Unit and at the personnel bunker <i>may also be used to manage spills.</i> " Personnel need to select the appropriate spill cleanup equipment and methods, which may or may not require the use of shovels.
98	144	2.4.3	Access, etc.	Lines 3 and 4. Replace "Two-way radios and cellular phones" with "hand-held radios", as indicated in the permit renewal application.

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99	145	2.4.6	Preventive Procedures, etc.	1st paragraph. Lines 6 and 7. Delete "prevent releases of hazardous wastes or hazardous constituents to soil, sediment, surface water, and groundwater,". The concept is already covered in Line 4, "prevent runoff from escaping hazardous waste management areas".
100	145	2.4.6		Last paragraph, Lines 2 and 3. Delete "Open Burn Unit and". The OB unit is located within the OD unit area, and as stated here, the text implies a berm surrounds each unit.
101	146	2.4.6		1st complete paragraph. Delete " -- the actual depth is currently unknown". The actual depth being an unknown is implied by the fact that there is a depth range and that it is predicted. In addition, this statement could easily prematurely and unnecessarily outdate the permit.
102	146	2.4.6		2nd paragraph, Line 4. Replace "immediately" with "within a short period of time". If a forklift failed, a different forklift would most likely be brought to the site, and the failed forklift would be repaired as soon as possible rather than immediately.
103	146	2.4.6		3rd paragraph, Line 5. Replace "had been" with "are" and replace "receipt" with "acceptance for treatment".
104	146	2.4.6		Paragraph 5, last sentence: Revise to read "The <i>retractable cover</i> on the OB Unit shall be <i>closed</i> after treatment events to prevent any treatment residues from escaping to the atmosphere or other media before the residues are removed."
105	146	2.5		2nd paragraph, Line 2. Delete "or after". Any waste that remains untreated at either unit will remain at the unit and treated again as soon as possible.
106	147	2.5	Prevention, etc.	Top of page. Line 3. Replace "'wire fence surrounding the EOD Range" with "KAFB facility's property line". This meets the requirement in 40 CFR § 264.176. Line 5. Delete "and Spanish". See Comment #90.
107	147	2.6.2	Barriers and Means	1st paragraph, Line 9. Delete "in places".
108	148	2.7.1	Introduction	This section needs to be broken out into 2 sections, because certain records will be maintained at the EOD Shop, and others will be maintained at the EM Branch Office. Line 1 should be used as the first line in each new section, but must correctly use the location terminology (there is no "EOD Branch office", it is the "EOD Shop". For the EOD Shop records, include only Items 1, 2a-c, 2f-g, 6, 7, 16, and 17. For the EM Branch Office records, include only Items 2d-e, 2h, 3-5, 8-11, 13-15, and 18-20. In Item 2h, delete the second sentence. The only equipment (with respect to Subpart BB) is the OB unit, and air emissions data are not collected for this unit. Delete Item 12. This information for the operating record is the sum of all the records required in this section. Last paragraph. Replace "also be maintained at the EOD Range personnel bunker" with "be taken in one of the vehicles to the EOD Range for each treatment operation".
109	149	2.7.2	Biennial Report	Item 7. Replace "Treatment notices and their certifications" with "The certification".
110	150	2.7.3	Unmanifested Waste Report	Item 1. Delete "off-site". This term is not required by 40 CFR § 264.76, and waste may be accepted from SNL/NM, which is located within the KAFB "site".
111	150	2.7.4	Additional Reports	Items 2 and 3. What are the regulatory requirements for these permit conditions? Item 4. Insert "Reporting" before "Requirements", replace "264" with "264.1065", and add "(40 CFR § 264.77(b) and § 264.115)" after "closures".

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112	151	3.2	Procedures and Methods	2nd paragraph. First sentence. Delete "both", delete "and" in Line 2, and insert ", and Federal air standards". Line 5. Delete sentence starting with "For the OB Unit". The constituents modeled were taken from the original permit. The constituents in the "Pollutants" column of Table 3-1 do not correlate directly with listings in Table 4-1.
113	152	3.2		Top of page. Line 1. Delete sentence starting with "For the OD Unit". See Comment #110. Line 3. Replace "5,600" with "1,600". In Supplement H-1 of the permit renewal application, it states the nearest off-site receptor is approximately one mile (1.6 kilometers) from the EOD Range. Unclear as to why NMED changed this distance in the draft permit.
114	152	3.3	Results and Interpretation	Line 2. Replace "1.5" with "1.6". Line 3. Replace "national" with "Federal". Line 5. Insert "In addition to criteria pollutants," before "Over". Line 6. Insert "other" before "constituents".
115	153	Table 3-1		Carbon Monoxide should be italicized bold text, to be consistent with the rest of the table. Non-Methane Hydrocarbons were not included in Table 1 of the permit renewal application Supplement H-1. Where did the OB and OD unit numbers come from?
116	157	Attachment 4		Tables 4-1 and 4-2. Return these tables to the Waste Analysis Plan (Permit Attachment 5) and replace with the information provided on pages 6 and 7 of 7 in the Part A. Tables 4-1 and 4-2 list the hazardous wastes known to be treated at the OB and OD units to date; however, these tables should not be a permit condition to limit the authorized wastes that may potentially be treated at the units. That information was provided in the Part A, and it includes each listed hazardous waste that KAFB will (or could) handle, as required for Section XIV of the Part A and as stated on page 3 of the fact sheet.
117	157	Table 4-1		Benzene was not included in Table B-2 of the permit renewal application. Why was it (and D018) added here? Chromium was also not included in Table B-2 of the permit renewal application. Why was it (and D007) added here? Move this table and Table 4-2 back into the Waste Analysis Plan.
118	166	5.1.1	Description of Processes /	Last sentence. Some preparations are conducted after the waste is transported to the units (e.g., inspection of unit, raising range flag, etc.). Delete or revise appropriately. (See Comment #82.)
119	166	5.1.2 and 5.1.2.1	Wastes Managed	See Comment #55. All of the wastes listed on pages 6 and 7 of 7 in the Part A can be treated at the units (see also page 3 of the fact sheet). Return text in these sections to that provided in the Waste Analysis Plan submitted with the permit renewal application.
120	167	5.1.3	Description of Units	Line 3. Delete "also", and direct the reader to exactly where in the referenced Parts (1, 2, 3) and Attachments (2, 3, 4, 7, 8, 9) specific information is found.
121	168	5.1.3	OB Unit	1st bullet. Insert "net explosive weight (NEW)" after "maximum" and delete "amount of hazardous waste".
122	168	5.1.3	OD Unit	1st bullet. Insert "NEW" after "maximum" and delete "amount of hazardous waste".
123	168	5.2	Waste Analysis Parameters	1st paragraph, Line 5. Is "Conditions" used consistently throughout the draft permit (i.e., with a capital "C")?
124	168	5.2	Waste Analysis Parameters	3rd paragraph, Line 3. Insert "the first time a specific waste is treated" after "purposes". The same or similar waste types will be sampled and analyzed for LDR purposes the first time a specific waste is treated; thereafter, KOP will be used for characterization. Insert "When sampling and analysis data for an ash residue are available, these data shall be used as KOP to characterize future identical or similar ash residues" at the end of this paragraph.

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125	168	5.2	Waste Analysis Parameters	4th paragraph, Line 1. Insert "potentially contaminated" before "treatment residues" and replace "will contaminate soil" with "may remain at the unit". Potentially contaminated treatment residues at the OD unit won't necessarily contaminate the soil. Line 2. Insert "potentially" after "monitor".
126	169	5.2.1	Criteria and Rationale	2nd paragraph, Line 3. Insert "the first time a specific waste is treated" before "using". Add "KOP will then be used to characterize the treatment residue when sampling and analysis data for an identical or similar residue are available". Using KOP for LDR purposes is allowed in 40 CFR Part 268. Line 4: The permit renewal application states that treatment residues will be analyzed using the TCLP or total analysis methods, as appropriate. Revise permit condition to include or total analysis methods, as appropriate.
127	169	5.2.1	Criteria and Rationale	3rd paragraph. The permit condition requires sampling and analysis of treatment residues in all but one case (i.e., if all of the listed conditions are met). In addition to the conditions listed, the permit renewal application specifies that KOP may be used in lieu of sampling and analysis for treatment of residues from identical wastes. Revise permit condition to allow KOP in lieu of sampling and analysis for treatment residues from identical wastes, or delete this paragraph.
128	169	5.3	Waste Characterization Procedures	Line 5. Insert "or KOP" after "analysis".
129	170	5.3.1.2	Screening	Line 5 references Appendix 5-1; however, this appendix was not in the draft permit. Is inclusion of such an appendix necessary, considering the EOD personnel are quite familiar with these forms and the fact that this information was provided for informational purposes only in the permit renewal application? Suggest deleting this sentence and ultimately this appendix.
130	171	5.3.1.4	Phase I Verification	1st complete paragraph following bullets. Line 1. Replace "deficiencies" with "defects".
131	171	5.3.1.6	OB Unit Treatment Residues	1st paragraph, Line 5. Insert "or KOP" after "data".
132	173	5.4.2	Testing and Analytical Methods Selection	1st line. Replace "waste" with "ash residue generated at the OB Unit". The 2nd paragraph refers to Table 5-2, which is for treatment residue generated by open burning.
133	173	5.5	Waste Re-Evaluation Frequencies	2nd paragraph, Line 1. Insert "(e.g., KOP)" after "data".
134	173	5.6.2	LDR Requirements	Line 3. Insert ", at the point of generation," before "must" and add "; this determination can be made either by testing the waste or using KOP" after "disposed". Either testing or using KOP is acceptable per 40 CFR § 268.7(a)(1).
135	174	5.6.2.1	Generator Requirements	1st paragraph, Line 5. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.
136	174	5.6.2.1	Generator Requirements	Item 3. Delete "and their concentrations" and insert "characteristic" before "wastes". Concentrations of UHCs is covered under Item 6, "Waste analysis data, if appropriate."
137	174	5.6.2.1	Generator Requirements	2nd paragraph, Line 5. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.

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138	175	5.6.2.1	Generator Requirements	1st complete paragraph, Line 6. Insert "to the receiving facility," after "sent". Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.
139	175	5.6.2.1	Generator Requirements	2nd paragraph, Line 2. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.
140	175	5.6.2.1	Generator Requirements	3rd paragraph, Line 2. Replace "and" with "because it" to more clearly describes why the soil would become waste.
141	175	5.6.2.1	Generator Requirements	4th paragraph, Line 5. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.
142	175	5.6.2.1	Generator Requirements	5th paragraph. Line 3. Insert "statement in 40 CFR § 268.7(a)(3)(ii)" after "certification" to distinctly reference the certification statement requirements, as indicated in the permit renewal application. Line 5. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.
143	176	5.6.2.2	Treatment Facility Requirements	Top of page, Line 2. Insert "Only the remaining" before "residue".
144	176	5.6.2.2	Treatment Facility Requirements	2nd paragraph. Line 4. Replace "notification and" with "one-time". Line 6. Insert "initial" before "shipment" and add "as required by 40 CFR § 268.7(b)(4)". Line 7. Replace "and notice" with "shall be prepared in accordance with 40 CFR § 268.7(b)(4)(iv)". Line 8. Add ", as required by 40 CFR § 268.7(b)(5)". Returning the language to that included in the permit renewal application more directly and completely informs the Permittee regarding these requirements. Notices are ultimately covered by the last sentence, once the original language is returned.
145	176	5.6.2.2	Treatment Facility Requirements	3rd paragraph. Line 2. Replace "notification and" with "one-time". Line 3. Insert "initial" before "shipment" and insert "", as required by 40 CFR § 268.7(b)(4)". Line 4. Replace "and notifications" with "shall be prepared in accordance with 40 CFR § 268.7(b)(4)(v) and". Returning the language to that included in the permit renewal application more directly and completely informs the Permittee regarding these requirements. Lines 5 and 8. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.
146	176	5.6.2.2	Treatment Facility Requirements	The 3rd complete paragraph from page B-19 in the Waste Analysis Plan submitted as Appendix B in the permit renewal application was deleted from this draft permit. Please reinsert that information.
147	176	5.6.2.2	Treatment Facility Requirements	4th paragraph, Line 2. Replace "EOD Shop" with "EM Branch Office". The EM Branch Office will be maintaining such records, as indicated in the permit renewal application.
148	177	Table 5-1		In the line for New Mexico State Police, the words "Local and" was deleted from the table provided in the permit renewal application. KAFB may accept waste from this potential waste generator; therefore, it should be reinserted. A line for "Government Contractors" was also deleted from the table provided in the application. Please reinsert.

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149	178	Table 5-2		Add "Acceptable Knowledge" back into the lines for barium, chromium, lead, and mercury; VOCs, and SVOCs. Add the other metals listed in permit application Table B-4 (arsenic, cadmium, selenium, and silver); this will reflect all the metals listed on page 6 of 7 in the Part A. Replace the rationale for VOCs and SVOCs with that provided in the permit renewal application Table B-4. Delete Method Numbers 7080A, 7081, 7190, 7191, 7420, and 7421 for the specific metals, and add Method 7000A, as shown in Table B-4 of the application. The methods that should be deleted have been have been "Noticed for removal" from SW-846. There is no need to determine TCLP metals concentrations when analyzing for VOCs/SVOCs. There is no "b" in the table; however, there is a footnote "b". There is a "c" in the table; however, there is no footnote for "c". Please correct.
150	179	Table 5-3		Footnotes b-d no longer apply, since NMED modified this table from Table B-5 included in the permit application. Delete these footnotes.
151	180 and 182	Tables 5-4 and 5-6		Table 5-4 is very similar to Table 5-6. Why are there 2 tables addressing LDR requirements for generators, and why was Table B-6 provided in the permit renewal application revised to come up with these 2 tables? Delete and replace with Table B-6 provided with the permit application.
152	181 and 183	Tables 5-5 and 5-7		Table 5-5 is very similar to Table 5-7. Why are there 2 tables addressing LDR requirements for treatment facilities, and why was Table B-7 provided in the permit renewal application revised to come up with these 2 tables? Delete and replace with Table B-7 provided with the permit application.
153	184	6.0	Introduction	1st paragraph, Line 3. Add "or the environment" after "human health". 2nd paragraph, Line 9. Add "or the environment" after "human health".
154	184	6.1.1	Sampling Schedule and Frequency	1st paragraph, Line 2. Replace "24" with "72", per information provided in the permit renewal application. If a treatment event were to occur on a Friday, sampling would not be conducted until at least Monday, and the "24" hour requirement is, thus, too strict. In the 1st sentence, it states that sampling is typically conducted during the summer months; however, in the 2nd sentence, it states sampling shall occur following the last treatment event "for the calendar year". This is contradictory if a treatment event occurs in December and sampling is typically conducted in the summer months. Delete "for the calendar year" in Line 3.
155	185	6.1.2	Strategy and Analytical Parameters	Top of page, Line 4. The dimensions of the grid in the permit renewal application were 500-foot by 500-foot, and Figure I-2 submitted in the application reflected these dimensions. NMED changed the dimensions to 150-foot by 150-foot; thus, NMED should modify Figure 6-2 in the draft permit to reflect these new dimensions.
156	185	6.1.2		Table 6-2 lists benzene as a parameter for analysis; however, Line 2 in the 1st complete paragraph requires SVOC analysis. Benzene is a VOC. Thus, "semi-" in Line 2 should be deleted. Also, Table 6-2 should be referenced in this paragraph.
157	185	6.1.3	Sample Collection	1st paragraph, Line 2. Insert "Protection" after "Environmental". Is NMED referring to SW-846 here? (There are EPA references cited, but there is no list of references.)
158	185	6.1.3		Sample collection procedures for white phosphorous are specific, as indicated in the permit renewal application, page I-3, 4th bullet. This information should be added back into the permit to call special attention to the requirements for such sampling.

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159	186	6.1.3.3	Sample Handling, Documentation, & Custody Procedures	2nd paragraph. This paragraph was not included in the application. It cites EPA (1998); however, no list of references is included in the permit. If NMED is referring to SW-846, this fact should be added to the paragraph.
160	187	6.1.3.3		Top of page, Items 5 and 6. It is not necessary to include this information on the sample labels, as it is noted on the chain-of-custody and request for analysis form(s). Delete these items.
161	187	6.1.3.3		1st complete paragraph. Delete. Having the sequence for affixing labels to containers should not be a permit condition. Labels may be affixed to containers after a sample is collected, especially if the outer surface of the container needs to be wiped off prior to affixing labels.
162	187	6.1.3.3		2nd complete paragraph, 1st sentence and Item 1. Delete. The number of people on a sampling team are typically limited to few in number, so only a few people would handle samples. Suggest combining Items 2 and 3 into a paragraph.
163	187	6.1.3.3		Item 5 following 5th paragraph. Delete "Date and time of sample collection;". This same language is already in Item 6.
164	188	6.1.3.3		Item 3 following 2nd paragraph. If split samples are being collected, isn't it the responsibility of the facility or government agency requiring split samples to fill out a separate CoC record? Add this to Item 3 or delete.
165	188	6.1.3.3		Item 2 following 3rd paragraph. Delete Item 2. A laboratory ID number is not necessarily assigned at the time of relinquishing samples to the analytical laboratory.
166	188	6.1.3.4	Sample Shipping	Line 3. Replace "sampling" with "samples".
167	189	6.3.1	QC Targets	All paragraphs. Percent is one word; "per-cent" should be replaced with "percent". NMED added this section, but does not cite where the target values were obtained. This information should be added, or discussions of these targets deleted.
168	190	6.4.2	Contents of Analytical Data Report	Item 4. Delete. The analytical laboratory would not know the specific sample location. Instead, the location would be known by the field sample identification number (Item 3).
169	191	6.4.2		1st complete paragraph and Items 1-5. This paragraph and the numbered items would not be part of an analytical data report. This information should either be moved to become the second paragraph of Section 6.4 or deleted. Deletion is preferred, as what goes on in the analytical laboratory is already covered in Section 6.4 and this should not be a permit condition for KAFB.
170	193	Table 6-1		NMED replaced the method for TPH (8015B in the application) with 418.1 and 3550. Method 3550 is an extraction method, and Method 418.1 is not currently listed as an EPA-approved method. What is the justification for this change in methods?
171	194	Table 6-3		For metals, Lines 8-11 are duplicates of Lines 4-7. Delete.
172	195			For high explosives, "and Perchlorate" should be deleted (it is not on Table 6-1). The line above "Surrogate recoveries" appears scrambled (e.g., "Once per batch of up to 20 samples" is in the QC column rather than the Frequency column), and "MS duplicate/" should be inserted before "laboratory control" in this line. "Sulfides" should be deleted (it is not on Table 6-1).
173	196			"Total Organic Carbon" should be deleted (it is not on Table 6-1). "Total Petroleum Hydrocarbons" should be added back in since it is on Table 6-1 (this information was included in Table I-3 of the permit application).

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174	197	Table 6-4		Some of the values in the SSL columns were changed from those provided in the permit application. The NMED SSL for mercury was changed from 100,000 to 341; however, in NMED's Technical Background Document for Development of Soil Screening Levels, Revision 4.0 (June 2006), the value for mercury is 100,000. Vanadium was added to the table with a value of 530; the value in Revision 4.0 is 1,140. Entries for nitrobenzene, o-nitrotoluene, and p-nitrotoluene were also changed and do not reflect the most recent SSLs. TPH was added with a value of 520; Revision 4.0 has not established a value. All entries should be revisited and the correct current values provided.
175	198	Table 6-5		Surface soil values for cadmium, mercury, and copper were changed from those provided in Table I-4 of the permit application. What is the source for these changed values?
176	200	7.0	Introduction	1st paragraph, Line 3. Revise to read "The Open Burn ... Units, located at the Explosive Ordnance, ..." The EOD Range is not composed solely of the OB and OD units.
177	200	7.1	Inspection Schedule	Lines 5 & 6. Replace "Range personnel bunker" with "Shop" and delete "and at the Facility". As stated in Section C.3 of the permit application, inspection logs are maintained at the EOD Shop.
178	200	7.2.2	Frequency of Inspections	In Revision 1.0 of the permit renewal application, KAFB provided 3 separate tables which will be used for inspections at the OB and OD units and at the EOD Range. The intention was to inspect for items specific to each unit and specific to the EOD Range overall. Replace Table 7-1 in the permit with the 3 separate tables, and reference the 3 tables in this paragraph. Inspections are done monthly and before and/or after each treatment event. Insert "/or" before "after" in Line 1.
179	201	7.3	Inspection Records	Line 4. Replace "Range personnel bunker" with "Shop". As stated in Section C.3 of the permit application, inspection logs are maintained at the EOD Shop.
180	Table 7-1			See comment regarding Section 7.2.2 above.
181	203	8.1	Purpose & Implementation	1st paragraph. Add "outside the EOD Range" at the end of the last sentence. As stated in Section E.1 of the Contingency Plan included in the application, KAFB will handle minor incidents (i.e., those which can be controlled with EOD Range resources and do not threaten human health or the environment outside the EOD Range boundary) with trained EOD personnel, and response to minor incidents is not considered activation of the Contingency Plan.
182	203	8.1		2nd paragraph, 1st sentence. Delete. See comment above. Revise paragraph accordingly (see permit application language in Section E.1 of the application).
183	203	8.1.1	Distribution	2nd paragraph, Line 2. Replace the 1st "EOD" with "EM Branch", and replace "at the personnel bunker at" with "in a vehicle driven to". Insert "for each planned treatment event" after "EOD Range". The personnel bunker is not the best location for storing any kind of records (e.g., potential rodent infestations, which could threaten human health).
184	204	8.1.2	Operations & Activities at the OB/OD Units	Top of page, Line 6. Replace "EC/RSO" with "generator and EOD personnel". 2nd complete paragraph, Line 5. Add "if the material is of a classified nature or contraband" to the end of the sentence. This will more accurately reflect the language included in the permit application.
185	204	8.1.4	Support Agreements with Outside Facilities	40 CFR § 264.37 requires a facility to attempt to make arrangements with local authorities. However, neither 40 CFR § 264.37 nor 40 CFR § 270.14 require documentation of those attempts. Delete the permit condition requiring the Permittee to maintain documentation of failed attempts to obtain agreements with various outside facilities.

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186	205	8.3	Response Procedures	1st paragraph, Line 3. Replace "EC" with "Base Civil Engineer". Line 4. Insert "or Base Civil Engineer" after "EOD RSO". Line 7. Delete "control to the KCP, which may in turn relenquish (sic)". The sequence of events was described in Section E.3 of the application, and should be maintained in the permit.
187	205	8.3		2nd paragraph, Line 3. Insert "during an incident or emergency" after "assistance". Line 4 and Items 1-3. The way NMED has changed the language from that provided in the application is confusing. Return to the language provided in the application or else add "unless" after "Unit:", delete "When" in Item 1, delete "Until" in Item 2, and "and/or" at the end of Item 2, and delete "Until" from Item 3. As currently written in paragraph 2 and Items 1-3, an inspection could never be conducted.
188	205	8.3		3rd paragraph, Item 1. Delete "To".
189	206	8.3		1st complete paragraph, Line 2. The permit condition requires a person to be assigned to stand by at a safely located telephone. Telephones are not required emergency equipment at the EOD Range. Revise permit condition to read "In the event that the EOD RSO determines an incident or an emergency to be minor, a person shall be assigned to stand by with a hand-held radio at a safe distance."
190	206	8.3		After the 1st complete paragraph, insert the language included in the permit renewal application on pages E-5 and E-6, beginning with "For the following reasons, most unplanned incidents involving the EOD Range will initially be considered minor incidents:" and include the 4 bulleted items included therein.
191	206	8.3		2nd complete paragraph, Line 2. Insert "and activate this Contingency Plan" after "846-3777". Line 4. Delete "and the Department". 40 CFR § 264.56(d) only requires notification to the National Response Center.
192	206	8.3.1	Spills	Line 1. Insert "liquid" after "If any". Solid form wastes would not require spill cleanup measures included in this permit condition because they would not contaminate any media. Line 5. Delete the sentence beginning with "Waste not authorized". If a waste is not authorized for treatment by OB or OD, it will not be accepted for treatment in the first place, and it would be up to the generator to manage the path forward for the waste.
193	207	8.3.4	Unplanned Fire etc.	Line 4. Replace "occurs" with "threatens areas outside the EOD Range boundary", as indicated in the permit renewal application. Line 4. Insert "in this situation" after "activated", as indicated in the application.
194	207	8.3.6	Evacuation	Replace "two-way" with "hand-held", as indicated in the application.
195	208	8.3.6.2	Evacuation Route	Line 3. Delete "EOD office" and replace "EC" with "RSO". There is no need to post the evacuation route at the EOD Shop (office), as it is not located near the EOD Range.
196	208	8.5.1	Post-Emergency Inspections & Activities	Item 1. Replace "EOD RSO" with "EC", as indicated in the permit renewal application. Insert "that requires implementing the Contingency Plan" after "emergency", as indicated in the application.

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197	209	8.5.2	Post-Emergency Reports	Item 2. Delete "or" in the first line, or delete "emergency or incident" instead. 40 CFR § 264.56(j) requires "a written report". Item 2a. Delete ", the EOD RSO, and the EM Branch Chief of Compliance". 40 CFR § 264.56(j)(1) requires the name, address, and telephone number of the owner or operator, not the others listed in this item. Item 2b. Replace "responsible official" with "EOD Shop", as indicated in the application. 40 CFR § 264.56(j)(1) requires the name, address, and telephone number of the facility, which in this case is the EOD Shop (as they are in charge of the EOD Range).
198	210	8.5.3	Emergency Response Evaluation	Item 1. Delete ", or applications,". 40 CFR § 264.54(a) requires an amendment of the contingency plan only when "The facility permit is revised". It does not require amendment of the plan when applicable regulations are revised. Item 4. Add "significantly" after "changes". Minor changes to the list of emergency equipment should not force amending the plan.
199	210	8.5.3		Lines 2 and 3. Delete the sentence beginning with "A copy of". See related comment regarding Section 8.1.1 above.
200	211	Table 8-2		The permit renewal application does not list a demolition kit, spill containment kit, eye wash kit, or brooms in the list of required emergency equipment. Delete these items from Table 8-2. Eye washes are included in first-aid kits. Delete "-- ABC" from the fire extinguishers entry. See comment related to Section 2.2.4 above. Replace "Two-way" with "Hand-held" in the first line, as indicated in Table E-3 of the permit renewal application.
201	212	Table 8-3		Under Medical Supplies, replace with the language submitted in Table E-4 of the permit application, and delete the second sentence. Under Safety Supplies, delete the second and third sentences. These entries were not included in Table E-4 of the application. Under Transportation, replace with the language submitted in Table E-4 of the permit application. NMED's additions to these entries is far too specific.
202	213	9.0	Introduction	1st paragraph, Lines 3 and 4. The New Mexico Hazardous Waste Management Regulations (HWMR) are referenced in this permit attachment. To be consistent with other parts of the permit, 40 CFR regulations should be cited. In this case, replace "New Mexico Hazardous Waste Management Regulations (HWMR)" with "40 CFR § 264.16". 2nd paragraph, Line 3. Insert a period before "EOD".
203	213	9.1	Training Program	The permit condition states that training is the overall responsibility of the EOD Flight Chief and the Range Safety Officer. The permit renewal application states only that the Flight Chief is responsible. Revise to reflect permit renewal application language [i.e., delete "and the Range Safety Officer (RSO)"].
204	213	9.1.2	Training Content, etc.	Line 4. The HWMR are referenced in this section. To be consistent with other parts of the permit, 40 CFR regulations should be cited. In this case, replace "HWMR" with "40 CFR § 264.16".
205	213	9.2	Training Director	Line 4. The HWMR are referenced in this section. To be consistent with other parts of the permit, 40 CFR regulations should be cited. In this case, replace "HWMR" with "40 CFR § 264.16".

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206	216	10.0	Introduction	1st paragraph, Line 3. Delete "and approved by the New Mexico Environment Department (Department)" (i.e., return to the language included in the permit renewal application). NMED does not certify closures; a registered professional engineer does. Lines 4 & 5. The New Mexico Hazardous Waste Management Regulations (HWMR) are referenced in this permit attachment. To be consistent with other parts of the permit, 40 CFR regulations should be cited. In this case, replace "New Mexico Hazardous Waste Management Regulations" with "40 CFR Part 264, Subpart G" or with "40 CFR § 264.115".
207	216	10.1	General Closure Information	The plan was also prepared in accordance with Subpart H. Insert ", H," after "Subparts G", as indicated in the permit renewal application.
208	216	10.1.1	Closure Performance Standard	The last paragraph from Section F.1.1 included in the application, which summarizes how the closure performance standards will be met, was deleted. Reinsert that paragraph.
209	217	10.1.3	Maximum Extent of Operations	1st paragraph, second sentence. NMED added this sentence. However, closure activities will be limited to the inner fenced area (the area containing the units). Anything beyond that area would be covered by corrective actions. Clarify or delete.
210	217	10.1.3		2nd paragraph, Line 1: Revise to read "No more than 100,000 lbs NEW of hazardous wastes...". Line 2. Revise to read " No more than 80,000 lbs NEW of hazardous waste...". These changes will reflect the correct language, as indicated in Section F.1.3 of the application. Line 3. Replace "present" with "2005". The maximum inventory (of 151,000 pounds) was an estimate when the revised permit renewal application was submitted to NMED in December 2005.
211	217	10.1.5	Amendment of the Closure Plan	1st paragraph. 40 CFR § 264.112(c) requires the owner/operator to submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan; the written notification or request must include a copy of the amended closure for review or approval. This language was deleted from the first paragraph. Revise to reflect language in Section F.1.5, paragraph 1, of the permit renewal application.
212	217	10.1.5		Item 5 requires closure plan amendment for "Changes in state law that affect the Closure Plan..". 40 CFR § 264.112(c)(2) does not require amendment of the closure plan in response to changes in state law; it requires an amendment to the plan only for conditions in Items 1-4. Delete Item 5.
213	218	10.2.1	Closure Report	Item 1. The certification is not described in Section 13.1.7. Replace "13.1.7" with "10.2".
214	219			Item 9 requires a survey plat. The 40 CFR § 264.116 survey plat requirements pertain only to hazardous waste <i>disposal</i> units. The OB and OD Units are not hazardous waste disposal units; therefore, a survey plat is not required. KAFB does not intend to let waste remain after closure. Delete Item 9.
215	219	10.2.2		Delete this permit condition section. See previous comment for justification.
216	219	10.3	Closure Procedures	2nd paragraph, Line 1. Replace the second "of" with "at".
217	219	10.3.1	OB Unit	The first paragraph of Section F.2.1 included in the permit renewal application was deleted. That paragraph discussed using swipe sampling as the first step in closing the OB unit. Swipe sampling has been used successfully for closures at other federal facilities in New Mexico. Reinsert that paragraph to allow for swipe sampling.

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218	219	10.3.1		1st paragraph, Line 1. Insert "If the analyses indicate that decontamination is necessary," before "The steel container". The steel container will be washed down only if results from swipe sampling indicate a need for decontamination by washing. Delete "and Open Detonation Unit". This section describes closure procedures for the OB unit, not the OD unit.
219	219	10.3.1		2nd paragraph, Line 1. Delete "warm". There is no need for the detergent and water solution to be "warm" to be effective in decontamination. Line 5. Delete "wash or". The wash water may have toxicity characteristic contaminants; if so, the data will be used for subsequent management of the wash water. Data from the rinse water will determine if any contaminants remain on the steel container and another wash/rinse cycle is required. Line 8. Delete "wash and" for the same reason.
220	220	10.3.1		1st paragraph, Line 1. Insert "(if necessary)" after "decontaminated". See first comment related to 10.3.1 above for justification. Line 4. Delete "wash and". See comment above for justification.
221	220	10.3.1		3rd paragraph, Line 2. There are no background levels for organics and HE. Revise appropriately (see 4th paragraph of Section F.3 in the permit renewal application). Line 7. Replace "residential" with "industrial". The 1st paragraph in Section 3.5 of Part 3 in this draft permit states "industrial scenario", which is justified. The EOD Range at KAFB will not be converted to residential use.
222	220	10.3.1		5th paragraph. Line 2. Replace "as hazardous waste" with "appropriately". Second sentence. Delete. PPE won't necessarily become hazardous waste. To assume the PPE is contaminated with all the hazardous waste constituents ever treated at the OB unit is not justified.
223	220	10.3.2	OD Unit	Line 2. Soil sampling procedures are described in Section 10.4.1. Replace "10.3" with "10.4.1". Line 5. There are no background levels for organics and HE. Revise appropriately.
224	221	10.3.2		Line 3. Replace "residential" with "industrial". The 1st paragraph in Section 3.5 of Part 3 in this draft permit states "industrial scenario", which is justified. The EOD Range at KAFB will not be converted to residential use.
225	221	10.4	Sampling, Decontamination Procedures, & PPE	1st paragraph, Line 5. Replace "analytical" with "sampling". This section is about sampling, not analysis. Line 6. Delete "of waste". Sampling will be conducted to determine if any media are contaminated; if so, the media will be "waste". Line 8. The word "or" should not be italicized nor underlined.
226	221	10.4		Line 1. Insert "reusable" after "The". If the tools and equipment are disposable, there is no need to scrape and clean them. Line 5. Here, Tables 10-2 through 1-4 are referenced, whereas in Section 10.3.1, 2nd paragraph, Table 1 of 40 CFR 261.24 is used for wash and rinse water. This is inconsistent. Revise appropriately.
227	226	10.5.2	Waste Containers	5th bullet. Delete. This is already covered with Item 7 in Section 10.5.1.
228	228	Table 10-1		Add "Extensions to the schedule may be requested, as necessary" to the footnote, as indicated in Table F-1 of the permit renewal application.
229	229	Table 10-2		This is not the same table as Table F-2 submitted with the permit renewal application. Most of the methods NMED substituted have been "Noticed for removal" from SW-846, and the target detection limits for the few methods (7061A, 7470A, and 7471A) that have not been "Noticed for removal" do not list the correct target detection limits provided in those methods. In addition, NMED added "mg/kg" to the target detection limit column, but does not provide values in both units, and thallium is listed twice (with different detection limits). Replace this table with the original Table F-2 included in the application.

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230	230	Table 10-3		Again, this is not the same table as Table F-3 submitted with the permit renewal application. NMED has listed a range for target detection limits; however, the target detection limits in Methods 8260B and 8270C are chemical and/or compound specific. This should be reflected in the table.
231	231	Table 10-4		It appears that the target detection limits do not line up with the specific HE listed. Reformat table to align specific analyte with specific target detection limit. The last value of 1.0 in the TDL column should be deleted.
232	234	Table 10-7		The sample matrix type for equipment blanks (i.e., equipment rinsate blanks) would be water only. Delete "Soil".
233	235	Table 10-8		Add "7000 Series" to "Metals". See comment related to Table 10-2 above.
234	General			The only plans that should be included as attachments in the permit are the Waste Analysis Plan (Attachment 5,), the Soil Sampling and Analysis Plan (Attachment 6), the Inspection Plan (Attachment 7), the Contingency Plan (Attachment 8), the Personnel Training Plan (Attachment 9), and the Closure Plan (Attachment 10). The information in Attachments 1 and 2 should be reduced to reflect actual permit conditions (perhaps as a module). The information in Attachment 3 was provided to meet Subpart X requirements, and should not be included in the permit. The information in Attachment 4 needs to be replaced with the information presented on pages 6 and 7 of 7 from the Part A, which summarized the types of wastes managed at each unit.

Attachment 3 - EOD Comments

Comment #	Page #	Section #	Comment
1	1	1.2	Permit states we cannot detonate/burn guns and contraband, but doesn't site why. We currently dispose of weapons for various agencies that would be affected by this rule.
2	2	1.2.1	Remove "The Permittee must also comply...imposed by statute or rule" It isn't EPA's place to govern self-implementing rules that are out of their purview. This would give them grounds to fine us on anything we are doing above and beyond the permit
3	2	1.3	The way we read this title NMED only has to state the federal regulations but can fine us on New Mexico regulations without having to print them. All regulatory guidance should be in the permit.
4	4	1.6	"Facility"--Identifying all of Kirtland as the facility would make us responsible for all agencies external to the Range complex. This permit should be governing our methods in the waste disposal process and the range
5	7	1.10	This paragraph while loosely pertains to the EOD complex, largely refers to areas not associated with the EOD complex and needs to be removed from our permit.
6	9	1.19	Define "reasonable time" and "relevant information"
7	10	1.20	Define what "equipment (including monitoring and control equipment)" is
8	10	1.21.1.	General Revision. We don't and can't sample munitions
9	10-11	1.21.2	Complete revision. None of these requirements make sense from a munition disposal stand point
10	11	1.21.3	What are we monitoring?
11	16-17	Table 1-1	Add agency(ies) that is responsible for actions. The "Permittee" is a broad term
12	21	2.1	If a situation arises that a det or burn cannot be completed the City gives us 2 wks- Why only 24 hrs from EPA? Do they have jurisdiction regarding such event?
13	22	2.2.3	Assigning names to standard waste facility job descriptions wouldn't be in our best interest as the personnel change with every operation. Locking in certain individuals with specific jobs would be asinine as every week we would have to submit documentation to the State
14	Throughout	i.e. 2.4.2	No documentation will be kept at the EOD personnel bunker. Unfit for document storage
15	29	2.6.2.	How does this apply to us?
16	31	2.7.1.	A map was submitted with application. Facility mean KAFB, do they want an updated map of that. It would make more sense to update a map with the OB/OD unit only????
17	Throughout	i.e. 2.7.4	Responsibilities need to be clearer. The "Permittee" is the DoD, is every DoD entity responsible to submit documentation? Understandable tasks need to be laid out.
18	Throughout	i.e. 3.1	OB unit = 3,000 lbs IAW base site plan (80,000 annual is ok) OD unit = (1,500 lbs is ok) 100,000 lbs annual (not 18,000 lbs) and 1,000,000 lbs for Permit term not 180,000
19	Throughout	i.e. 3.1	Take out "200 lbs cased munitions" requirement, this was an old self-imposed rule and may be waived as experience dictates proper disposal methods
20	38	3.2.1.	It is impossible to cover or create a secondary containment system for the OD unit

Comment #	Page #	Section #	Comment
21	38	3.2.2	Same as previous, we cannot prevent precipitation from entering OD unit at any time or control OB unit 24 hours after an operation
22	39	Page	How can EPA govern these actions-no citation. These are AF/self-imposed safety features
23	40	3.2.5.2.	Take out "24 hour" rule for cleaning the burn pan, this is an almost impossible task. Suggestion would be adding the "reasonable time" word. Who collects and samples waste
24	40	3.2.5.3.	There is no inner fence around the OD/OB unit. Take out requirement after each detonation to clear entire Pad, rather make it an annual requirement. Manning doesn't allow for such an operation post-operation.
25	45-120	Part 4-6	Take out except where specifically related to the treatment of hazardous waste at the OB/OD unit
26	122-123	1.3 all	How does this apply to treating hazardous waste at the OB/OD?
27	138	2.1.2	The three strand fence was removed from the OB/OD unit as it is not required.
28	139	2.2.1.	Take out Para 3--The EPA can not and should not set EOD and visitor limits
29	140	2.2.2	Take out Para 2 as air sampling is a city issue not a state requirement
30	140-142	2.2.3.- 2.2.6.	Consider re-wording. EPA shouldn't govern the concept of operations on the EOD range. The way these paragraphs read is if Step 2 was out of order then we can be fined. In addition the Dept shouldn't govern explosive transport routes nor explosive operations unless directed by 40 CFR (which their isn't any citations for these paragraphs.
31	145	2.4.5.	Who keeps support agreements??
32	145	2.4.6.	Take out Para 2. EOD is not the only authority that can transport to the EOD range. Manning levels make this an impossible task.
33	147	2.5./2.6.2	There is no inner fence and therefore we cannot put up a No Smoking sign. As part of the safety brief given prior to each operation, each individual is instructed there is no smoking on the EOD range.
34	148	2.7.1.(h)	Air emissions is a city requirement and not a mandatory record
35	157	4.0	also precluded us from destroying guns and other evidentiary materials for many law enforcement entities. For many units the EOD unit is the only unit that can safely and securely destroy these items.
36	157-164	Table 4-1/2	These list shouldn't be all inclusive, rather a guide to be left to the expertise of the treating unit. Not all explosive that EOD could potentially come in contact with are listed here, as it would be almost impossible.
37	200	7.2.2	Entire range inspections should occur prior to each detonation or monthly, which ever is more frequent.
37	202	Table 7-1	See previous statement and revise
38	203	8	In case of major accident the FD should be contact first. KCP notification would occur after initial life saving calls are made.
39	204	8.1.4	Who is required to maintain these and are they need as KAFB is self contained in emergency situations
40	206	8.3.	Accident scenario the FD is called and is ER coordinator and where is the requirement to call the NRC for and explosive accident on a military installation?
41	211	Table 8-1	Need additional Emergency coordinator. The EC is not the Range Safety Officer, that is the 7-level EOD technician on scene during explosive operations.
42	213	9.1.1	See comment #13

Comment #	Page #	Section #	Comment
43	Throughout	Text	Throughout this permit, the words "This Permit Condition shall not be construed to limit the Dept's authority..." From our understanding this means even if a condition is not in the Permit, and we don't know about it, the "Dept" can fine us without reprieve.. In addition, how can the Dept hold us to rules that are "self-imposed" or imposed by another governing body?
44	Throughout	Text	The language throughout this Permit isn't "public" friendly. Re-write so all users, who are not EPA type can understand. This would alleviate a lot of confusion when it comes to compliance
45	Throughout	Text	Re-number paragraphs. Some are numbered while others are not. When making reference to another paragraph, site the exact reference paragraph to eliminate confusion.
46	Throughout	Text	"Compliance with this Permit...." (pg 2 para 1.2.1.) Compliance with the Permit is the only defense we have. The permit is our operating guidelines. If we can't stand on it, why do we have it?????
47	30	2.6.6-2.6.7	These sections, Air Emissions & Off-site shipment, are city governed and does not apply, respectively.
48	40	3.3.2	Whose responsible?