

Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
1.1	DEQ requests that RFAAP perform a new risk assessment for the incinerators. The extent of revisions to the prior assessment should be determined from DEQ guidance.	<p>RFAAP does not believe that new emissions sampling is necessary, as no changes have been made to the waste groups incinerated and no changes have been made to the incinerator design. RFAAP believes that new air modeling may be warranted given the availability of new weather data adjacent to the facility.</p> <p>DEQ agreed on performing new air modeling. They expressed two concerns regarding stack testing: 1) emissions analyses were not conducted by a VELAP lab (as VELAP did not exist at the time), and 2) improved detection limits could result in the inclusion of compounds that were previously excluded because they were non-detect. In a subsequent review, DEQ indicated the old risk burn data would be sufficient provided that detection limits are acceptable and quality criteria can be satisfied.</p> <p>On the issue of detection limits, RFAAP indicated that little data is available to compare because risk-assessment like testing is generally not being performed anymore. However, RFAAP will compare detection limits in the risk burn for dioxins/furans and metals to those achieved in the latest CPT.</p>	RFAAP will provide a comparison between detection limits from the risk burn to those from the latest CPT.		✓	120 days
			DEQ to review the detection limit study and provide final direction on stack testing requirements.	✓		To be determined based on DEQ resource availability
			RFAAP will prepare a risk assessment protocol pending final direction on stack testing requirements.		✓	To be determined based on DEQ response to detection limit study
1.2	DEQ requests that RFAAP submit a traffic flow diagram with the application as required by Part 270.	<p>No current traffic diagram was available for the site. RFAAP is creating one. The map will be centered around the incinerator area. It will not be a traffic map for the entire RFAAP property.</p> <p>DEQ agreed that this was acceptable.</p>	RFAAP to create the traffic map and submit it for DEQ review.		✓	90 days

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1.3	DEQ requests that a written tank assessment be included for the slurry tanks.	RFAAP has been unable to locate the prior assessment and is scheduling a new assessment to be performed. Discussions were had on the need for future assessments (are these required once per Permit term, etc.?) Under process safety management (PSM), the tanks will likely be inspected every three years.	RFAAP will complete an initial inspection for the permit application and will repeat this inspection every three years in conjunction with the PSM inspections.		✓	90 days
1.4	DEQ requests that the closure plan include language outlining the process required for extending the closure process.	RFAAP expressed concern over including direct regulatory language in the Permit as opposed to simple regulatory references. (This makes the Permit a static document rather than one that evolves with regulatory changes). DEQ feels that the Permit should be static, reflecting the status of the regulations at the time of issuance.	RFAAP will modify the closure plan to include the requested language.		✓	90 days
1.5	DEQ requests that material be added to the closure plan that describes sampling of secondary containment structures.	RFAAP directed DEQ to the language provided under Section II.F.5c of the plan on Page II.F-24. DEQ concurred that this language is sufficient.	None required.	--	--	--
1.6	DEQ requests that the closure plan include language outlining closure risk assessment procedures and references.	RFAAP expressed concern over including direct regulatory language in the Permit as opposed to simple regulatory references. (This makes the Permit a static document rather than one that evolves with regulatory changes). DEQ feels that the Permit should be static, reflecting the status of the regulations at the time of issuance.	RFAAP will modify the closure plan to include the requested language.		✓	90 days

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				DEQ	RFAAP	
1.7	DEQ does not concur with the modifications made by RFAAP to Module I, as the components of this module are boilerplate language for all permits.	<p>RFAAP expressed concern over missing regulatory citations and site-specific considerations. Specifically,</p> <ul style="list-style-type: none"> - Adding regulatory citations removes ambiguity with compliance requirements - Adding language to allow site-specific sampling methods is necessary as our streams require unique handling. <p>DEQ understands these concerns and recommended that a section be added to the end of Module I that adds the non-boilerplate information.</p>	RFAAP will prepare a modified Module I that contains a list of regulatory references at the end of the boiler plate section, as well as any other clarifications they feel are necessary.		✓	90 days
1.8	DEQ expressed concern over the change in the application from “stored and treated” when describing hazardous waste operation to “managed”.	In general, RFAAP understands this comment. However, we need to review each instance to make sure that none of the changes were made to correct erroneous descriptions.	RFAAP will review all changes to see if any require further discussion. Pending none, then RFAAP is okay with implementation.		✓	90 days
1.9	DEQ noted that the application still references ATK in several places.	RFAAP will review the permit application and remove any remaining references to ATK.	RFAAP will make the requested revisions.		✓	90 days

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				DEQ	RFAAP	
1.10	DEQ did not concur with the removal of SOPs or their references from the permit application.	<p>RFAAP believes that inclusion of the SOPs in the Permit either by attachment or reference unnecessarily increases the compliance burden. (Significant discussion over SOP steps that do not relate to environmental compliance and making them RCRA requirements by inclusion in the Permit). Export control and confidentiality requirements were also discussed at length. In further discussions concerning rules and regulations addressing confidential business information and International Traffic in Arms Regulations (ITAR), RFAAP expressed concern over DEQ management and compliance with the ITAR requirements. (Anything that is subject to ITAR has to be protected from non-US citizen review, etc.).</p> <p>In light of these considerations and discussions on how the SOPS were used (or rather not used) to ensure environmental compliance, DEQ concurred that their inclusion in the permit either by reference or actual inclusion was not necessary. (This is further supported 40 CFR Part 264 and 270, which do not require inclusion of the SOPs). SOPs should be maintained onsite for inspection and review; however, no references to them need to be included in the Permit.</p>	None required.	--	--	--

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				DEQ	RFAAP	
1.11	DEQ did not concur with the removal of inspection checklists or logs from the permit application.	<p>RFAAP believes that inclusion of the daily logs or inspection sheets in the Permit unnecessarily increases the compliance burden. As neither 40 CFR Part 264 or 270 require inclusion of the actual inspection forms, RFAAP believes that descriptions of the forms and checklists should be appropriate.</p> <p>DEQ concurred that the logs and checklists themselves do not need to be included but a description of the inspection schedule should be. DEQ clarified that by not including the checklists, RFAAP is assuming the burden of ensuring that their checklists match the inspection schedule provided in the Permit.</p>	RFAAP will provide examples of their current checklists for DEQ to compare to the inspection schedule. In the future, if any significant changes are made to an inspection sheet, RFAAP will provide an example to DEQ to confirm that it covers all required information. However, all parties agreed that neither these example checklists nor direct references to form numbers, etc., will be included in the Permit.		✓	90 days
2.1	An incorrect citation was included in the Permit application.	None	The citation will be corrected		✓	90 days
2.2	RFAAP removed required records from the record retention requirements in Module II. These record requirements should be reinstated.	The language in question was inadvertently moved from the five-year retention section during the markup of the Permit.	RFAAP will return the language in question to the five-year retention section.		✓	90 days
2.3	DEQ requests that boilerplate language regarding new tank additions be included in the Permit application.	<p>RFAAP contends that this information is not appropriate as they have no new tanks at the facility. The requested language should be added if and when RFAAP submits a Permit modification request to add new tanks.</p> <p>DEQ indicated that the language has to be included in the Permit, as it is boilerplate language and standard in all VDEQ permits.</p>	RFAAP to add the requested language to the permit application.		✓	90 days

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				DEQ	RFAAP	
2.4	DEQ requests that language concerning the proximity of RFAAP to nearby communities be returned to the Permit application.	<p>RFAAP does not believe this specific level of detail is necessary to satisfy the facility location provision of 40 CFR § 270(b)(11) but noted that this information is shown on the topographic maps included to satisfy 40 CFR § 270(b)(19). Furthermore, considering the continuously growing extents of our surrounding community, any such information could easily become inaccurate and outdated.</p> <p>DEQ contends that this information is appropriate to describe the physical location of the facility to nearby communities. The topographic map location data is not sufficient.</p>	RFAAP will add an updated version of this text to the application.		✓	90 days
2.5	DEQ questioned the removal of two buildings from the treatment and storage area description provided in the application.	<p>RFAAP clarified that Building 431 is the old incinerator control room. The building is used as a storage shed to store miscellaneous equipment and supplies. It is not part of the incineration process. Building 447 is the current incinerator control room.</p> <p>After discussion, DEQ concurred that Building 431 could be removed from the description. Building 447 should remain.</p>	RFAAP will modify the text to include Building 447 and exclude building 431.		✓	90 days
2.6	DEQ requests that struck language concerning otherwise applicable RCRA and HWC MACT requirements be added to the application.	<p>RFAAP expressed concern over including a general reference to a broad regulatory requirement instead of specific citations of regulatory requirements (and the ambiguity that could create in the duty to comply).</p> <p>DEQ explained that the Permit is not inclusive of all RCRA requirements and despite the broad nature of the reference, RFAAP is obligated to fulfill all requirements, regardless of whether they are specifically detailed in the Permit.</p>	RFAAP will add the requested language.		✓	90 days

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				DEQ	RFAAP	
2.7 (NRU)	DEQ expressed concern over the management of NRU wastes and proper handling of these under the RCRA program.	<p>RFAAP explained that management of these materials falls under the military munitions rule (MMR). Specifically, RFAAP contends that under the MMR, the material is not a waste until it is removed from storage with the intent to destroy. Specific reference was provided to both regulatory language and preamble language.</p> <p>DEQ disagrees with this interpretation and believes that the materials should be handled as off-site waste and their management at the RFAAP constitutes the management of off-site wastes.</p> <p>Upon further internal investigation, RFAAP determined that the primary purpose of NRU transfers would occur only in emergencies involving military munitions or explosives. We believe these situations can be handled separately under the provisions of 40 CFR §§ 264.204 and 270.61 . Therefore, any necessity for including NRU wastes or reference to them in the RCRA permit application for the incinerators is removed. As such, all NRU references will be removed.</p>	RFAAP will remove all references to handling NRU material from the EWI permit application.		✓	90 days

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				DEQ	RFAAP	
2.7 (Tenants)	DEQ expressed concern over the addition of tenant waste management to the Permit.	<p>RFAAP explained that the tenant waste issue was handled during the last Permit modification. DEQ was not looking at that version of the Permit when reviewing the permit application, as it was made after the application was submitted. In light of this, RFAAP does not believe any further information is necessary to facilitate tenant waste.</p> <p>Note on required notifications. Per the referenced Class 1 permit modification in August 2012, RFAAP must notify DEQ when they intend to incinerate tenant wastes. All existing tenant wastes at the time of the modification were henceforth approved. After August 2012, any new tenant wastes must be approved on a case by case basis prior to incinerating them for the first time. (Note this modification applies only to wastes that can be classified into one of the existing waste groups in RFAAP's permit. Any wastes that do not meet this classification would require a permit modification before they could be incinerated).</p>	<p>DEQ will modify the Permit language to be consistent with the latest modification (and allow tenant waste management), changing the language from:</p> <p><i>“Only wastes generated at RFAAP by the permittees may be stored or treated at the permitted treatment and storage areas”</i></p> <p>to</p> <p><i>“Only wastes generated at RFAAP may be stored or treated at the permitted treatment and storage areas.”</i></p>	✓		90 days
2.8	DEQ requested that the struck Auer land use analysis be included in the revised application.	RFAAP does not believe that this type of analysis (or level of detail) is necessary to satisfy the requirements of 40 CFR § 270(b)(19). DEQ concurs that a specific Auer land use analysis is not required but contends that a textual description of land use is required.	RFAAP will add a discussion to the permit application that provides a textual description of the information displayed in Figure II.A-4.		✓	90 days
2.9 2.10	DEQ expressed several concerns regarding the topographic map submitted with the permit application.	RFAAP provided explanation for the maps that were provided and concurred that a wind rose was absent from the map as indicated.	RFAAP will add a windrose to the topographic map.		✓	90 days

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2.11	DEQ requested that a higher resolution flood map be provided with the application.	RFAAP explained that the floodplain boundaries provided are those specified by FEMA for the flood rate insurance map for the area. More "sharply" clarified boundaries for this data are not available. DEQ agreed this data was acceptable.	None.	--	--	--
2.12 2.13	DEQ requested further information to facilitate management of NRU and tenant waste.	See prior discussions on NRU and tenants waste management provided with NOD 2.7.	See action items provided with NOD 2.7.		✓	90 days
2.14	DEQ requested that further information be included on characterization of the wastes (for risk assessment purposes).	RFAAP explained that the information provided in Section II.B.2 and Table II.B-1 is sufficient to properly classify the wastes for RCRA. Given that no constituent feed rate limits for metals, chlorine, ash, etc., remain under the RCRA permit, no further characterization of the wastes should be required for management under this Permit. DEQ indicated that this information may be required depending on the results of the risk assessment. (For example, if feed rate limits are required for a constituent, information on that constituent will need to be included in the description). In discussion, RFAAP and DEQ agreed that the need for further detail should be tabled pending the results of the risk assessment.	None at this time. Issue will be revisited following completion of the risk assessment.	--	--	--

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2.15	DEQ requested that further information be included on the previously referenced "sampling plan."	<p>RFAAP explained that the referenced "sampling plan" was never developed outside the context of the Permit or the standard operating procedures as a standalone document. Therefore, they removed the misleading reference and added language to describe the sampling that is performed.</p> <p>DEQ agreed that this was acceptable.</p>	None required.	--	--	--
2.16	DEQ requested that information on the higher heating value and viscosity of the wastes be added to the waste characterizations.	<p>RFAAP explained that the parameters of higher heating value and viscosity are not appropriate indicators of combustion for the wastes that they incinerate. RFAAP's wastes are subautogenous in that they do not support their own combustion. All of the "heat" for the incineration operations is provided and maintained by the natural gas burners. The minimum temperature limits in MACT assure adequate combustion. The viscosity of the waste is more relevant to liquid wastes that are incinerated through waste nozzles located in burners themselves. The RFAAP wastes do not enter the combustion chamber through the burner. They enter the combustion chamber on the opposite side of the front face of the burner and are fired through an externally atomized nozzle.</p> <p>Given these explanations, DEQ indicated that the information was not required but did request some discussion on this in the NOD response letter.</p>	None required. The information clarified in RFAAP's response is sufficient.	--	--	--

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2.17	This NOD clarified the methods used for waste analysis as understood by DEQ.	Information stated is correct. There is no standard established for compatibility testing, and material compatibility is established by the Department of Defense during product military standard development.	RFAAP to modify the procedural descriptions to reflect issues on compatibility testing identified in NOD 2.20.	--	✓	120 days
2.18(a)	This NOD clarified the waste sampling methodology as understood by DEQ.	The referenced procedure has been revised to include more frequent sampling.	RFAAP will update the language in the application to match the current procedure.		✓	90 days
2.18(b)	These NODs clarified the method used for waste compatibility assessments.	Information stated is correct. There is no standard established for compatibility testing, and material compatibility is established by the Department of Defense (DOD) during product military standard development.	RFAAP to modify the procedural descriptions to reflect issues on compatibility testing identified in NOD 2.20.	--	✓	120 days
2.18(c)		<p>DEQ expressed concern over this statement and the apparent contradiction to it offered elsewhere in the permit application (See II.B.5 regarding initial compatibility testing).</p> <p>The referenced language is perhaps unclear as written. The materials used for generation of the products and hence waste are tested for compatibility by the DOD prior to initiation of the production and, consequently, prior to the initial generation of the waste.</p>	RFAAP to further modify the language provided in Section II.B.5 of the WAP to clarify the initial compatibility evaluation is done by the DOD on a product basis. Actual waste compatibility is not evaluated by DOD.			120 days
2.18(d)	This NOD clarified the process for the annual waste determination as understood by DEQ.	Information stated is correct.	None required.	--	--	--
2.19	DEQ requested further information to facilitate management of NRU waste.	See prior discussions regarding the NRU under NOD 2.7.	See action items provided with NOD 2.7.	✓		90 days

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				DEQ	RFAAP	
2.20	DEQ requested further information on the methods used for compatibility testing of wastes.	<p>RFAAP explained that all wastes are inherently compatible because they primarily consist of the same ingredients. Any compatibility concerns between products or process materials are addressed by the Department of Defense during development of the military specifications for the products that are made at the RFAAP. Furthermore, RFAAP clarified that the materials in the slurry tanks don't truly mix together. Instead, the propellant is ground into 1/4-inch chunks that are then suspended in water. (The slurry is not a solution or even a dispersion, it is a mixture of chunks of propellant in water). Therefore, concerns with mixing of ingredients, as one may have when mixing liquid organic waste streams, is not a concern.</p> <p>With this explanation, DEQ was satisfied with the issue of waste compatibility. No additional testing is required.</p>	RFAAP will add some discussion on these issues into the compatibility testing section of the waste analysis plan.		✓	120 days
2.21	DEQ requested inclusion of inspection checklists in the permit application.	See prior discussions regarding inspection sheets under NOD 1.11.	See action items provided with NOD 1.11.		✓	90 days
2.22	DEQ requested information on inspection of Subpart BB and Subpart CC equipment.	This equipment is included on the inspection schedule in Table II.C-1 at a daily frequency.	None required.	--	--	--
2.23	DEQ requested that struck information concerning inspection records be reinstated.	The struck language was moved to earlier in the referenced paragraph to add clarity to the requirement.	None required.	--	--	--

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2.24(a)	DEQ requested that struck information concerning PPE requirements be reinstated.	RFAAP explained that PPE requirements were removed from this table as they vary depending on the situation and wastes being managed. DEQ requests that some information on PPE still be included. RFAAP suggested footnoting the table to indicate that PPE specified would vary depending upon the situation.	RFAAP to modify table to include examples of PPE (and specify that they are in fact examples and not applicable to all situations).		✓	90 days
2.24(b)	DEQ indicated that all persons should have a means for summoning outside assistance in the event of an emergency.	<p>RFAAP explained that procedures for summoning outside assistance are closely managed at the facility through the fire department. For example, any outside assistance that is provided must be escorted to the location at which it is needed and must be briefed on the hazards at hand in that location. (Ambulances or fire officials cannot simply come through the gate and respond to an incident). Therefore, outside assistance and the summoning and management of it must be closely regulated by the facility. All operators carry cellular phones or radios that can contact the control room and the fire department. The fire department will then contact outside aide if necessary.</p> <p>DEQ, after reviewing the explanation on outside service management, was satisfied with the resources and procedures available.</p> <p>RFAAP shall add language to the referenced section of the permit that more closely explains this process.</p>	RFAAP to modify the description on outside assistance to describe how it is summoned and managed.		✓	90 days
2.25	DEQ requested that struck information concerning names of responsible individuals be reinstated.	RFAAP explained that names of individuals are withheld for security reasons but are available to inspectors upon request. DEQ requested that a statement to this effect be added to the permit application.	RFAAP to add a statement concerning personnel security requirements to the permit application.		✓	90 days

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2.26	DEQ requested that "training coordinator" be renamed to "training director."	RFAAP explained that the same terminology was used between all of the facility's RCRA permits and they wished to maintain this consistency.	None required. The current terminology is acceptable.	--	--	--
2.27	DEQ requested that information concerning six specific training requirements be added to the training plan.	RFAAP explained that this training plan was written to be consistent with the training plan in the other RCRA permits for the facility. DEQ understood the need for consistency but feels that these specific elements should be more clearly addressed.	RFAAP will add a bullet list to the training plan clarifying that these elements are discussed and providing a brief description of how they are addressed.		✓	90 days
2.28	DEQ requested that some of the language struck from the training plan be reinstated.	RFAAP clarified that the desired language is still in the permit but has been shifted to another location.	RFAAP to provide direction to DEQ on where they can find the missing language.		✓	90 days
2.29	DEQ requested that information on the Spill Control and Countermeasures Plan be reinstated.	<p>RFAAP explained their concerns about incorporating non-RCRA required plans into the Contingency Plan. As a result, RFAAP removed all of the referenced and included non-RCRA plans from the Contingency Plan and added detail as necessary to supplement that removal.</p> <p>DEQ requested submittal of the omitted SPCC plan for review against the Contingency Plan provided in the permit application.</p> <p>RFAAP respectfully requests that DEQ assess the Contingency Plan against the RCRA requirements for Contingency Plans to determine if it is complete and satisfies all RCRA requirements. RFAAP is concerned with evaluating the adequacy and completeness of the Contingency Plan against SPCC documents and/or requirements.</p>	RFAAP requests that DEQ examine the Contingency Plan against RCRA Contingency Plan requirements instead of SPCC contents and/or requirements. DEQ to notify RFAAP if any required information is missing as a result of this second review. Unless further notification is received, no further action is required by RFAAP.	✓		To be determined based on DEQ resource availability

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2.30	DEQ requested that the slurry tanks be described as hazardous waste storage tanks.	<p>RFAAP noted that both hazardous and non-hazardous wastes are handled in the slurry tanks.</p> <p>DEQ expressed concern over the management of non-hazardous wastes in the slurry tanks and their characterization relative to the risk assessment and WAP.</p> <p>RFAAP further explained that all wastes, regardless of whether they are hazardous or non-hazardous, are subject to the same waste analysis requirements provided for compliance with the RCRA permit (risk assessment) and the HWC NESHAP compliance program. Both the hazardous and non-hazardous waste streams are described and characterized in the WAP. No wastes (hazardous or non-hazardous) other than those described in the WAP are managed in the tanks.</p>	<p>RFAAP will correct the description of the tanks to reference both hazardous and non-hazardous tanks.</p> <p>Pending further DEQ response on the management of non-hazardous wastes, no further action is required to satisfy DEQ concerns.</p>		✓	90 days
2.31	DEQ requested that struck information on the managed wastes be reinstated.	RFAAP recognizes the need for the waste descriptions in the Contingency Plan given the standalone nature of the plan. We will add a description of the waste to this Plan.	RFAAP will add a description of the managed wastes to the Contingency Plan. This description will be consistent with the WAP.		✓	90 days
2.32	DEQ requested clarification on the size of the slurry tanks (1,700 gallon or 1,900 gallon)	RFAAP clarified that the sizes of the tanks included in the original permit application were in error. If a search of the prior application is made, you can find references to both sizes. The correct volume is 1,900 gallons per tank.	None required.	--	--	--

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2.33	DEQ requested that more detailed information on the emergency coordinators and the way in which they should be contacted be added to the contingency plan.	RFAAP provided an explanation of the way in which emergency coordinators are contacted. DEQ requested that this information (and reference to DUP-RQ call list if appropriate) be added to the permit application. RFAAP also explained the security precautions that prevent listing of home addresses and telephone numbers in the Permit. DEQ was satisfied with this explanation.	RFAAP will make the necessary additions to the emergency coordinator contact list and add reference to the security procedures that are in place.		✓	90 days
2.34(a)	DEQ requested that RFAAP establish a numerical threshold that would trigger implementation of the Contingency Plan.	RFAAP expressed concerns over incorporating non-RCRA based implementation and reporting requirements (<i>e.g.</i> , CERCLA reporting levels) into the Contingency Plan. DEQ explained that they needed some finite direction in the plan to provide the emergency coordinator on implementing the plan. However, a numerical limit was not necessarily required. Information on types of offsite impacts that should be considered when implementing the contingency plan would be sufficient.	RFAAP to modify the language concerning plan implementation to address the consideration of offsite impacts. If any of these triggers are satisfied, then the contingency plan should be implemented.		✓	120 days
2.34(b)	DEQ requested that struck language concerning EC implementation of the Contingency Plan be reinstated.	RFAAP explained that the referenced language was duplicative of language found at the beginning of this section and directed DEQ to the first paragraph in Section II.E.4, which contains the requested language.	None required.	--	--	--

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				DEQ	RFAAP	
2.35	DEQ requested justification for two conditions that were removed from the list of emergency shutdown triggers for the incinerators.	<p>RFAAP explained that the list in the existing permit was not correct and not protective of human health and the environment and detailed reasons why an emergency shutdown would not be desirable for the two struck conditions.</p> <p>DEQ expressed satisfaction with the technical justification provided and indicated they were okay with removing burner loss and interlock failure from the shutdown list.</p>	None required.	--	--	--
2.36	DEQ expressed concern over the removal of CERCLA-based reporting requirements from the Contingency Plan.	<p>See discussion under NOD 2.34(a).</p> <p>DEQ also commented that a Contingency Plan was required for the less than 90 day storage areas and questioned if one existed.</p>	<p>See follow-up items under NOD 2.34(a).</p> <p>RFAAP will review the requirements for less than 90 day storage areas and respond appropriately.</p>		✓	120 days
2.37	DEQ requested that struck language concerning emergencies at the open burning ground be reinstated.	<p>RFAAP expressed concern over including the OBG in this permit application, as there is a separate Permit covers operation of the OBG. In the OBG application, RFAAP is taking efforts to make sure that the emergency response and cleanup actions are similar and differ only when appropriate based on the technical and locational differences of the two areas. The incinerators and the OBG are not located physically near one another and a hazardous waste emergency at one unit will not impact the operations at the other unit. Therefore, inclusion of references in this plan to managing emergencies at the open burning ground is not appropriate.</p> <p>DEQ was satisfied with this explanation and no further action is required. DEQ understands that the plans for both permits will be similar.</p>	None required.	--	--	--

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.38	DEQ requested further information concerning recordkeeping for compatibility assessments.	See comments regarding compatibility testing under NOD 2.20.	See action items concerning compatibility testing under NOD 2.20.		✓	120 days
2.39(a)	DEQ requested that struck language concerning response procedures for leaking tanks be reinstated.	RFAAP directed DEQ to the requested language, which was included in the permit application but had been relocated for clarity. (Reference the second paragraph of Section II.E.6e(i)).	None required.	--	--	--
2.39(b)	DEQ requested that drawings on the tank system be included in the permit application.	RFAAP directed DEQ to drawings (PFDs and P&IDs) that were included in the permit application. (Reference drawings in Attachment III.1.A). DEQ requested either a color copy or a darker copy of these drawings. Absent that, no further information is required.	RFAAP to provide additional copies of the subject drawings.		✓	90 days
2.39(c)	DEQ requested that a struck reference to 40 CFR 264.196(e) be reinstated.	RFAAP requested that if specific language from the CFR will be incorporated to the Permit, the exclusions provided in that reference (40 CFR § 264.196(e)) also be included. DEQ was satisfied with this request.	RFAAP to modify the language as proposed.		✓	90 days
2.39(d)	DEQ requested that a struck reference to a general operating procedure (GOP) be reinstated.	See discussion under NOD 1.10 regarding inclusion of operating procedures in the permit application.	None required.	--	--	--
2.40	DEQ requested that copies of the mutual aid agreements be included in the Contingency Plan.	RFAAP expressed concern over including the actual mutual aid agreements in the Contingency Plan. DEQ agreed that these documents do not need to be incorporated into the application or the Permit. However, DEQ would like to see them to confirm that they are in fact in place.	RFAAP to provide copies of the mutual aid agreements for DEQ review. Both parties agreed that these agreements will not be included in the actual Permit or application.		✓	90 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.41	DEQ requested that struck language concerning internal reporting practices be reinstated.	RFAAP explained that the language stricken from the Permit application concerned internal and non-RCRA based reporting obligations. The language that remains is an exact mirror of the RCRA reporting requirements. DEQ was satisfied with this response.	None required.	--	--	--
2.42	DEQ requested that struck language describing the wastes managed at the incinerator be reinstated.	RFAAP recognizes the need for the waste descriptions in the Contingency Plan given the standalone nature of the plan. We will add a description of the waste to this Plan.	RFAAP will add a description of the managed wastes to the Contingency Plan. This description will be consistent with the WAP.		✓	90 days
2.43	DEQ requested that RFAAP establish a numerical threshold that would trigger implementation of the Contingency Plan.	See prior discussion on this issue under NOD 2.34(a).	See action items concerning this issue under NOD 2.34(a).		✓	120 days
2.44	DEQ requested that struck references to EPA methods used for establishing the reactivity of materials be reinstated.	RFAAP discussed that their internal laboratory does not use SW-846 methods for reactivity testing. They use an internal procedure that is currently undergoing VELAP review. Therefore, the referenced text should refer to either the SW-846 procedures or the internal RFAAP procedures. DEQ was satisfied with this discussion and requested the text be revised accordingly.	RFAAP will modify the text to reference both the SW-846 procedures and the internal procedures.		✓	90 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.45	DEQ requested that struck references to the RFAAP Disaster Control Plan and RFAAP Plant Protection Plan be reinstated.	<p>RFAAP explained their concerns about incorporating non-RCRA required plans into the Contingency Plan. Detail that was included in these plans concerning hazardous waste emergencies was added to the Contingency Plan in place of the struck references.</p> <p>DEQ requested submittal of the omitted RFAAP Disaster Control plan and Plant Protection plan for review against the Contingency Plan provided in the permit application.</p> <p>RFAAP respectfully requests that DEQ asses the Contingency Plan against the RCRA requirements for Contingency Plans to determine if it is complete and satisfies all RCRA requirements. RFAAP is concerned with evaluating the adequacy and completeness of the Contingency Plan against the RFAAP Disaster Control Plan or the RFAAP Plant Protection Plan. RFAAP's intent is to satisfy the requirements for preparedness and prevention with the Contingency Plan and only the Contingency Plan. If further information is required to satisfy these requirements, we request that DEQ specify the provision and requirement and we will supply language to fulfill it.</p>	See follow-up actions under NOD 2.29.	✓		To be determined based on DEQ resource availability
2.46	DEQ requested that struck information concerning geological conditions at the site be reinstated.	RFAAP could not locate a regulatory requirement for this information and requested that one be provided if available. DEQ cited RCRA Omnibus authority as the driver (it is included in all VA Contingency Plans).	RFAAP will provide a brief description of geologic conditions in the permit application.		✓	120 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.47	DEQ expressed concern over the removal of a reference to a building placard that states the capacity of the Grinder Building.	<p>RFAAP explained that the referenced placard is required by the Department of Defense Explosive Safety Board (DDESB), not RCRA. By incorporating a reference to this placard in the Permit, it makes that placard a RCRA requirement. This seemed unnecessary for ensuring Permit compliance and unnecessarily increased the compliance burden.</p> <p>DEQ concurred with RFAAP's concerns and determined that the struck reference can be removed.</p>	None required.	--	--	--

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.48	DEQ requested that struck language concerning the presumed disposition of the wastes resulting from closure of the incinerator area be reinstated.	<p>RFAAP reconsidered the description provided and deemed it to be incorrect, explaining that the waste materials stored in the tanks and pumped through the slurry lines are actually not reactive at the levels typically used during normal operations. They are considered reactive out of an abundance of caution. (While the propellant itself is reactive, addition of water to it at the quantities used during normal operation makes it not reactive or at least, non-detonatable.) Therefore, it is entirely possible that significant portions of the waste handling equipment would not be hazardous.</p> <p>DEQ was satisfied with this technical justification and removal of the reference language but requested that RFAAP include language to state that the material will be presumed hazardous until proven otherwise.</p> <p>RFAAP believes that the requested language can be found in Section II.F.4b: "<i>A hazardous waste determination will need to be performed for each waste stream followed by the necessary waste characterization.</i>" The "waste streams" referred to in this context are the dismantled equipment described earlier in the same paragraph. RFAAP further indicates that any necessary decontamination will be performed in lieu of sending the waste offsite as a hazardous waste (reference paragraph 2 on Pg. II.F-13). A further, description of this characterization process can be found later in the Closure Plan on Pg. II.F-18.</p>	None required.	--	--	--

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.49	DEQ requested that struck language concerning the procedures to be used for packaging slurry waste after closure be reinstated.	<p>The referenced language described the steps necessary to "package" the waste for shipment and disposal at a third party facility. As of this time, the facility that will take the waste has not been identified, nor will it be identified until such time that unit closure is a reality. As a result, RFAAP cannot be certain of the specific requirements that the receiving facility will impose on the wastes that we ship them. Therefore, we removed this detail, as it may change with direction provided from the receiving facility or the US Army command group.</p> <p>DEQ was satisfied with this response but requested that some general language concerning packaging and shipping of closure wastes be added to the plan.</p>	RFAAP to add general information concerning waste packaging for shipment to the closure plan. Language should indicate that materials will be packed according to the requirements of the receiving facility.		✓	90 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.50	DEQ requested that additional information be added to the closure plan to demonstrate compliance with the standards in 40 CFR 264.112(b)(4). The language referencing the Waste Analysis Plan, analysis for toxicity and reactivity and disposed of off-site at a RCRA permitted facility, analysis using SW 846 methods and the changing of the number of wash water samples from five to three shall remain in the permit.	<p>RFAAP requested more information on the specific deficiencies that DEQ identified, as the NOD was written more generally. DEQ agreed to provide this information.</p> <p>RFAAP explained that residue analysis will likely be looking for considerably lower concentrations of pollutants than does RFAAP's normal waste analysis. Therefore, the procedures used by the internal laboratory for waste analysis may not be appropriate. Furthermore, offsite analysis will likely be used instead of the internal laboratory due to turnaround times, capabilities, etc.</p> <p>DEQ did request that five rinse samples be collected instead of the three that were specified. RFAAP understands that this request is based on statistical significance and will make the requested modification.</p> <p>DEQ also requested that language concerning waste determinations be added to make it clear that hazardous waste will not be sent to a solid waste landfill. RFAAP will add this statement.</p>	<p>RFAAP to change rinsate samples to five and to add a sentence concerning waste determinations.</p> <p>RFAAP to add language indicating that a hazardous waste determination will be made at the time of closure.</p>		✓	90 days
2.51	DEQ requested that additional information be added to the closure plan to demonstrate compliance with the standards in 40 CFR 264.112(b)(4).	This was determined to be a duplicative comment.	No action required.	--	--	--
2.52	DEQ requested that struck language concerning closure analyses be reinstated.	None.	RFAAP will add the requested language to the Permit application.		✓	90 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.53	DEQ requested that struck language concerning closure plan amendment be reinstated.	RFAAP believes that the NOD contains an erroneous reference and requested clarification before making the change.	RFAAP will revise the language as requested.		✓	90 days
2.54	DEQ requested that struck language concerning sampling locations be reinstated.	RFAAP concurs that these items will likely be contaminated and sampling of them is prudent.	RFAAP will add the requested language to the Permit application.		✓	90 days
2.55	DEQ requested that further detail be added regarding controlled entry procedures to satisfy 40 CFR 264.14(b)(2)(ii).	RFAAP reviewed the text and could not identify any information that was missing per the regulatory citation. DEQ agreed to provide a secondary review of this section. In their subsequent review, DEQ determined that the descriptions of the fence that are provided in the revised application are not sufficient.	RFAAP will add a further description of the fencing surrounding the limited area to the permit application. Exact dimensions of the fence and security features of it will be withheld due to National security measures.	✓		120 days
2.56	DEQ requested that struck language regarding the flood plain locations be reinstated.	RFAAP directed DEQ to the location of the requested information, which had been relocated.	None required.	--	--	--
2.57	DEQ requested that struck language concerning the elevations of various equipment foundations be reinstated.	RFAAP explained that they could not locate any drawings or data to substantiate the elevation data provided. Therefore, they removed the data. RFAAP is going to resurvey the units and obtain actual elevations. Those elevations will be referenced, as appropriate, in revised application.	RFAAP to add equipment elevations to the permit application after the equipment survey is complete.		✓	120 days
2.58(a)	DEQ questioned the effectiveness of the flood protection procedures included in the application for preventing washout of the hazardous waste containment areas.	RFAAP indicated that the descriptions provided in the flood plan were not substantially changed from the prior version of the permit and requested more detail on specific inadequacies. DEQ requested that RFAAP provide documentation to document that the current procedures have been effective at protecting human health and the environment.	RFAAP will provide demonstration that the current response procedures has proven protective multiple times in the past. This information will be provided outside the application itself.		✓	120 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.58(b)	DEQ questioned the effectiveness of the stated action level for implementation of the flood protection program and requested that the specified river level be lowered to provide more protection.	RFAAP questioned DEQ's desire to further restrict the action level for the flood protection plan, considering that the level provided in the plan (1,697 feet) has proven protective on multiple occasions in the past. Recognizing this, DEQ agreed that the current level could remain provided that RFAAP submits documentation demonstrating its effectiveness with the NOD response.	RFAAP will provide demonstration that the current action level of 1,697 feet has proven protective multiple times in the past. This information will be provided outside the application itself.		✓	120 days
2.59	DEQ requested that struck language concerning Procedure T testing be reinstated.	<p>RFAAP questioned the need for including the verification report in the permit application if it is updated each year.</p> <p>DEQ wishes to review this report each year after it is completed, however, they agreed that report does not need to be included in the Permit itself. This will relieve the necessity for modifying the permit annually to reflect the latest report. If the annual analysis ever determines that the building does not meet the Procedure T criteria, this topic will be revisited.</p>	None required	--	--	--
2.60	DEQ requested that struck language concerning the control device study be reinstated.	RFAAP questioned the basis for the 3-year scope of work control device study for tank emission controls, arguing that the frequency was too excessive. DEQ asked if the current frequency is presenting a burden to the facility and explained that moving from once every three years to once per permit terms results in a frequency reduction of 2/3 from the prior Permit and seemed excessive. DEQ asked if RFAAP would be okay with a requirement of once every 5 years. RFAAP found this acceptable.	RFAAP will modify the language to reflect that the control device study will be updated once every five years. RFAAP is currently requesting quotes from qualified consultants to perform the study.		✓	90 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.61	DEQ requested that struck references to facility standard operating procedures be reinstated.	<p>See discussion on including SOPs and their references under NOD 1.10.</p> <p>Note that in their latest response, DEQ indicated that the SOPs should be submitted along with the permit application materials. As noted earlier in NOD 1.10, DEQ concluded that in light of the fact that SOPs are not used to ensure environmental compliance, their inclusion in the permit either by reference or actual inclusion was not necessary. Furthermore, their submittal with application materials was not necessary. (This is further supported 40 CFR Part 264 and 270, which do not require inclusion of the SOPs). SOPs should be maintained onsite for inspection and review; however, no references to them need to be included in the Permit.</p>	None required.	--	--	--
2.62	DEQ requested that struck language concerning onsite wastes be reinstated.	Discussion on this issue concerned interpretation of the military munitions rule and the NRU wastes. See prior discussions on NRU waste management provided with NOD 2.7.	See action items specified for NOD 2.7.		✓	90 days
2.63	DEQ indicated that the process knowledge used to determine the organic concentration in the wastes was not adequately documented.	<p>RFAAP explained the methodology that was used and pointed DEQ to the description in the application.</p> <p>DEQ was satisfied with this response.</p>	None required.	--	--	--

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.64	DEQ requested that information on the frequency of LDAR monitoring be added to the permit application.	RFAAP explained that per RCRA Subpart BB requirements, this frequency is not set at any regular periodic interval, but instead, as discussed in the first paragraph on page III.A-4, is only required if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.	RFAAP will add a footnote to the referenced table explaining this. No further change to frequency of monitoring is required.		✓	90 days
2.65	DEQ requested that struck language concerning the VHWMP requirements be reinstated.	RFAAP expressed concern over non-specific references to regulatory requirements. However RFAAP agreed to reinstate the requested language.	RFAAP will reinstate the referenced language.		✓	90 days
2.66	DEQ requested that the NFPA standard reference be updated to reflect the latest standard.	RFAAP expressed concern over holding already designed and installed tanks to a new design standard. (Basically, when a tank is installed, it is designed to the applicable standard at the time). DEQ questioned what the expected life of the current tanks is? RFAAP was not certain as the current tanks have demonstrated no sign of impending failure or mechanical stress. DEQ perceived the new NFPA standard to only be a minimal wording change from the prior standard and questioned whether the tanks would meet it regardless. They clarified that the old standard currently referenced in the RCRA provisions no longer exists.	RFAAP will review the new NFPA standard against the old NFPA standard and the materials handled in the tanks to determine if the tanks can meet (and have to meet) the new standard. If the new standard is just a minor wording change from the old standard and the evaluator deems this standard applicable to the materials managed in it, RFAAP will not oppose integrating it into the Permit.		✓	120 days

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Summary of Specific NOD Discussions and Action Items

NOD#	Summary of NOD	Discussion	Action Item	Assigned To		Submittal Timeline ¹
				DEQ	RFAAP	
2.67	DEQ requested that struck language concerning the fraction of the slurry loop that is directed to each incinerator be reinstated.	<p>RFAAP explained that the hazardous waste incinerators operate in compliance with a maximum waste feed rate limit under the HWC MACT program. The percentage of the main slurry line that is tapped off and sent to the incinerators is irrelevant provided that this maximum waste feed rate limit is satisfied.</p> <p>DEQ was satisfied with this response.</p>	None required.	--	--	--
2.68	DEQ requested that struck language on the design and construction of the incinerators be reinstated.	<p>While RFAAP understands DEQ's concerns regarding design changes and permit modification, we do not concur that the level of detail previously included in this section previously is appropriate considering the switch to primary operation under HWC MACT. DEQ concurred that the 20 pages of equipment descriptions is likely not necessary but requested more than what was provided in the permit application. RFAAP will provide a revised description for DEQ's review. DEQ also requested a statement be added to the permit regarding notification procedures for changes in equipment design.</p>	RFAAP will provide a modified process description for DEQ's review. The Appendix to 40 CFR § 270.42 will be reviewed to help establish the appropriate level of detail.		✓	120 days

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