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I I GENERAL PERMIT CONDITIONS

I.A PERMITTEE

The Secretary (Secretary) of the New Mexico Environment Department (NMED) issues this Permit to the United States, Department of the Army, (Permittee), the owner and operator of Fort Wingate Depot Activity (FWDA) (the Facility) (EPA ID No. NM6213820974) located in McKinley County, New Mexico.

I.B PERMITTED ACTIVITY

This Permit requires the Permittee to close the Open Burn/Open Detonation (OB/OD) Unit, perform post-closure care for the OB/OD Unit, if necessary, conduct corrective action activities, and conduct tasks in accordance with a schedule of compliance. This Permit establishes the general and specific standards for these activities, as required pursuant to the New Mexico Hazardous Waste Act (HWA), as amended, NMSA 1978, §§ 74-4-1 et seq., and the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC.

This Permit also authorizes the Permittee to manage and treat on-site generated waste military munitions (WMM) consisting of Munitions and Explosives of Concern (MEC) at the Corrective Action Management Unit (CAMU) in accordance with 20.4.1 NMAC, and incorporating 40 Code of Federal Regulations (CFR) 264.552. The CAMU is located at Solid Waste Management Unit (SWMU) 14 near the Old Burning Ground and Demolition Landfill within Parcel 3.

Except for those permitted activities specified in Section IX (Corrective Action Management Unit) and Section II.A.2 of this Permit, the Permittee is not authorized to store, treat, or dispose of any hazardous waste at the Facility under this Permit.

I.C EFFECT OF PERMIT

Compliance with this Permit during its term constitutes compliance, for purposes of enforcement, with 20.4.1.500, 700 and 800 NMAC (incorporating 40 CFR parts 266 and 268), except for those requirements not included in this permit under 40 CFR 270.4(a), only for those management practices specifically authorized by this Permit.

The Permittee must also comply with all applicable self-implementing provisions imposed by statute or rule, including 20.4.1.100, 200, 300, 400, 700, and 800 NMAC (incorporating 40 CFR parts 260, 261, 262, 263, 266, and 268. Compliance with this Permit shall not constitute a defense to any order issued or any action brought under Sections 74-4-10, 74-4-10.1 or 74-4-13 of the HWA; Sections 3008(a), 3008(h), 3013, 7002(a)(1)(b) or 7003 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6901 to 6922k; Sections 104, 106(a), and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq.; or any other law providing for protection of public health or the environment. This Permit does not convey any property rights of any sort or any exclusive privilege, nor authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local

laws or regulation. Compliance with this Permit does not relieve the Permittee from the responsibility of complying with all applicable state or federal laws and regulations. [20.4.1.900 NMAC (incorporating 40 CFR 270.4, 270.30(g) and 270.32(b)(1)); 20.4.1.901.A(11); and 1100 NMAC]

I.D EFFECT OF INACCURACIES IN PERMIT APPLICATION

This Permit is based on the assumption that the information submitted in the Part B Permit application dated June 12, 2003 (the Application), is true and correct. Any inaccuracies found in the Application may be grounds for the termination, suspension, revocation and reissuance, or modification of this Permit in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.41, 270.42, 270.43) and for enforcement action. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(11)) and 270.43(a)(2)]

I.E PERMIT COMPONENTS

This Permit consists of the regulations incorporated by reference into this Permit and the Permit Conditions in Permit Sections I through IX and Permit Attachments 1 through 15.

I.F PERMIT ACTIONS

I.F.1 Duration of Permit

This Permit shall be effective for a fixed period of ten (10) years from the effective date. The effective date of this Permit shall be thirty (30) calendar days after notice of the Secretary's decision has been served on the Permittee, or such later time as the Secretary may specify. [20.4.1.900 NMAC, (incorporating 40 CFR 270.50(a)) and 20.4.1.901.A(10) NMAC]

I.F.2 Permit Modification, Suspension, Revocation, or Termination

This Permit may be modified, suspended, revoked and reissued, or terminated for cause as specified in Section 74-4-4.2 NMSA 1978, 20.4.1.900 NMAC (incorporating 40 CFR 270.41 through 270.43), and 20.4.1.901.B NMAC. The filing of a request by the Permittee for a permit modification, or the notification of planned changes or anticipated noncompliance, shall not stay any permit condition. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(f))]

I.F.3 Unclassified Permit Modifications

Unless a permit modification is explicitly listed in Appendix I of 40 C.F.R. 270.42 as a Class 1 or Class 2 permit modification, the Permittee shall not submit the proposed permit modification as a Class 1 or Class 2 permit modification. The Permittee shall only make such permit modifications as Class 3 modifications, or may request a determination from the Secretary that the proposed permit modification is a Class 1 or 2 modification pursuant to the requirements of 20.4.1.901 and 900 NMAC (incorporating 40 CFR 270.42(d)).

I.F.4 Transfer of Land Ownership

The Permittee shall submit a permit modification request, in compliance with all requirements of 20.4.1.901 and 900 NMAC (incorporating 40 CFR 270.42), at least one

hundred eighty (180) calendar days prior to the proposed effective date of transfer of ownership of any land which is part of the Facility. The permit modification request may be submitted as a Class 3 permit modification, or the Permittee may request a determination that the modification is a Class 1 or 2 pursuant to the requirements of 20.4.1.901 and 900 NMAC (incorporating 40 CFR 270.42(d)). In addition to the requirements of 20.4.1.901 and 900 NMAC (incorporating 40 CFR 270.42), a permit modification request for transfer of land that is part of the Facility shall:

1. Identify the boundaries of the land proposed for transfer;

2. Identify the new owner;

3. Describe the location and identity of any existing or prior SWMU, AOC or hazardous waste management unit on the land proposed for transfer;

4. Describe any known or suspected presence of hazardous waste or hazardous constituents in soil or ground water at any depth within the boundaries of the land proposed for transfer;

5. Describe the status of any past, present, or planned investigations or remediation of any release of hazardous waste or hazardous constituents within the boundaries of the land proposed for transfer;

6. Include a revised map of the Facility (e.g., a revised Permit Attachment 2); and

7. Propose and describe all provisions necessary to ensure that the Permittee can meet the corrective action obligations of RCRA, the HWA, and the HWMR (e.g., covenants, deed restrictions, proposed replacement of monitoring wells or enforceable agreements for access to monitoring wells on transferred land).

[20.4.1.500 (incorporating 40 CFR 264.101); 20.4.1.900 NMAC (incorporating 270.30(l)(1), 270.32(b) and 270.42); and 20.4.1.901 NMAC]

I.F.5 Permit Reapplications

The Permittee shall submit an application for a new permit at least one hundred eighty (180) calendar days before the expiration date of this Permit, unless permission for a later date has been granted by the Secretary, pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.10(h)). In reviewing any application for a permit renewal, the Secretary shall consider improvements in the state of control and measurement technology and changes in applicable regulations. [20.4.1.900 NMAC (incorporating 40 CFR 270.10(h) and 270.30(b)); 42 U.S.C. 6925(c)(3)]

I.F.6 Continuation of Expiring Permit

The conditions in this Permit shall continue in force and effect until the effective date of a new permit if:

1. The Permittee has submitted a timely application under 20.4.1.900 NMAC (incorporating 40 CFR 270.14), and the applicable sections in 20.4.1.900 NMAC (incorporating 40 CFR 270.15 through 270.29), which is a complete application (under 20.4.1.900 (incorporating 40 CFR 270.10(c))) for a new permit; and

2. NMED, through no fault of the Permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit.

While this Permit is continued under this condition, it remains fully effective and enforceable. [20.4.1.900 NMAC (incorporating 40 CFR 270.51(b))]

I.G PERMIT CONSTRUCTION

I.G.1 Citations

Whenever a provision of this Permit or of 20.4.1 NMAC is cited, the citation includes all subordinate provisions of the cited provision. All citations to a provision of 20.4.1 NMAC shall be considered an inclusion by reference of the cited provision of 20.4.1 NMAC and any federal regulation which it incorporates by reference. [20.4.1.900 NMAC (incorporating 40 CFR 270.30)]

I.G.2 Severability

The provisions of this Permit are severable, and if any provision of this Permit, or any application of any provision of this Permit due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

I.G.3 Conflict in Language

If there is a conflict between the language of a Permit Condition and the language of a Permit Attachment, the language of the Permit Condition shall control over the language in the Permit Attachment. Any language in an Attachment that states or implies discretion to not comply with the minimum requirements of this Permit or 20.4.1.500, 700, and 800 NMAC is not effective and the requirements of this Permit and 20.4.1.500, 700, and 800 NMAC, shall control. [20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(1))]

I.H DEFINITIONS

For the purposes of this Permit, terms used herein shall have the same meanings as those in HWA, RCRA, and their implementing regulations, unless this Permit specifically provides otherwise. Where a term is not defined in HWA, RCRA, implementing regulations, or this Permit, the meaning of the term shall be determined by a standard dictionary reference, EPA guidelines or publications, or the generally accepted scientific or industrial meaning of the term.

Area of Concern (AOC) means any area having a known or suspected release of hazardous waste or hazardous constituents that is not from a solid waste management unit and that NMED has determined may pose a current or potential threat to human health or the

environment, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 270.32(b)(2)). An area of concern may include buildings, and structures at which releases of hazardous waste or constituents were not remediated, including one time and accidental events.

Corrective Action Management Unit (CAMU) means an area within a facility that is used only for managing CAMU-eligible wastes as part of implementing corrective action at the facility. The CAMU is located in Parcel 3 at SWMU-14 and near the Old Burning Ground and Demolition Landfill Area. [20.4.1.500 NMAC (incorporating 40 CFR 264.552)].

CAMU-eligible waste means solid and hazardous wastes consisting of munitions and explosives of concern or propellants that cannot be transported off site for treatment or disposal due to its ignitable or reactive characteristics that render such waste unsafe for transport on public roads.

Facility means Fort Wingate Depot Activity (FWDA), EPA ID Number NM 6213820974, owned by the United States Department of the Army and located approximately 8 miles east of Gallup on approximately 15,843 acres in McKinley County, in western New Mexico, including all contiguous land, and structures, other appurtenances, and improvements on the land, used for treatment, storage, or disposal of hazardous waste as designated on Permit Attachment 2. For the purpose of implementing corrective action, "Facility" means all contiguous property under the control of the owner or operator as designated on Permit Attachment 2.

Hazardous waste, for the purposes of corrective action for solid waste management units and areas of concern conducted pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264, subpart F) or 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)), means a hazardous waste as defined in 42 U.S.C. 6903(5), Section 74-4-3 of HWA. Hazardous waste, for the purposes of corrective action, includes any of the following, which are also a solid waste; any ground water contaminant listed in the Water Quality Control Commission (WQCC) Regulations at 20.6.2.3103 NMAC, any toxic pollutant listed in 20.6.2.7 NMAC, any contaminant for which the EPA has promulgated a maximum contaminant level (MCL) at 40 CFR Parts 141 and 143, perchlorate, methyl tertiary butyl ether, polychlorinated biphenyls (PCBs), dioxins, furans, waste military munitions, and munitions constituents as defined at 10 U.S.C. 2710(e)(3).

Hazardous waste, for all other purposes of this Permit, means a hazardous waste as defined in 20.4.1.200 NMAC (incorporating 40 CFR 261.3).

Hazardous Constituent means any constituent identified in 20.4.1.200 NMAC (incorporating 40 C.F.R. Part 261, Appendix VIII) and any constituent identified in 20.4.1.500 NMAC (incorporating 40 C.F.R. Part 264, Appendix IX).

Kickout Area means the combined area of land adjacent to the OB/OD Unit, SWMU 16 (Demolition Landfill and Old Burning Ground), SWMU 17 (Old Demolition Area) and SWMU 35 ("Waste Pile" KPI) to which waste military munitions were released during the operation of the OB/OD Unit and to which solid wastes were released during the operation of SWMU 16 (Demolition Landfill and Old Burning Ground), SWMU 17 (Old Demolition

Area) and SWMU 35 ("Waste Pile" KPI). The Kickout Area is described in Permit Attachment 1.

Munitions and Explosives of Concern (MEC) means specific categories of military munitions that may pose unique explosives safety risks specifically:

(A) Unexploded ordnance (UXO), as defined in 10 U.S.C.101(e)(5)(A) through (C);

(B) Discarded military munitions (DMM), as defined in 10 U.S.C. 2710(e)(2); or

(C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard.

NMED means New Mexico Environment Department.

OB/OD Unit means the contiguous area of land on or in which hazardous waste was treated by the Permittee using open burning or open detonation. The OB/OD Unit includes: the area known as the Burning Ground Area, twelve Current Detonation Craters (CDC) known as CDC-1 through CDC-12, and ten (10) Current Residue Piles (CRP) known as CRP-1 through CRP-10. The estimated extent of the OB/OD Unit is depicted in Permit Attachment 12.

Open Burning means treatment that meets the definition listed in 40 CFR 260.10.

Open Detonation means the destruction of detonable explosives and munitions by the propagation of a high frequency energetic wave from a disposal charge to explosive or otherwise reactive wastes.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous waste or hazardous constituents into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous waste or constituents).

Secretary means the Secretary of the New Mexico Environment Department or his or her designee or authorized representative.

Senior Unexploded Ordnance Supervisor (SUXOS) (as the position designation may be updated) means a person in charge of all MEC operations during the execution of the contract. The SUXOS is qualified as defined in Department of Defense Explosives Safety Board, Technical Paper 18 "Minimum Qualifications for UXO Technicians and Personnel".

Solid Waste Management Unit (SWMU) means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a Facility at which solid wastes have been routinely and systematically released.

Unexploded Ordnance (UXO) means military munitions that have been primed, fuzed, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected or placed in such a manner as to constitute a hazard to operations, installation, properties

(FUDS sites), personnel, or material and remain unexploded either by malfunction, design, or any other cause (10 U.S.C. 101(e)(5)(A) through (C)).

UXO Quality Control Safety Specialist (as the position designation may be updated) means a person in charge of ensuring that the SUXOS and all personnel are performing operations in compliance with the Federal, State, and Local Regulations. The UXO Quality Control Safety Specialist is qualified as defined in Department of Defense Explosives Safety Board, Technical Paper 18 "Minimum Qualifications for Unexploded Ordnance (UXO) Technicians and Personnel".

Waste Military Munitions (WMM) includes military munitions as defined in 20.4.1.100 NMAC (incorporating 40 CFR 260.10), which are solid waste as described in 20.4.1.700 NMAC (incorporating 40 CFR 266.202).

Watercourse shall have the meaning defined in 20.6.2.7 NMAC.

I.I DUTIES AND REQUIREMENTS

I.I.1 Duty to Comply

The Permittee shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an Emergency Permit, pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.61). Any permit noncompliance, except under the terms of an Emergency Permit, constitutes a violation of the HWA and RCRA and may subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to an administrative or civil enforcement action, including civil penalties and injunctive relief, pursuant to Sections 74-4-10 or 74-10.1 of HWA or Section 3008(a) and (g), § 3013, § 7002, or § 7003 of RCRA; to permit modification, suspension, termination, revocation, denial of a permit application or modification request under Section 74-4-4.2 of the HWA; citizen suit under § 7002(a) of RCRA; criminal penalties under § 74-4-11 of the HWA or sections 3008(d)(e), or (f) of RCRA; or a combination of the foregoing. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(a))]

I.I.2 Transfer of Permit

The Permittee shall not transfer this permit to any person except after prior written approval of the NMED.

This Permit may be transferred by the Permittee to a new owner or operator only if the Permit has been modified or revoked and reissued, under 20.4.1.900 NMAC (incorporating 40 CFR 270.40(b) or 270.41(b)(2)), to identify the new Permittee and incorporate such other requirements as may be necessary under HWA and RCRA. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(3) and 270.40(a))]

The Permittee may make changes in ownership or operational control of the Facility as a Class 1 modification after obtaining prior written approval of the Secretary in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.42). The new owner or operator must submit a revised permit application no later than ninety (90) calendar days prior to the

scheduled change including a written agreement containing a specific date for transfer of permit responsibility between the current and new Permittee.

The new owner or operator shall demonstrate that he or she is complying with 20.4.1.500 NMAC (incorporating 40 CFR 264, subpart H (Financial Requirements)) within six (6) months of the date of the change of ownership or operational control of the Facility. [20.4.1.900 NMAC (incorporating 40 CFR 270.40(b))]

Before transferring ownership or operation of the Facility, the Permittee shall notify the new owner or operator in writing of the requirements of 20.4.1.500 NMAC (incorporating 40 CFR part 264) and 20.4.1.900 NMAC (incorporating 40 CFR part 270), and the HWA and shall provide NMED with a copy of this notice. [20.4.1.500 NMAC (incorporating 40 CFR 264.12(c))]

I.I.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(c))]

I.I.4 Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(d))]

I.I.5 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with this Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(e))]

The Permittee shall at all times properly operate and maintain the CAMU to facilitate the implementation of reliable, effective, protective, and cost effective remedies. [20.4.1.500 NMAC (incorporating 40 CFR 264.552(c)(1))] Operational procedures for the CAMU are located in Attachment 1 of the Revised Permit.

I.I.6 Duty to Provide Information

The Permittee shall furnish to NMED, within a reasonable time, as specified by the NMED, any relevant information which NMED may request to determine whether cause exists for modifying, suspending, or revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit.

The Permittee shall also furnish to NMED, upon request, copies of records required to be kept by this Permit.

Information and records requested by NMED pursuant to this condition shall be provided in paper form or in an electronic format acceptable to NMED or both as NMED may specify.

This Permit Condition shall not be construed to limit in any manner NMED's authority under § 74-4-4.3 of HWA, § 3007(a) of RCRA, or other applicable law. [20.4.1.500 NMAC (incorporating 40 CFR 264.74(a)) and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(h))]

I.I.7 Inspection and Entry

The Permittee shall allow the Secretary, or authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Entrance to premises

   Enter at reasonable times into the Permittee's premises where the regulated Facility or activity is located or conducted, or where records must be kept in accordance with this Permit;

2. Access to records

Have access to and copy, at reasonable times, any records that must be kept in accordance with this Permit;

3. Inspection

Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

4. Sampling

Sample, monitor or measure at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA and the HWA, any substances or parameters at any location. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(i))]

I.I.8 Monitoring and Records

I.I.8.a Representative sampling

Samples and measurements taken for the purposes of monitoring shall be representative of the monitored activity. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(1))]

I.I.8.b Record retention

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original electronic and hard copy recordings for continuous monitoring instrumentation, copies of all reports and records required pursuant to this Permit, and records of all data used to complete the Permit application until the end of closure,

corrective action, and any post-closure care period. This period may be extended by NMED at any time and is automatically extended during the course of any unresolved enforcement action regarding this Facility. The Permittee shall maintain records from all ground water monitoring wells and associated ground-water surface elevations, until the end of closure, corrective action, and any post-closure care period. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2))]

I.I.8.c Monitoring records contents

Records of monitoring information shall include:

1. The dates, exact place, and times of sampling or measurements;

2. The names and qualifications of the individuals who performed the sampling or measurements;

3. The dates analyses were performed;

4. The names and qualifications of the individuals who performed the analyses;

5. The analytical techniques or methods used; and

6. The results of such analyses.

[20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(3))]

I.I.9 Reporting Requirements

I.I.9.a Reporting planned changes

The Permittee shall give notice to NMED of any planned physical alterations or additions to the permitted Facility [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(1))] no later than sixty (60) calendar days prior to making the planned changes.

I.I.9.b Reporting anticipated noncompliance

The Permittee shall give a minimum of sixty (60) calendar days advance notice to NMED of any planned changes to the Facility or any activity that may result in noncompliance with Permit requirements. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(2))]

I.I.9.c Twenty-four hour and subsequent reporting

I.I.9.c.i Oral report

The Permittee shall orally report to NMED any noncompliance that may endanger human health or the environment within 24 hours from the time that the Permittee becomes aware of the circumstances. The report shall include the following:

1. Information concerning any release of any hazardous waste that may cause an endangerment to public drinking water supplies; and

2. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the Facility, that could threaten the environment or human health outside the Facility.

The description of the occurrence and its cause shall include:

1. Name, address, and telephone number of the owner or operator;

2. Name, address, and telephone number of the Facility;

3. Date, time, and type of incident;

4. Name and quantity of materials involved;

5. The extent of injuries, if any;

6. An assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and

7. Estimated quantity and disposition of recovered material that resulted from the incident.

[20.4.1.900 NMAC, incorporating 40 CFR 270.30(1)(6)(i)]

I.I.9.c.ii Written report

The Permittee shall provide a written submission to NMED within five (5) calendar days from the time the Permittee becomes aware of the circumstances. The written submission shall contain the following:

1. A description of the noncompliance and its cause;

2. The period of noncompliance including exact date and time, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

3. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

NMED may waive the five-day written notice requirement in favor of a written report within fifteen (15) calendar days.

[20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(6)(iii))]

I.I.9.d Biennial report

The Permittee shall submit a biennial report to NMED covering Facility activities during odd numbered calendar years. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(9)) and 20.4.1.500 NMAC (incorporating 40 CFR 264.75)]

I.I.9.e Other noncompliance

The Permittee shall report to NMED all instances of noncompliance not otherwise required to be reported under Permit Sections I.I.9.b and I.I.9.c at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Section I.I.9.c. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(10))]

I.I.9.f Other information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit Application, or submitted incorrect information in the Permit Application or in any report submitted to NMED or the Regional Administrator, the Permittee shall promptly submit such facts or information in writing to the NMED. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(11))]

I.I.9.g Signatory requirement

The Permittee shall sign and certify all applications, reports, work plans, notifications, or information submitted to NMED in compliance with the requirements of 20.4.1.900 NMAC (incorporating 40 CFR 270.11). [20.4.1.900 NMAC (incorporating 40 CFR 270.30(k))]

I.I.9.h Submissions to the New Mexico Environment Department

All documents must be submitted as both paper copies and also in an electronic format acceptable to NMED unless specified otherwise in this permit. The Permittee shall submit all applications, reports, work plans, notifications, or other submissions that are required to be sent to NMED by this Permit to:

Chief
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone Number: 505-428-2500
Facsimile Number: 505-428-2567

The Permittee shall deliver all submissions by certified mail or hand delivery.

I.I.9.i Confidential information

The Permittee may claim confidentiality for any information required pursuant to this Permit, pursuant to the provisions of Section 74-4-4.3.D and F of the HWA, 20.4.1.100 NMAC (incorporating 40 CFR 260.2), and 20.4.1.900 NMAC (incorporating 40 CFR 270.12).

I.J COMPLIANCE SCHEDULES

This Permit specifies Schedules of Compliance that lead to compliance with the HWA and 20.4.1 NMAC. These Schedules of Compliance are specified in Section III (Closure Requirements), Section IV (Alternative Requirements for the Kickout Area), Section V (Facility-wide Ground Water Monitoring), Section VI (Ground Water Corrective Action Program For The OB/OD Unit), Section VII (Corrective Action for SWMUs and AOCs), and

Section VIII (Schedule of Compliance). [20.4.1.900 NMAC (incorporating 40 CFR 270.33(a))]

I.K INFORMATION REPOSITORY

The Permittee shall maintain an information repository until the end of closure, corrective action, and any post-closure care period [20.4.1.900 NMAC incorporating 40 CFR 270.30(m)]. The Permittee also shall maintain the Map Room located in the Administrative Area at the Facility.

I.K.1 Contents of the Information Repository

The Permittee's Information Repository shall contain:

1. Complete, legible hard copies (and electronic copies, if available) of all documents relating to the Permittee's previous activities which resulted or may have resulted in the generation, management, or actual or potential release of solid waste, hazardous waste, or hazardous constituents. These documents shall include, among other things, correspondence, reports, data, glossy photographic imprints, aerial photographs, maps, figures, drawings, tables, attachments, enclosures, and appendices;

2. Complete, legible hard copies (and electronic copies, if available) of all documents relating to the Permittee's Part A and Part B Permit Applications, this Permit, and interim status closure plans and post-closure plans including, but not limited to, any correspondence, glossy photographic imprints, aerial photographs, maps, figures, drawings, tables, attachments, enclosures, and appendices;

3. Complete, legible hard copies (and electronic copies, if available) of all documents relating to any sampling, monitoring, investigation, clean up, and corrective action of solid waste, hazardous waste, or hazardous constituents, conducted at FWDA including, but not limited to, work plans, evaluations, historical reports, data aerial photographs, engineering drawings, glossy photographic imprints, maps, figures, drawings, tables, attachments, enclosures, and appendices; and

4. A searchable database that contains an index of all documents stored in the repository.

The Permittee shall add new documents, reports, data, and information to the information repository within thirty (30) calendar days after the new documents, reports, data, and information are submitted to NMED or placed in the operating record.

[20.4.1.900 NMAC (incorporating 40 CFR 270.30(m))]

I.K.2 Notice of Information Repository

The Permittee shall inform the public of its Information Repository by:

1. Including in the public notice for any Permittee initiated permit modification, a statement discussing the existence of the Information Repository, the location and hours of availability, and any access requirements; and

2. Providing written and verbal notice to the public during implementation of the Community Relations Plan required under Permit Section I.L.

3. If changing the location of the Information Repository, by informing all persons on the Facility mailing list of the new location of the Information Repository and publishing a public notice in at least two newspapers of general circulation in the Gallup, New Mexico area.

I.K.3 Location and Hours of Information Repository

The Permittee shall maintain the Information Repository at an approved location in Gallup, New Mexico or at the Facility and shall make it open to the public between 8:00 a.m. and 5:00 p.m. on each business day [20.4.1.900 NMAC (incorporating 40 CFR 270.30(m))]. The Permittee shall allow access to the Map Room located at the Facility during normal business hours on any business day, by appointment, no more than five business days after notification by an interested party requesting access to the Map Room.

I.L COMMUNITY RELATIONS PLAN

Within one hundred eighty (180) calendar days of the effective date of this Permit, the Permittee shall establish and implement a Community Relations Plan to inform the public of investigation and cleanup activities conducted under this Permit, and to inform the public of safety issues concerning waste military munitions released at the Facility and beyond the Facility boundary. The Permittee shall take best efforts in good faith to consult with the Pueblo of Zuni and the Navajo Nation when developing the Community Relations Plan, in an effort to ensure the program is responsive to the needs of the neighboring communities. The Permittee shall document this consultation, and any disagreements between the Permittee and the Navajo Nation or Pueblo of Zuni regarding the Community Relations Plan, in the operating record. The Permittee shall maintain and implement the Community Relations Plan until the later of completion of corrective action or any post-closure care period at the Facility. [20.4.1.500 NMAC (incorporating 40 CFR 264.101) and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2))]

I.L.1 Public Safety Program

As part of the Community Relations Plan, the Permittee shall establish and implement a Public Safety Program to prevent the unknowing or unauthorized entry of persons or livestock onto portions of the Facility where waste military munitions are known or suspected to be present and to inform the public of the presence of any waste military munitions beyond the Facility boundary. As part of the Public Safety Program, the Permittee shall make the Military Munitions Map and Table required by Permit Section I.L.2, available to the public. [20.4.1.500 NMAC (incorporating 40 CFR 264.101) and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2))]

I.L.2 Military Munitions Map and Table

The Permittee shall create and maintain a military munitions map and table. The military munitions map and table shall depict and list, respectively, all waste military munitions known to have been managed or identified as discarded at the Facility and also any known munitions or munitions constituents released beyond the Facility boundary. The military munitions map and table shall identify the specific types (e.g., sub-munitions, improved conventional munitions, 105 mm howitzer round, fuse), locations, and depths where each waste military munition was managed or found and its status (live or inert). The map shall also depict relevant features, including, but not limited to, locations of the OB/OD Unit, Kickout Area, SWMUs, AOCs, topographic contours, watercourses, Facility and parcel boundaries, fence type and location, gates, roads, and land owner information. The military munitions map and table shall include specific references for the sources of information to allow easy verification of the information. The map and table shall be updated annually and copies of the updated map and tables shall be submitted to NMED by March 31 of each year after the effective date of this Permit [20.4.1.500 NMAC (incorporating 40 CFR 264.101) and 20.4.1.900 (incorporating 40 CFR 270.32(b)(2))].

I.M PROVISIONS GOVERNING EXTENSIONS OF TIME

The Permittee may seek an extension of time in which to perform a requirement of this Permit, for good cause, by sending a written request for extension of time and proposed revised schedule to the NMED. The request shall state the length of the requested extension and describe the basis for the request. NMED will respond in writing to any request for extension following receipt of the request. If the NMED denies the request for extension, it will state the reasons for the denial. Permittee shall also submit copies of all requests for extensions of time to perform permit requirements to the Pueblo of Zuni and the Navajo Nation at the same time the request is sent to NMED. NMED will provide the Navajo Nation and the Pueblo of Zuni with copies of its responses on time extensions to the Permittee.

II GENERAL FACILITY CONDITIONS

II.A NOTICE OF GENERATOR REQUIREMENTS

II.A.1 Waste Generated During Closure

By removing any hazardous wastes or hazardous constituents during closure, the Permittee may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of 20.4.1.300 NMAC, incorporating 40 CFR Part 262. [20.4.1.500 NMAC (incorporating 40 CFR 264.114)] Waste generated by treatment activities at the CAMU must be characterized in accordance with the requirements of 20.4.1.300 NMAC (incorporating 40 CFR 262.11), 20.4.1.700 NMAC (incorporating 40 CFR 266.200) and the Waste Analysis Plan (Permit Attachment 14).

II.A.2 Waste Generated By an Explosives or Munitions Emergency Response

If solid waste is generated as a result of an explosives or munitions emergency response at the Facility, or beyond the Facility boundary in response to a waste military munition released from the Facility, the Permittee must comply with the requirements of 20.4.1.300 (incorporating 40 CFR 262.11).

II.A.3 Waste Shipped to an Off-Site Facility

Whenever a shipment of hazardous waste is initiated from the Facility, the Permittee must comply with the requirements of 20.4.1.300 NMAC (incorporating 40 C.F.R. Part 262). [20.4.1.500 NMAC (incorporating 40 CFR 264.71(c))]

II.B LAND DISPOSAL PROHIBITIONS

II.B.1 Impermissible Dilution

The Permittee shall not dilute a restricted waste or the residue from treatment of a restricted waste, as a substitute for treatment. Dilution to avoid an applicable treatment standard includes, but is not limited to, the addition of solid waste to reduce a hazardous constituent's concentration, and an ineffective treatment method that does not destroy, remove, or permanently immobilize hazardous constituents. Aggregating or mixing wastes as part of a legitimate treatment process are considered permissible dilution. [20.4.1.800 NMAC (incorporating 40 CFR 268.3)]

II.B.2 Dust Suppression

The Permittee shall not use waste or used oil or any other material, which is contaminated with dioxin, PCB, or any other hazardous waste, other than a waste identified solely on the basis of ignitability, for dust suppression or road treatment. [20.4.1.700 NMAC (incorporating 40 CFR 266.23(b))]

II.C SECURITY

II.C.1 General Security Requirement

To prevent the unknowing entry and to minimize the possibility of unauthorized entry of persons or livestock onto the active portion of the Facility, the Permittee shall comply with

the security provisions and procedures specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.14(b) and (c).[20.4.1.500 NMAC (incorporating 40 CFR 264.14)].

II.C.2 Security Fence

The Permittee shall install and maintain in good repair a 6-foot high chain link security fence topped with 3 strands of angled barbed wire along the western boundary of Parcel 3 (as depicted in Permit Attachments 2 and 12) and shall install and maintain in good repair a five strand barbed wire fence along any unfenced portion of the northern boundary of Parcel 3. The Permittee shall maintain in good repair the existing five-strand barbed wire fence along the southern and eastern boundaries of Parcel 3 depicted in Permit Attachment 12. The Permittee shall maintain all other existing fencing in Parcel 3. The Permittee shall install the Security Fence within one hundred eighty (180) calendar days of the effective date of this Permit. The Permittee shall submit a Certification of Fence Completion within ninety (90) calendar days after completing the installation of the Security Fence. The Certification must include, at a minimum, a topographic map depicting pertinent geographic and Facility features (e.g., roads, buildings, surrounding property owners), the location of the fence and all access gates.

The Permittee shall confirm the full extent of the Kickout Area pursuant to Permit Section IV. The Permittee shall upgrade the existing barbed wire fence along the southern and eastern boundaries of the Kickout Area, or Parcel 3, to a 6-foot high chain link security fence topped with 3 strands of angled barbed wire no later than 180 days after confirmation of the extent of the Kickout Area pursuant to Section IV. NMED may require the Permittee to expand the security fence if evidence indicates that the Kickout Area extends beyond the security fence. [20.4.1.500 NMAC (incorporating 40 CFR 264.14(b)) and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2))]

II.C.3 Warning signs

The Permittee shall post warning signs on all security fences required by this Permit. The warning signs shall be posted at each gate or entrance through the security fences. The warning signs shall be posted in sufficient numbers along each security fence to be visible at all angles from any approach to the fenced area and legible from a distance of no less than 25 feet. The Permittee shall post all required warning signs at intervals not to exceed 100 feet. The warning signs shall be in English, Spanish, Navajo, and Zuni. The warning signs shall have the following legend in the required four languages: "DANGER - UNAUTHORIZED PERSONNEL KEEP OUT". The warning signs shall also have graphic symbols or pictograms that indicate: "WARNING: EXPLOSIVE DANGER". [20.4.1.500 NMAC (incorporating 40 CFR 264.14(c)) and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(1))]

II.C.4 CAMU SECURITY PROCEDURES

The CAMU is subject to the security requirements in Section II.C.1. In addition, the temporary storage at the CAMU described in Section IX.G shall be enclosed by temporary fencing and access shall be restricted to authorized personnel. During periods of time when waste is stored at the temporary storage area, the area shall be secured and inspected daily to prevent unauthorized access. A log of inspections conducted at the CAMU shall be

maintained in an inspection log located at the information repository at Building 1 and shall be made available for inspection by NMED upon request. The Permittee shall maintain documentation of the waste temporarily stored at the CAMU as part of the inspection log prior to treatment and shall notify NMED of any discrepancies in accordance with 20.4.1.700 NMAC incorporating 40 CFR 266.205(v). The documentation shall be maintained in the facility operation record and in the Information Repository required by Permit Section I.K.

II.D GENERAL INSPECTION REQUIREMENTS

The Permittee shall comply with the inspection requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.15 and 264.602).

The Permittee shall inspect each security fence annually and shall inspect any portion of a security fence adjacent to a road on a monthly basis. [20.4.1.500 NMAC (incorporating 40 CFR 264.15)]

The Permittee shall remedy any deterioration or malfunction discovered by an inspection on a schedule that ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, the Permittee shall take remedial action immediately. [20.4.1.500 NMAC (incorporating 40 CFR 264.15(c))]

The Permittee shall record inspections in an inspection log or summary and keep these records for at least three years from the date of inspection, except that the Permittee shall keep records relating to CAMU operations and waste military munitions for the life of the Permit. At a minimum, the records shall include the date and time of inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions. [20.4.1.500 NMAC (incorporating 40 CFR 264.15(d))]

All inspection records shall be maintained at the Facility information repository in Building 1 and shall be made available for inspection during normal business hours.

II.E PERSONNEL TRAINING

The Permittee shall comply with personnel training requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.16). The Permittee shall maintain training documents and records for at least three (3) years from the date that the employee last worked at the Facility in accordance with 20.4.1.500 NMAC and 40 CFR 264.16(d) and (e), which is incorporated herein by reference.

The Permittee shall maintain the following documentation at the Facility: a job title for each position and the name of each employee filling each position; a written description for each position including the requisite skill, education, or other qualifications, and duties; and a written description of introductory and continuing training for each person filling each position.

All personnel engaged in WMM handling, transport, or treatment operations shall be thoroughly trained in explosive safety and be capable of recognizing hazardous explosive

situations. Only trained qualified technician shall conduct treatment operations. Non-UXO trained personnel may be used to perform OB/OD support activities (e.g., soil sampling) when supervised and escorted by a trained-qualified individual.

The training records for the SUXOS and the UXO Quality Control Specialist shall be kept on file in the information repository or otherwise be made available to NMED upon request. In addition the applicable portions of the Department of Defense Explosives Safety Board, Technical Paper 18 shall be available to NMED upon request.

II.F LOCATION STANDARDS

The Facility must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood. [20.4.1.500 NMAC (incorporating 40 CFR 264.18(b))]

II.G IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall comply with the requirements for handling ignitable, reactive, and incompatible wastes of 20.4.1.500 NMAC (incorporating 40 CFR 264.17).

WMM shall be transported directly from the eight (8) CE Storage (ECM or igloos) in Explosive Block B prior to treatment at the CAMU. The wastes shall be treated promptly upon transport to and acceptance at the CAMU. [20.4.1.500 NMAC (incorporating 40 CFR 264.552 (e)(4)(iv)] WMM shall be transported directly from the eight (8) CE Storage ECM or igloos in Explosive Block B prior to treatment at the CAMU. Temporary waste storage at the CAMU shall be allowed for no more than ten (10) days of completion of the treatment only in the event of a contingency such as excessive winds or stormy weather as described in Attachment 1 of this Permit.

The Permittee is prohibited against placing liquids in the CAMU, except where placement of such wastes facilitates the treatment for the waste. [20.4.1.500 NMAC (incorporating 40 CFR 264.552 (a)(3))]

II.H PREPAREDNESS AND PREVENTION

II.H.1 Design and Operation of Facility

The Permittee shall design, construct, maintain and operate the Facility and the CAMU to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste or constituents to air, soil, ground water, or surface water that could threaten human health or the environment. [20.4.1.500 NMAC (incorporating 40 CFR 264.31)]

The UXO Quality Control Specialist and the SUXOS shall make all determinations with regard to the treatment, storage, transport and classification of UXO discovered at the Facility. The Permittee shall take all necessary precautions with regard to the management of UXO encountered at the Facility and its final disposition to ensure the safety of workers and the public. The Permittee shall ensure that the names, addresses and phone numbers of

the UXO Quality Control Specialist and the SUXOS are maintained at the Facility. The Permittee shall furnish upon request the contact information for the UXO Quality Control Specialist and the SUXOS to NMED.

II.H.2 Required Equipment

At a minimum, the Permittee shall maintain at the Facility the equipment specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.32). Such equipment must include communication and fire suppression equipment in accordance with the requirements of 20.4.1.500 NMAC (incorporating 264.32(a)(b) and (c)).

II.H.3 Testing and Maintenance of Equipment

The Permittee shall test and maintain as necessary the Facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment to assure its proper operation in time of emergency in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.33).

II.H.4 Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.34). Personnel shall be equipped with a communication device or have access to a communication device that is integrated with the Emergency Coordinator's communication network.

II.H.5 Arrangements with Local Authorities

The Permittee shall maintain arrangements with state and local emergency response organizations in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.37). The Emergency Response contact list is included in Appendix A of Attachment 15.

The Permittee shall maintain copies and descriptions of the Emergency Coordination Arrangements in the Facility operating record in compliance with Permit Section II.I.1 (Operating Record). [20.4.1.500 NMAC (incorporating 40 CFR 264.37(a))]

Where State or local authorities decline to enter into emergency arrangements, the Permittee shall document the refusal in the operating record in compliance with Permit Section II.I.1 (Operating Record).[20.4.1.500 NMAC (incorporating 40 CFR 264.37(b))]

II.H.6 Emergency Coordinator

An Emergency Coordinator shall be available at all times on the Facility premises or on call and available to respond to an emergency by reaching the Facility within a short period of time in case of an emergency. The Emergency Coordinator shall be thoroughly familiar with all operations and activities at the Facility, the location and characteristics of waste handled, the location of all records within the Facility, and the Facility layout, and shall have the authority to commit the resources needed to respond to an emergency. [20.4.1.500 NMAC (incorporating 40 CFR 264.55)]

II.H.7 Emergency Procedures

In the event of an imminent or actual emergency, the Emergency Coordinator shall immediately activate the internal emergency alarms or communication systems to notify all Facility personnel and notify the appropriate State or local agencies with designated response roles if their help is needed. Whenever there is a release, fire, or explosion, the Emergency Coordinator shall follow the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.56). During an emergency, the Emergency Coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other portions of the Facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers. Immediately after an emergency, the Emergency Coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the Facility. [20.4.1.500 NMAC (incorporating 40 CFR 264.56)]

II.I RECORD KEEPING AND REPORTING

The Permittee shall maintain in paper form and in an electronic form acceptable to NMED all information and records required to be maintained by this Permit.

II.I.1 Operating Record

The Permittee shall maintain a written Operating Record at the Facility in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.73). The Permittee shall keep the Operating Record until closure, corrective action and any post-closure care of the Facility has been approved as complete by NMED.

II.I.2 Additional Documents to be Maintained at the Facility

The Permittee shall maintain at the Facility, until the later of completion of final closure, corrective action or any post-closure care, the following documents and all amendments, revisions, and modifications to the following documents:

1. This Permit, including all Attachments, and all approved plans, documents, and other submittals required by this Permit;

2. Personnel training documents and records required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(d));

3. The names, addresses, and phone numbers of the Emergency Coordinator and all persons designated as Alternate Emergency Coordinator; and a copy of all coordination arrangements required by Permit Section II.H.5 (Arrangements with Local Authorities)

II.I.3 Availability, Retention, and Disposition of Records

The Permittee shall furnish upon request and make available at all reasonable times for inspection by NMED or his designee, the Operating Record and all other records required to be maintained by this Permit. [20.4.1.500 NMAC (incorporating 40 CFR 264.74(a))]

Information and records requested by NMED pursuant to this condition shall be made available for inspection in paper form or in an electronic format or both as NMED may specify.

II.I.4 Biennial Report

The Permittee shall comply with the biennial reporting requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.75).

II.I.5 Personnel and Telephone Number Changes

The Permittee shall inform NMED in writing of changes in its management personnel and telephone numbers within fifteen (15) calendar days of the changes.

III CLOSURE REQUIREMENTS

III.A CLOSURE PLAN FOR THE OB/OD UNIT AND CAMU

The Permittee shall close the OB/OD Unit and CAMU in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.111), and for the CAMU, 40 CFR 264.552(b)(2) and (e)(6), and the NMED-approved OB/OD Unit Closure Plan.

III.A.1 Disposal or Decontamination of Equipment and Structures

The Permittee shall decontaminate or remove and properly dispose of all contaminated equipment and structures at the OB/OD Unit and CAMU. [20.4.1.500 NMAC (incorporating 40 CFR 264.114 264.552(e)(6)(ii), and 264.601)]

III.A.2 Closure Performance Standard

The Permittee shall remove and properly dispose of all hazardous wastes and hazardous waste residues from the OB/OD Unit and CAMU, including but not limited to debris, hazardous waste military munitions, and combustion residues. [20.4.1.500 NMAC (incorporating 40 CFR 264.113, 264.114 and 264.601)]

III.A.3 Removal or Decontamination of Contaminated Soils From the OB/OD Unit

The Permittee shall remove or decontaminate all contaminated soils from the OB/OD Unit and CAMU to meet cleanup levels in accordance with Permit Attachment 7. The Permittee may seek a determination from NMED that removal or decontamination of soils is not practicable using the procedures in Permit Attachment 7, Section 7.7.2. [20.4.1.500 NMAC (incorporating 40 CFR 264.114 and 264.601)]

III.A.4 Soil Characterization and Confirmation Sampling

Following removal of hazardous wastes and hazardous waste residues and removal or decontamination of contaminated soils from the OB/OD Unit and CAMU, the Permittee shall collect characterization and confirmation samples from the limits of the remedial excavations. The Permittee shall submit the soil samples to an analytical laboratory for chemical analysis of volatile organic compounds, semi-volatile organic compounds, metals, explosive compounds, perchlorate, nitrate, cyanide, PCBs, dioxins, furans, and any other hazardous constituents specified by NMED.

The Permittee shall, based upon the results of soil sampling, effect removal or decontamination of any remaining contaminated soils discovered at the OB/OD Unit to meet cleanup levels in accordance with Permit Attachment 7. The Permittee may seek a determination from NMED that removal or decontamination of soils is not practicable using the procedures in Permit Attachment 7, Section 7.7.2. Following removal or decontamination of such soils, the Permittee shall conduct further soil confirmation sampling of the limits of the new remedial excavations. [20.4.1.500 NMAC (incorporating 40 CFR 264.601 and 602)

III.A.5 Characterization of Areas Not Subject to Initial Removal Actions

The Permittee shall conduct geophysical investigations encompassing the entire OB/OD Unit after the initial removal actions have been completed pursuant to Permit Sections III.A.1, III.A.2, III.A.3, and III.A.4 to evaluate for the presence of any additional treatment or disposal areas or waste military munitions not identified during previous investigation or closure activities. The Permittee shall investigate such areas where evidence of historical activities is detected and remove all remaining hazardous waste and hazardous waste residues. The Permittee shall also make all reasonable efforts to remove or decontaminate all contaminated soils to meet cleanup levels in accordance with Permit Attachment 7. The Permittee shall remove all hazardous waste and hazardous waste residues and, where practicable, remove or decontaminate all contaminated soils determined to have migrated from the OB/OD Unit. The Permittee may seek a determination from NMED that removal or decontamination of soils is not practicable using the procedures in Permit Attachment 7, Section 7.7.2. Following removal and decontamination actions, the Permittee shall verify whether cleanup levels determined in accordance with Permit Attachment 7 have been achieved by collecting soil confirmation samples at intervals approved by NMED. [20.4.1.500 NMAC (incorporating 40 CFR 264.114, 264.601 and 264.602)]

III.A.6 OB/OD Unit Closure Report

Within one hundred eighty (180) calendar days of the completion of removal and decontamination actions under Permit Sections III.A.1, III.A.2, III.A.3, III.A.4, and III.A.5, the Permittee shall submit to NMED a report summarizing the results of removal and decontamination actions and soil sampling conducted at the OB/OD Unit. If soil sampling results indicate that no contaminated soils remain at the OB/OD Unit, the report shall notify NMED of the Permittee's intention to certify closure under Permit Section III.C.3. [20.4.1.500 NMAC (incorporating 40 CFR 264.601 and 602)]

III.B INVESTIGATION AND REMEDY SELECTION

III.B.1 Investigation Work Plan

If soil sampling results indicate that contaminated soils remain at, or have migrated from, the OB/OD unit after removal and decontamination actions conducted under Permit Sections III.A.1, III.A.2, III.A.3, III.A.4, and III.A.5, the Permittee shall submit an investigation work plan to determine the nature and extent of remaining contamination to NMED for review and approval under the procedures in Section VII.L.3. The work plan shall include a schedule for implementation of specific actions and submittal of an investigation report. The work plan shall also include the proposed methods and procedures and rationale for surface and subsurface investigation including, but not limited to, non-intrusive investigation methods (e.g., geophysical surveys), drilling and well installation methods, sample collection methods, field screening procedures, chemical analytical methods, quality assurance/quality control (QA/QC) sampling, management of investigation-derived waste and any other methods and procedures proposed for use during the investigation. The work plan may include consideration of releases from co-located solid waste management units and areas of concern. [20.4.1.500 NMAC (incorporating 40 CFR 264.101, 264.601 and 264.602)]

III.B.2 Investigation Report

The Permittee shall submit an investigation report summarizing the results of the investigation to NMED for review and approval under the procedures in Permit Section VII.L.3. The Report shall include, but not be limited to, background information, a summary of the actual activities conducted, descriptions of the methods and procedures used to conduct the investigation, summaries of the results of all field measurements and laboratory analyses, maps depicting relevant features including investigation locations and the locations of detected contaminants, summary tables of the results of field measurements and chemical analyses, logs and well construction diagrams, summaries of QA/QC data, data quality exceptions, final contract laboratory reports, recommendations for further action and any other information specified by NMED. [20.4.1.500 NMAC (incorporating 40 CFR 264.101, 264.601 and 264.602)]

III.B.3 Remedy Selection Work Plan

Within one hundred eighty (180) calendar days of written notification by NMED, the Permittee shall submit a Remedy Selection Work Plan to NMED for review and approval. The Remedy Selection Work Plan shall include an evaluation of remedial alternatives, including an analysis of whether the remedial alternatives will meet the applicable requirements of 20.4.1.500 NMAC, incorporating 40 CFR 264.601, 264.603, and 264.101, and shall contain adequate information to support a recommended remedy. The Permittee shall initiate a permit modification under 20.4.1.900 NMAC, incorporating 40 CFR 270.42, and 20.4.1.901 NMAC for approval of any selected remedy. [20.4.1.500 NMAC (incorporating 40 CFR 264.603 and 264.101)]

III.B.4 Remedy Completion Report

Within one hundred eighty (180) calendar days of the completion of the remedy selected under Section III.B.3, the Permittee shall submit to NMED a report summarizing the results of the plan implementation. The report shall notify NMED of the Permittee's intention to certify closure under Permit Section III.C.3. [20.4.1.500 NMAC (incorporating 40 CFR 264.601,264.602, and 264.101)

III.B.5 Post-Closure Plan

If required by NMED, the Permittee shall submit to NMED, in conjunction with the Remedy Selection Work Plan, a post-closure care plan that meets all of the requirements of 20.4.1.500 NMAC, incorporating 40 CFR 264.114, 264.117, 264.118, 264.119, 264.120, and 264.603. The Post-closure Plan submittal will be considered a Class 3 permit modification.

III.C GENERAL REQUIREMENTS

III.C.1 Time Allowed for Closure Activities

The Permittee shall conduct final closure activities at the OB/OD Unit in accordance with the schedules specified in the NMED-approved Closure Plan or, if necessary, the remedy selected under Permit Section III.B.3.

III.C.2 Amendment to Closure Plans

The Permittee shall amend the NMED-approved Closure Plans required by this Section (III) as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.112(c)), whenever necessary.

III.C.3 Certification of Closure

Within sixty (60) calendar days of the completion of closure of the OB/OD Unit, the Permittee shall submit to NMED a written closure certification, signed by an independent professional engineer registered in New Mexico that the Permittee closed the OB/OD Unit in accordance with the NMED-approved Closure Plans or, if necessary, the remedy selected under Permit Section III.B.3. [20.4.1.500 NMAC (incorporating 40 CFR 264.115)]

III.D CORRECTIVE ACTION MANAGEMENT UNIT CLOSURE

III.D.1 CAMU Closure Plan

The Closure Plan for the CAMU is included in Attachment 9. The CAMU must undergo closure in conjunction with corrective action conducted for SWMU 14. The Permittee shall submit an updated closure plan for the CAMU no less than 180 days, or other time specified by NMED, prior to the completion of corrective action activities at the Facility. The closure plan shall include all proposed activities, methods and procedures necessary to complete closure of the CAMU in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.111, 114 and 552(e)(6)(i) and (ii) and (f)) and Permit Attachment 7. The closure plan shall include a proposed schedule to complete closure of the CAMU and shall comply with the requirements of 20.4.1.900 NMAC (incorporating 40 CFR 270.42(c)) and this Permit Part (III).

III.D.2 CAMU Closure Report

The Permittee shall submit a CAMU closure report within 180 days, or other time specified by NMED, that summarizes all activities conducted to complete closure of the CAMU and demonstrates compliance with the cleanup requirements of Permit Attachment 7. The Permittee shall submit a certification of closure and survey plat in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.115 and 116) within 90 days of NMED approval of the closure report.

IV ALTERNATIVE REQUIREMENTS FOR THE KICKOUT AREA

IV.A CONFIRMATION OF KICKOUT AREA

The Permittee shall confirm the outer boundary of the Kickout Area by conducting an initial geophysical investigation using GPS-based, best-available technology that is selected based on a site-specific geophysical prove out. The Permittee shall establish the estimated outer boundary by adding at least 275 feet along a radial transect from the furthest detected waste military munitions or waste military munitions scrap. The Permittee shall conduct the delineation of the Kickout Area in accordance with an NMED approved work plan and implementation schedule reviewed and approved under the procedures in Permit Section VII.L.3. The Permittee shall submit the work plan to confirm the extent of the Kickout Area within sixty (60) calendar days of the submittal date of the Community Relations Plan. The work plan shall contain a schedule for implementation and submittal of a confirmation report of the activities conducted under the approved work plan. [20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 264.110(c)]

IV.B SURFACE CLEARANCE IN THE KICKOUT AREA

The Permittee shall conduct a surface clearance on the Kickout Area, using best available technology, to remove waste military munitions from the Kickout Area. Surface clearance shall be conducted on all portions of the Kickout Area that are readily accessible by foot without the need for vegetation removal or use of safety equipment on steep slopes. The Permittee shall conduct the geophysical investigations and removals in accordance with a work plan and implementation schedule reviewed and approved under the procedures in Permit Section VII.L.3. The work plan shall propose appropriate methods and technology to conduct a surface clearance of waste military munitions in the Kickout Area. The Permittee shall submit the work plan and implementation schedule for review and approval within ninety (90) calendar days of the submittal date of the Kickout Area Confirmation Report required in Permit Section IV.A. When preparing the Work Plan for clearance, the Permittee shall consult with the Pueblo of Zuni and Navajo Nation according to the provisions of Permit Section VIII.B.1. [20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 264.110(c))]

IV.C CLEARANCE OF DESIGNATED AREAS

The Permittee shall conduct a geophysical survey, using best available technology, for waste military munitions in designated access areas for archaeological sites and cultural resources in the Kickout Area. The Permittee shall develop a list of the designated areas in consultation with the Navajo Nation and the Pueblo of Zuni according to the consultation procedures in Permit Section VIII.B.1. The Permittee shall excavate 100% of the detected anomalies and remove all waste military munitions in the designated areas. The Permittee shall conduct the geophysical investigations and removals in accordance with a work plan and implementation schedule reviewed and approved under the procedures in Permit Section VII.L.3. The work plan shall propose appropriate methods and technology to investigate and remove any waste military munitions in the designated areas. The Permittee shall submit the work plan and implementation schedule for review and approval within ninety (90) calendar

days of the submittal date of the Kickout Area Confirmation Report required in Permit Section IV.A. When preparing the Work Plan the Permittee shall consult with the Pueblo of Zuni and the Navajo Nation according to the provisions of Permit Section VIII.B.1. [20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 264.110(c))]

IV.D KICKOUT AREA REPORT

Within one hundred eighty (180) calendar days of the completion of the Kickout Area clearance under Permit Sections IV.B and C, the Permittee shall submit to NMED a report summarizing the results of the clearance actions conducted in the Kickout Area. The report shall include a discussion of the adequacy of existing fencing in relation to the extent of the Kickout Area and propose fencing changes or additional clearance as appropriate to ensure protection of public health and safety. [20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 264.110(c))]

IV.E ANNUAL INSPECTIONS AND REMOVAL

After initial removal of waste military munitions from the Kickout Area under Permit Sections IV.B and IV.C, the Permittee shall conduct annual inspections of the Kickout Area and remove all observed waste military munitions. The annual inspections shall be conducted on all portions of the Kickout Area, which are readily accessible by foot without the need for significant vegetation removal or use of safety equipment on steep slopes. The Permittee shall conduct these inspections and removals in accordance with an NMED-approved work plan and implementation schedule reviewed and approved under the procedures in Permit Section VII.L.3. The work plan shall propose appropriate methods for inspection and removal that are adequate to discover and remove any waste military munitions visible on the ground surface of the Kickout Area. The Permittee shall submit the work plan and implementation schedule to NMED for review and approval within ninety (90) calendar days of completion of the initial Kickout Area clearance under Permit Section IV.B. [20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 264.110(c))]

IV.F TRANSFER OF LANDS WITHIN THE KICKOUT AREA

If the Permittee transfers lands within the Kickout Area to another owner, the Permittee shall conduct additional clearance of the land proposed for transfer. The Permittee shall conduct a geophysical survey, using best available technology, for waste military munitions in the area designated for transfer. The Permittee shall excavate 100% of the detected anomalies and remove all waste military munitions in the designated areas. The Permittee shall conduct the geophysical investigations and removals in accordance with a work plan and implementation schedule reviewed and approved under the procedures in Permit Section VII.L.3. The work plan shall propose appropriate methods and technology to investigate and remove any waste military munitions in the designated area. The Permittee shall submit the work plan and implementation schedule for review and approval at least one hundred eighty (180) days prior to the proposed date of transfer. When preparing the work plan the Permittee shall consult with the Navajo Nation and the Pueblo of Zuni according to the provisions of Permit Section VIII.B.1. The Permittee is not required to conduct additional clearance on portions

of the land that were already cleared as designated areas under Permit Section IV.C. [20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 264.110(c))]

V FACILITY-WIDE GROUND WATER MONITORING

V.A INTERIM PLAN

The Permittee shall implement an NMED-approved Interim Facility-Wide Ground Water Monitoring Plan (Interim Plan). The Interim Plan shall provide for interim ground water monitoring for the entire Facility, and off site, if necessary, prior to implementation of long-term monitoring pursuant to Section V.B. All ground water monitoring and sampling implemented pursuant to this Permit shall begin after the Interim Plan that has been approved by NMED. When preparing the Interim Plan, the Permittee shall consult with the Pueblo of Zuni and the Navajo Nation according to the provisions of Permit Section VIII.B.1. [20.4.1.500 NMAC (incorporating 40 CFR 264.101)]

V.A.1 Ground Water Monitoring and Sampling

The Interim Plan shall, at a minimum, propose the following: locations and frequency of monitoring and sampling of existing wells, the start date for the initial monitoring and sampling event, the methods for collecting field measurements, the parameters and methods for field water quality and laboratory chemical analyses, sample collection methods, quality assurance/quality control sampling, methods for management of investigation derived waste and any other ground water monitoring or sampling method or procedure required by NMED. The Permittee shall use valid data from previous ground water monitoring and sampling at the Facility to develop the Interim Plan. [20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 264.552)])]

The CAMU will not be subject to groundwater monitoring requirements in 20.4.1.500 NMAC (incorporating 40 CFR 552(e)(5)) if all wastes placed into the CAMU have constituent levels at or below remedial levels or goals applicable to the CAMU, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.552(g)).

V.A.2 Monitoring Reports

The format for periodic monitoring reports shall follow the format included in NMED's General Reporting Requirements for Routine Groundwater Monitoring at RCRA Sites. The submittal date for of the initial periodic monitoring report and the frequency of submittal of subsequent periodic monitoring reports shall be proposed in the plan. [20.4.1.500 NMAC (incorporating 40 CFR 264.101)]

V.A.3 Initial Submission of the Interim Plan

The Permittee shall submit an Interim Plan that meets all requirements of this Section to NMED within ninety (90) calendar days of the submittal date of the Community Relations Plan. NMED shall review and approve the Interim Plan under the procedures in Permit Section VII.L.3. [20.4.1.500 NMAC (incorporating 40 CFR 264.101)]

V.A.4 Annual Revision to the Interim Plan

The Permittee shall revise and update the Interim Plan annually to propose changes to the monitoring plan (e.g., to include monitoring wells installed pursuant to Sections VI and VII; to remove wells not providing valid data; to evaluate new off-site wells that have the

potential to be impacted; to make any other appropriate changes). Within ninety (90) calendar days after each anniversary of the effective date of this Permit (with the exception of the first anniversary), the Permittee shall submit a revised and updated Interim Plan to NMED for review and approval. NMED will review the revised Interim Plan under the procedures in Permit Section VII.L.3 [20.4.1.500 NMAC (incorporating 40 CFR 264.101)]. When reviewing and revising the Interim Plan, the Permittee shall consult with the Navajo Nation and Pueblo of Zuni in accordance with the provisions of Permit Section VIII.B.1.

V.B LONG-TERM PLAN

Within one hundred eighty (180) calendar days after completing the installation of all additional monitoring wells pursuant to Permit Sections VI and VII the Permittee shall submit to NMED for review and approval a long-term Facility-wide ground water monitoring plan (Long-term Plan). The Long-term Plan shall meet all requirements for the Interim Plan and shall provide for ground water monitoring for the entire Facility until the end of ground water monitoring pursuant to Section VII or ground water monitoring pursuant to Section VI. The Long-term Plan shall be submitted and reviewed as a Class 3 permit modification. Upon NMED approval, the Long-term Plan shall supersede the requirements of the Interim Plan. [20.4.1.500 NMAC (incorporating 40 CFR 264.101)]

VI GROUND WATER INVESTIGATION AND GROUND WATER CORRECTIVE ACTION FOR THE OB/OD UNIT

VI.A GROUND WATER INVESTIGATION

VI.A.1 Ground Water Investigation Work Plan

Within ninety (90) calendar days of completion of removal and decontamination actions under Permit Section III.A., the Permittee shall submit a Ground Water Investigation Work Plan to NMED to characterize releases of hazardous wastes and hazardous constituents from the OB/OD Unit to ground water and surface water. The Work Plan shall include, at a minimum, descriptions of: non-intrusive investigation methods (e.g., geophysical surveys), drilling and well installation methods, sample collection methods, field screening procedures, chemical analytical methods, QA/QC procedures, schedules, management of investigation derived waste and any other methods and procedures proposed for use during the investigation. The work plan may include consideration of releases from co-located solid waste management units and areas of concern. NMED will review and approve the Work Plan under the procedures in Permit Section VII.L.3. [20.4.1.900 NMAC (incorporating 40 CFR 270.14(c)(2), 270.14(c)(4), and 270.28) and 20.4.1.500 NMAC (incorporating 40 CFR 264.602)]

VI.A.1.a Monitoring Wells

The Permittee shall install monitoring wells to characterize any hazardous waste or hazardous constituents released into the ground water from the OB/OD Unit, including concentrations and any other necessary information. The monitoring wells shall meet the requirements of 20.4.1.500 NMAC, incorporating 40 CFR 264.97, and shall be located and designed to immediately detect releases of hazardous constituents from the OB/OD Unit. [20.4.1.900 NMAC (incorporating 40 CFR 270.14(c)(2), 270.14(c)(4), and 270.28) and 20.4.1.500 NMAC (incorporating 40 CFR 264.602)]

VI.A.1.b Characterization of Releases

The Permittee shall characterize the nature, rate, and extent of all releases of hazardous waste and hazardous constituents into the ground water and surface water from the OB/OD Unit. [20.4.1.900 NMAC (incorporating 40 CFR 270.14(c)(2), 270.14(c)(4), and 270.28) and 20.4.1.500 NMAC (incorporating 40 CFR 264.602)]

VI.A.1.c Characterization of Hydrogeology

The Permittee shall characterize site hydrogeology, aquifer properties and the properties of associated confining hydrostratigraphic units. [20.4.1.900 NMAC (incorporating 40 CFR 270.14(c)(2), 270.14(c)(4), and 270.28) and 20.4.1.500 NMAC (incorporating 40 CFR 264.602)]

VI.A.2 Ground Water Investigation Report

Within one hundred eighty (180) calendar days after completion of the ground water investigation field activities, the Permittee shall submit to NMED a ground water investigation report summarizing the results of the investigation. The Report shall include,

but not be limited to, background information, a summary of the actual activities conducted, descriptions of the methods and procedures used to conduct the investigation, summaries of the results of all field measurements and laboratory analyses, maps depicting relevant features, investigation locations and locations of detected contaminants, summary tables of the results of field measurements and chemical analyses, boring logs and well construction diagrams, QA/QC data, summaries of data quality exceptions, final contract laboratory reports, proposed corrective actions, and any other information specified by the NMED. NMED shall review and approve the report under the procedures in Permit Section VII.L.3. [20.4.1.500 NMAC (incorporating 40 CFR 264.101, 264.601 and 264.602)]

VI.B GROUND WATER CORRECTIVE ACTION PROGRAM

Within ninety (90) calendar days of NMED approval of the Ground Water Investigation Report, the Permittee shall submit to NMED a Ground Water Corrective Action Program Plan. The Ground Water Corrective Action Program shall include, at a minimum, methods for remediation of releases of hazardous waste and hazardous constituents to ground water, methods to control releases and migration of hazardous constituents in ground water, additional well installation and remediation system methods, sample collection methods, field screening procedures, chemical analytical methods, schedules, management of investigation derived waste, QA/QC procedures, aquifer and remediation system pilot testing methods, the locations and frequency of ground water monitoring and any other methods and procedures proposed for use during the corrective action program. The Permittee shall initiate a Class 3 permit modification under 20.4.1.900 NMAC (incorporating 40 CFR 270.42) and 20.4.1.901 NMAC for approval of the Ground Water Corrective Action Program. [20.4.1.500 NMAC (incorporating 40 CFR 264.100)]

VI.B.1 Well locations, installation, and construction

The Permittee shall install and maintain a ground water monitoring system associated with the OB/OD Unit. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(d))]

VI.B.1.a Well Locations

The Permittee shall install and maintain ground water monitoring wells at the locations specified in the NMED-approved Ground Water Corrective Action Program. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(a)(3) and (d))]

VI.B.1.b Construction and Maintenance of Wells

The Permittee shall construct and maintain all monitoring wells in accordance with plans and specifications presented in the NMED-approved Ground Water Corrective Action Program. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(d))]. The plans and specifications shall meet the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.97 (a) through (f)).

VI.B.1.c Abandoned Wells

The Permittee shall plug and abandon all wells removed from the monitoring program using methods approved, in writing, by NMED.

VI.B.2 Cleanup Levels (Ground Water Protection Standard)

VI.B.2.a Hazardous Waste and Hazardous Constituents

The Permittee shall achieve the cleanup levels in Permit Attachment 7 for the following hazardous waste and hazardous constituents: RDX; perchlorate, 2,4-dinitrotoluene; 4-amino-2,6-dinitrotoluene;2-amino-4,6-dinitrotoluene; cadmium; chromium; selenium; lead; and any additional hazardous waste or hazardous constituent discovered under Permit Section VI.B.6.a.

VI.B.2.b Point of Compliance

The point of compliance shall be at all points in ground water. The Permittee may seek a variance or determination of impracticability of obtaining cleanup levels in ground water according to the provisions of Permit Attachment 7, Section 7.7, and modify this permit as necessary to provide for any post closure care. [20.4.1.500 NMAC (incorporating 40 CFR 264.100, 264.101, and 264.603)]

VI.B.2.c Compliance Period

The Permittee shall monitor for the hazardous waste and hazardous constituents as specified in Permit Section VI.B.2.a during the compliance period. The compliance period shall be the number of years equal to the active life of the OB/OD Unit including any waste management activity prior to permitting and the closure period. NMED shall calculate the compliance period when closure of the OB/OD Unit is certified. [20.4.1.500 NMAC (incorporating 40 CFR 264.96(a) and 40 CFR 264.100(f))]

VI.B.3 Corrective Action

VI.B.3.a Implementation of Corrective Action

The Permittee shall implement corrective action in accordance with the schedule specified in the NMED-approved Ground Water Corrective Action Program. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(c))]

VI.B.3.b Prevention of Exceedances

The Permittee shall conduct corrective action to prevent hazardous waste and hazardous constituents released from the OB/OD Unit from exceeding their respective cleanup levels by removing the hazardous waste and hazardous constituents or by treating them in place. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(b))]

VI.B.3.c Remediation of Exceedances

The Permittee shall conduct corrective action to remove or treat in place any hazardous waste or hazardous constituents released from the OB/OD Unit that exceed cleanup levels, including hazardous waste or hazardous constituents beyond the Facility boundary where necessary to protect human health and the environment. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(e)(1) and (2))]

VI.B.3.d Duration of Corrective Action

The Permittee shall continue corrective action during the compliance period or longer, if necessary, to ensure that the cleanup levels are not exceeded. If a cleanup level is exceeded during the compliance period, the Permittee shall continue corrective action until the cleanup level has not been exceeded for at least three (3) consecutive years. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(f))]

VI.B.4 Sampling and Analysis Procedures

The Permittee shall collect, preserve, ship (if applicable), analyze, and track and control all samples taken from monitoring wells in accordance with NMED-approved sampling and analysis procedures.

VI.B.5 Ground Water Surface Elevation

VI.B.5.a Periodic Elevation Determinations

The Permittee shall determine the ground water potentiometric surface elevation, relative to mean sea level, at each well each time ground water is sampled to an accuracy of 0.01 foot. [20.4.1.500 NMAC (incorporating 40 CFR 264.97(f))]

VI.B.5.b Reporting of Elevation at Installation

The Permittee shall survey the elevation of the top of the well casing above mean sea level of each newly installed monitoring well to an accuracy of 0.01 foot and the horizontal location of each newly installed monitoring well to an accuracy of 0.1 foot within thirty (30) calendar days after well installation.

VI.B.6 Ground Water Monitoring and Data Evaluation

The Permittee shall establish and implement ground water monitoring to demonstrate the effectiveness of corrective action. Ground water monitoring shall meet the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.97) and shall be effective as the program for compliance monitoring under 20.4.1.500 NMAC (incorporating 40 CFR 264.99 and 264.100 (d)).

VI.B.6.a Monitoring of Hazardous Constituents

The Permittee shall determine the concentration of hazardous waste and hazardous constituents specified in Permit Section I.H throughout the compliance period and any extensions due to corrective action implementation to demonstrate compliance with the cleanup levels. The Permittee shall determine the concentration of such hazardous waste and hazardous constituents in ground water at each monitoring well at the frequency specified in the NMED-approved ground water monitoring plan. [20.4.1.500 NMAC (incorporating 40 CFR 264.96 and 264.100(d))]

The Permittee shall analyze samples at each monitoring well for additional hazardous waste and hazardous constituents (i.e., not specified in Permit Section VI.B.2.a) at the frequency specified in the NMED-approved Ground Water Corrective Action Program to determine if additional hazardous waste or hazardous constituents are present in ground water. If the

Permittee finds that additional hazardous waste or hazardous constituents are present, their concentrations shall be reported to NMED in writing within seven (7) calendar days from receipt of the results of analysis. The Permittee shall conduct corrective action for additional hazardous waste or hazardous constituents that exceed respective cleanup levels in accordance with this Section. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(d))]

VI.B.6.b Monitoring of Ground Water Flow Rate and Direction

The Permittee shall determine the ground water flow rate and direction in the uppermost aquifer and any other aquifer being monitored during each sampling event. [20.4.1.500 NMAC (incorporating 40 CFR 264.98(e))]

VI.B.7 Recordkeeping and Reporting

VI.B.7.a Recordkeeping

The Permittee shall enter all monitoring, testing and analytical data obtained during ground water corrective action in the operating record. [20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(6))]

VI.B.7.b Reporting

The Permittee shall report to NMED in writing the results of all ground water monitoring and sampling conducted under this Section. The Permittee shall submit these reports within ninety (90) calendar days of completion of the field activities conducted during the associated periodic monitoring event, unless another time period is specified by NMED.

VI.B.8 Request for Permit Modification

If the Permittee determines that the Ground Water Corrective Action Program no longer satisfies the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.100) the Permittee shall, within ninety (90) calendar days, submit an application for a permit modification to make any appropriate changes to the program. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(h))]

If the requirements of this Section (VI) are met, the Permittee shall, within ninety (90) calendar days, submit an application for a permit modification to implement a ground water compliance monitoring program. [20.4.1.500 NMAC (incorporating 40 CFR 264.100(h))]

VII CORRECTIVE ACTION FOR SWMUS AND AOCS

VII.A APPLICABILITY

The conditions of this Section apply to all Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) identified in Permit Attachment 8, any newly identified SWMUs and AOCs, and any releases of hazardous waste or hazardous constituents from SWMUs and AOCs.

VII.B CONTAMINATION BEYOND THE FACILITY BOUNDARY

The Permittee shall implement corrective action beyond the Facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of NMED that, despite the Permittee's best efforts, as determined by the NMED, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to cleanup a release that has migrated beyond the Facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. [20.4.1.500 NMAC (incorporating 40 CFR 264.101(c))]

VII.C CORRECTIVE ACTION ALREADY COMPLETED

Any corrective action tasks required under this Section that Permittee has already completed may be used to meet the requirements of this Section, in whole or in part, as determined by NMED. The Permittee may submit prior work to meet these requirements for NMED's approval.

VII.D NOTIFICATION AND ASSESSMENT FOR NEWLY IDENTIFIED SMWUS AND AOCS

The Permittee shall notify NMED in writing, within fifteen (15) calendar days of discovery, of any newly discovered SWMU or AOC. The notification shall include, at a minimum, the location of the newly discovered SWMU or AOC and all available information pertaining to the site history and nature of the release (e.g., media affected, hazardous waste or hazardous constituents released, magnitude of release). NMED may require the Permittee to submit a Release Assessment Report in accordance with Permit Section VII.F.1 to determine the status of the newly discovered SWMU or AOC. Alternatively, NMED may require a RFI for the newly discovered SWMU or AOC in accordance with Permit Section VII.H without requiring a Release Assessment. If NMED determines that a RFI for a newly discovered SWMU or AOC is required, the Permittee shall modify this Permit to add the SMWU or AOC to Permit Attachment 8 in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

If the Permittee conducts an explosives or munitions emergency response at the Facility, or beyond the Facility boundary, in response to a waste military munition released from the Facility, the Permittee shall treat that response location as a newly discovered AOC, unless the response is conducted within the boundaries of an existing AOC, SWMU, the Kickout Area, or the OB/OD Unit.

VII.E NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES FROM SMWUS OR AOCS

The Permittee shall notify NMED in writing, within fifteen (15) calendar days of discovery, of any newly discovered release(s) of hazardous waste or hazardous constituents from a SWMU or AOC that explains the location and circumstances of the release.

If NMED determines that investigation of the release is needed, the Permittee shall prepare and submit a RFI Work Plan in accordance with Permit Section VII.H.

VII.F RELEASE ASSESSMENT

VII.F.1 Release Assessment Report

The Permittee shall prepare and submit to NMED a Release Assessment Report, in conjunction with the associated Parcel RFI Work Plan submittal, for each AOC listed in Permit Attachment 8. If required by NMED, the Permittee shall submit a Release Assessment Report for newly discovered SWMUs or AOCs under Permit Section VII.D. Any revisions to the Release Assessment Report required by NMED shall be submitted within thirty (30) calendar days of receipt of NMED's comments on the Release Assessment Report.

The Release Assessment Report shall, at a minimum, include the following information:

1. Location of unit(s) on a topographic map of appropriate scale such as required under 20.4.1.900 NMAC (incorporating 40 CFR 270.14(b)(19));

2. Designation of type and function of unit(s);

3. General dimensions, capacities and structural description of unit(s) (supply any available plans/drawings);

4. Dates that the unit(s) was operated;

5. All available site history information;

6. Specification of all wastes that have been managed at/in the unit(s) to the extent available. Include any available data on hazardous waste or hazardous constituents in the wastes; and

7. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s) (to include ground water data, soil analyses, air, and surface water data).

VII.F.2 Requirement to Proceed

NMED will review the Release Assessment Report to determine whether any further investigative action is required. NMED shall notify the Permittee of the need for confirmatory sampling if necessary, or notify the Permittee of the need for a RFI in

accordance with the requirements in Permit Section VII.H. NMED shall notify the Permittee of any corrective action complete decision.

VII.G INTERIM MEASURES

VII.G.1 NMED-Initiated Interim measures

Upon written notification by NMED, the Permittee shall prepare and submit an Interim Measures (IM) Work Plan in accordance with Permit Attachment 3 (Interim Measures Implementation Scope Of Work) at any SWMU or AOC where NMED determines that interim measures are necessary to minimize or prevent the migration of hazardous waste or hazardous constituents and limit actual or potential human and environmental exposure to hazardous waste or hazardous constituents while long term corrective action remedies are evaluated and implemented. The Permittee shall submit its IM Work Plan to NMED within thirty (30) calendar days of NMED's notification, unless another time period is specified by the NMED. Such interim measures may be conducted concurrently with any required corrective action.

VII.G.2 Required Interim Measures

The Permittee shall prepare and submit an IM Work Plan in accordance with Permit Attachment 3 for each of the below-listed interim measures. The Permittee shall consult with the Pueblo of Zuni and the Navajo Nation according to the provisions of Permit Section VIII.B.1 prior to submittal of IM Work Plans.

VII.G.2.a Sampling of Offsite Water Supply Wells

The Permittee shall sample offsite water supply wells as identified in Permit Attachment 13 to ensure that the public is not using contaminated ground water released from the Facility. The Permittee shall submit an Interim Measures Work Plan for off-site water supply well sampling to NMED within ninety (90) calendar days of the submittal date of the Community Relations Plan. The Permittee's Interim Measures Work Plan shall include detailed well information including the following: well identification numbers, location (provided on a map and including New Mexico State Coordinate System coordinates, owner name and phone number, any well boring logs and well construction diagrams, depths to water, dates of measurement, and type of well (e.g., domestic supply well, municipal supply well, monitoring well, irrigation well, etc.). All information in the Work Plan shall be accompanied by appropriate references identifying the specific source document and specific location of the referenced information (e.g., page numbers).

VII.G.2.b Cleanup of Kickout Beyond the Facility Boundary

If the Permittee is notified of a planned change in land use of off-facility lands that are located within the Kickout Area, the Permittee shall conduct an interim measure to remove waste military munitions from the affected lands as follows: the Permittee shall remove all waste military munitions released to the Kickout Area beyond the Facility boundary by conducting a geophysical investigation, using best available technology, to detect and remove waste military munitions at a depth consistent with the proposed land use. The Permittee shall submit a work plan, within 60 days of notification of a planned land use

change, to remove all waste military munitions released beyond the Facility boundary within the area designated by the neighboring jurisdiction. The plan shall contain provisions for identifying the extent of, and removing, waste military munitions released beyond the Facility boundary and a schedule for implementation. The Permittee shall consult with affected parties in accordance with the consultation provisions in Permit Section VIII.B.1.

VII.G.3 Permittee-initiated Interim Measures

The Permittee may initiate interim measures at a SWMU or AOC by notifying NMED, in writing, at least thirty (30) calendar days prior to beginning the Interim Measures. NMED will approve the Permittee-initiated IM, conditionally approve the IM, or require submittal of an IM work plan for NMED approval prior to implementation of the Interim Measure.

VII.G.4 Emergency Interim Measures

The Permittee may determine, during implementation of site investigation activities, that emergency interim measures are necessary to address an immediate threat of harm to human health or the environment. The Permittee shall notify the NMED within one business day of discovery of the facts giving rise to the threat, and shall propose emergency interim measures to address the threat. If the NMED approves the emergency interim measures in writing, the Permittee may implement the proposed emergency interim measures without submitting an interim measures work plan. If circumstances arise resulting in an immediate threat to human health or the environment such that initiation of emergency interim measures are necessary prior to obtaining written approval from the NMED, the Permittee shall notify the NMED within one business day of taking the emergency interim measure. The notification shall contain a description of the emergency situation, the types and quantities of contaminants involved, the emergency interim measures taken, and contact information for the emergency coordinator who handled the situation. The notification shall also include a written statement justifying the need to take the emergency action without prior written approval from the NMED. This requirement shall not be construed to conflict with 20.4.1.500 NMAC (incorporating 40 CFR 264.1(g)(8)) or 20.4.1.900 NMAC (incorporating 40 CFR 270.61).

VII.G.5 IM Work Plan Requirements

The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and is consistent with, and integrated into, any final corrective measures at the Facility. The IM Work Plan shall include the interim measures objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.

VII.G.6 Interim Measures Implementation

VII.G.6.a Implementation and Completion of Approved IM Work Plan

The Permittee shall implement interim measures required under Permit Section VII.G. in accordance with the NMED-approved IM Work Plan. The Permittee shall complete interim measures within one hundred eighty (180) calendar days of the start of implementation of the interim measure. The Permittee may submit a written request to the NMED to extend the period for implementation of the interim measure. The request must provide justification for

the extension and a proposed schedule for completion of the interim measure. The NMED will notify the Permittee, in writing, of the approval or disapproval of the request within thirty (30) calendar days of receipt of the IM implementation extension request.

VII.G.6.b Notification of changes

The Permittee shall give notice to NMED as soon as possible of any planned changes, reductions or additions to the IM Work Plan required by NMED under Permit Section VII.G.1 or initiated by the Permittee in accordance with Permit Section VII.G.3.

VII.G.7 Interim Measures Reports

The Permittee shall submit to NMED for review and approval, within ninety (90) calendar days of completion of interim measures, an Interim Measures (IM) Report for each SWMU or AOC. The IM Report shall contain, at a minimum, the following information:

1. A description of interim measures implemented;

2. Summaries of results;

3. Summaries of all problems encountered;

4. Summaries of accomplishments and/or effectiveness of interim measures; and,

5. Copies of all relevant laboratory/monitoring data, etc.

VII.H RCRA FACILITY INVESTIGATION

VII.H.1 RFI Work Plan

VII.H.1.a RFI work plan submittal

The Permittee shall submit to NMED RCRA Facility Investigation ("RFI") Work Plans for the SWMUs and AOCs identified in Permit Attachment 8 in accordance with the schedule set forth in Table VII.2. The Permittee shall consult with the Navajo Nation and the Pueblo of Zuni regarding RFI Work Plans pursuant to Permit Section VIII.B.1.

The Permittee shall submit RFI Work Plans for those SWMUs and AOCs requiring further investigation under Permit Section VII.F.2 within ninety (90) calendar days of notification by NMED.

VII.H.1.b RCRA Facility investigation work plan requirements

The RFI Work Plan shall meet the requirements specified in Permit Attachment 4 (RCRA Facility Investigation Scope of Work). The RFI Work Plan shall include schedules of implementation and completion of specific actions necessary to determine the nature and extent of contamination and the potential pathways of contaminant releases to the air, soil, surface water, and ground water. The Permittee shall provide sufficient justification and associated documentation that a release is not probable or has already been characterized if a unit or a media/pathway associated with a unit (ground water, surface water, soil, subsurface gas, or air) is not included in the RFI Work Plan. Such deletions of a unit, medium, or

pathway from the RFI(s) are subject to the approval of NMED. The Permittee shall provide sufficient written justification for any omissions or deviations from the minimum requirements specified in Permit Attachment 4. Such omissions or deviations are subject to the approval of NMED. In addition, the RFI Work Plan shall include all investigations necessary to ensure compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.101(c)).

VII.H.2 RCRA Facility Investigation Implementation

The Permittee shall implement the RFIs in accordance with the NMED-approved RFI Work Plans. The Permittee shall notify NMED at least thirty (30) calendar days prior to any permit- or corrective action-related field activity (e.g., drilling, sampling).

VII.H.3 RCRA Facility Investigation Reports

VII.H.3.a RCRA Facility investigation report

The Permittee shall prepare and submit to NMED RFI Reports for the investigations conducted in accordance with RFI Work Plans submitted under Permit Section VII.H.1. The Permittee shall submit the RFI Reports to NMED for review and approval in accordance with the schedules in its approved RFI Work Plans.

The RFI Reports shall include an analysis and summary of all required investigations of SWMUs and AOCs and their results. The summary shall describe the type and extent of contamination at each SWMU and AOC investigated, including sources and migration pathways, identify all hazardous waste or constituents present in all media, and describe actual or potential receptors. The RFI Report shall also describe the extent of contamination (qualitative and quantitative) in relation to background levels of the area. If the RFI Report concludes that further work is necessary, the report shall include a schedule for submission of a work plan for the next phase of investigation.

VII.H.3.b Cleanup levels

The RFI Reports shall identify the applicable cleanup levels in accordance with Permit Attachment 7 (Cleanup Levels) for each hazardous waste or hazardous constituent found at each SWMU and AOC. The Permittee shall propose in the RFI Report appropriate cleanup levels for those hazardous wastes or hazardous constituents without established cleanup levels based upon human and ecological risk.

VII.H.3.c Requirement to proceed

Based upon NMED's review of the RFI Report, NMED will notify the Permittee of the need for further investigative action, if necessary, and inform the Permittee, if not already notified, of the need for a Corrective Measures Study. NMED will notify the Permittee if corrective action is complete. If NMED determines that further investigation is necessary, NMED will require the Permittee to submit a work plan for approval that includes a proposed schedule for additional investigation(s).

VII.I CORRECTIVE MEASURES STUDY

VII.I.1 Corrective Measures Study Work Plan

VII.I.1.a Submittal of corrective measures study work plan

The Permittee shall submit a Corrective Measures Study (CMS) Work Plan within ninety (90) calendar days of notification by the NMED that such a Work Plan is required, unless another time period is specified by the NMED. The Permittee shall consult with the Pueblo of Zuni and the Navajo Nation regarding CMS Work Plans pursuant to Permit Section VIII.B.1.

VII.I.1.b Corrective measures study work plan requirements

The CMS Work Plan shall meet the requirements of Permit Attachment 5 (Corrective Measures Study Scope of Work). The CMS Work Plan shall include schedules of implementation and completion of specific actions necessary to complete a CMS. The scope of the CMS Work Plan shall include all investigations necessary to ensure compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.101).

VII.I.2 Corrective measures study implementation

The Permittee shall implement the NMED-approved CMS in accordance with the CMS Work Plan, if a CMS Work Plan is required by NMED.

VII.I.3 Corrective Measure Study Reports

VII.I.3.a Corrective measures study report

NMED may require the Permittee to submit a CMS Report as part of remedy selection. The Permittee shall submit a CMS Report to the NMED for review and approval in accordance with the schedule specified in the approved CMS Work Plan or as otherwise required by NMED. The CMS Report shall present all information gathered under the approved CMS Work Plan. The CMS Report must contain adequate information to support the recommended remedy. The CMS Report shall summarize any bench scale or pilot tests conducted. The CMS Report shall include an evaluation of each remedial alternative. If a remedial alternative requires the use of a Corrective Action Management Unit (CAMU), the CMS report shall include all information necessary to establish and operate the CAMU.

VII.I.3.b Requirement to evaluate additional remedies

NMED may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

VII.I.3.c Remedy Selection And Permit Modification

NMED shall select a remedy based, at a minimum, upon protection of human health and the environment, specific site conditions, and existing regulations. The selected remedy may include any interim measures implemented to date. The Permittee shall initiate a permit modification after selection of a remedy in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.42) and 20.4.1.901 NMAC to incorporate the remedy into this Permit.

VII.J CORRECTIVE MEASURES IMPLEMENTATION (CMI)

VII.J.1 Submittal of Corrective Measures Implementation Program Documents

The Permittee shall submit a Corrective Measures Implementation Work Plan within ninety (90) calendar days after approval of the permit modification for the remedy, unless another time period is specified by the NMED. The Permittee shall consult with the Navajo Nation and the Pueblo of Zuni regarding CMI Work Plans pursuant to Permit Section VIII.B.1. The Corrective Measures Implementation Work Plan shall include the conceptual design, an operation and maintenance plan, plans and specifications, construction plans and a schedule for implementation in accordance with Permit Attachment 5 (Corrective Measures Implementation (CMI) Scope Of Work).

VII.J.2 Implementation of Corrective Measures

The Permittee shall implement corrective measures in accordance with the NMED-approved CMI Work Plan and the schedule specified therein.

VII.J.3 Corrective Measures Implementation Reports

VII.J.3.a Quarterly Progress Reports

The Permittee shall, at a minimum, submit to NMED signed quarterly progress reports during implementation of corrective measures. NMED may adjust the frequency of progress reporting to address site-specific needs. Progress reports shall, at a minimum, include the following elements:

1. A description of significant activities (e.g., sampling events, inspections, etc.) and work completed/work accomplishments (e.g., performance levels achieved, hours of treatment operation, treated and/or excavated volumes, concentration of hazardous waste or constituents in treated and/or excavated volumes, nature and volume of wastes generated, etc.) during the reporting period;

2. Summary of system effectiveness. Provide a comparison of system operation to predicted performance levels (applicable only during operation of the corrective measure);

3. Summaries of all findings (including any inspection results);

4. Summaries of all contacts with representatives of the local community, public interest groups, and State government, etc., during the reporting period;

5. Summaries of all problems or potential problems encountered during the reporting period;

6. Actions being taken and/or planned to rectify problems;

7. Changes in personnel during the reporting period;

8. Projected work for the next reporting period; and,

9. If requested by NMED, the results of any sampling tests and/or other data generated during the reporting period.

VII.J.3.b Construction Completion Report

The Permittee shall submit to NMED a Construction Completion Report that documents how the completed project is consistent with the Plans and Specifications. The Construction Completion Report shall be submitted to NMED when the construction and any operational tests have been completed. The Construction Completion Report shall, at a minimum, include the following elements:

1. Synopsis of the corrective measure, design criteria, and certification that the corrective measure was constructed in accordance with the Plans and Specifications;

2. Explanation and description of any modifications to the Plans and Specifications and why these were necessary for the project;

3. Results of any operational testing and/or monitoring, indicating how initial operation of the corrective measure compares to the design criteria;

4. Summary of significant activities that occurred during construction. Include a discussion of problems encountered and how they were addressed;

5. Summary of any inspection findings (include copies of key inspection documents in appendices);

6. As built drawings and/or photographs; and

7. Schedule indicating when any treatment systems shall begin full scale operations.

VII.J.3.c Corrective Measure Completion Report

The Permittee shall submit to NMED a Corrective Measure Completion Report when the Permittee believes that the corrective measure completion criteria have been satisfied. The Corrective Measure Completion Report shall, at a minimum, include the following elements:

1. Synopsis of the corrective measure;

2. Corrective Measure Completion Criteria: Describe the process and criteria for determining when corrective measures, maintenance, and monitoring may cease. Corrective measure completion criteria were specified in the Operation and Maintenance (O&M) Plan;

3. Demonstration that the completion criteria have been met. Include results of testing and/or monitoring, indicating how operation of the corrective measure compares to the completion criteria;

4. Summary of work accomplishments (e.g., performance levels achieved, total hours of treatment operation, total treated and/or excavated volumes, nature and volume of wastes generated, site restoration activities, etc.);

5. Summary of significant activities that occurred during operations. Include a discussion of problems encountered and how they were addressed; and

6. Summary of inspection findings (include copies of key inspection documents in appendices).

VII.K WORK PLAN AMENDMENTS

If the Permittee or NMED determines at any time that any RFI Work Plan, IM Work Plan, CMS Work Plan, or CMI Work Plan no longer satisfies the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.101) or this Permit for prior or continuing releases of hazardous waste or hazardous constituents from a SWMU or AOC, the Permittee shall submit an amended Plan to NMED within ninety (90) calendar days of such determination. The Permittee shall consult with the Pueblo of Zuni and the Navajo Nation regarding work plan amendments pursuant to Permit Section VIII.B.1.

VII.L SUBMITTALS

VII.L.1 Submittal of Work Plans and Schedules

The Permittee shall submit all work plans and schedules required under this Section to NMED for review and approval prior to implementation.

VII.L.2 Schedule for Submittal of Work Plans and Reports

The Permittee shall submit all required plans and reports to NMED for review and approval in accordance with the schedules included in this Permit. NMED may grant extensions of the due date for submittals based on the Permittee's demonstration that sufficient justification for the extension exists.

VII.L.3 Approval/Disapproval of Submittals

NMED will review work plans, reports, schedules, and other documents ("submittals") submitted by the Permittee for review and approval under this Section. Upon completing review, the Secretary will send the Permittee a written notice of approval, approval with conditions, or disapproval of the submittal. If the Secretary disapproves a submittal, the Secretary will notify the Permittee in writing of the submittal's deficiencies and specify a due date for submission of a revised submittal. If the Secretary approves the submittal with conditions, the Secretary will notify the Permittee in writing of the condition(s) and the reasons for the imposition of such condition(s), and specify a due date for completion of the required actions.

VII.L.4 Incorporation of Approved Work Plans and Schedules

All submittals required by this Section are, upon approval by the Secretary, incorporated into this Permit and become an enforceable part of this Permit. Failure to submit any of the

required items, the submission of inadequate or insufficient information, or failure to comply with the approved work plans or schedules may subject the Permittee to enforcement action.

VII.M DISPUTE RESOLUTION

In the event the Permittee disagrees, in whole or in part, with a condition or disapproval of any submittal, the Permittee may seek dispute resolution.

VII.M.1 Notice to NMED

To invoke dispute resolution, the Permittee shall notify NMED in writing within thirty (30) calendar days of receipt of the Secretary's approval of a submittal with conditions or disapproval of a submittal. Such notice shall set forth the specific matters in dispute, the position the Permittee asserts should be adopted, the basis for the Permittee's position, and any matters considered necessary for the Secretary's determination.

VII.M.2 Agreement or Disagreement Between the Parties

NMED and the Permittee shall have thirty (30) calendar days from NMED's receipt of notification provided under Permit Section VII.M.1 to meet or confer to resolve any disagreement.

In the event an agreement is reached, the Permittee shall comply with the terms of such agreement or, if appropriate, submit a revised submittal and implement the same in accordance with, and within the time frame specified in, such agreement.

VII.M.3 Final Decision of the Secretary

If agreement is not reached within the thirty (30) calendar day period, the Secretary will notify the Permittee in writing of its decision on the dispute, and the Permittee shall comply with the terms and conditions of the decision. Such decision shall be the final resolution of the dispute and shall be incorporated as an enforceable part of this Permit. The Permittee shall implement the decision in accordance with, and within the time frame specified in, such decision.

VII.M.4 Actions Not Affected By Dispute

With the exception of those conditions under dispute, the Permittee shall proceed to take any action required by those portions of the submission and of this Permit that NMED determines are not affected by the dispute.

TABLE VII.1 SCHEDULE FOR SUBMITTAL OF CORRECTIVE ACTION DOCUMENTS	
DOCUMENT	DUE DATE
Notification of newly identified SWMUs and AOCs.	Within fifteen (15) calendar days of discovery.
SWMU and AOC Release Assessment Report.	Within ninety (90) calendar days of notification.
RFI Work Plan for newly identified SWMUs and AOCs	Within ninety (90) calendar days after receipt of notification by NMED which SWMUs and AOCs require an RFI.
Notification for newly discovered releases at previously identified SWMUs and AOCs	Within fifteen (15) calendar days of discovery.
RFI Report	In accordance with the approved RFI Work Plan.
Interim Measures Work Plan	Within thirty (30) calendar days of notification by NMED.
Interim Measures Report	Within ninety (90) calendar days of completion.
CMS Work Plan	Within ninety (90) calendar days, or other time specified by NMED, of notification by NMED that a CMS is required.
Implementation of CMS Work Plan	Within fifteen (15) calendar days after receipt of NMED's approval of Plan
CMS Report	In accordance with the schedule in the approved CMS Work Plan
CMI Work Plan	As specified by the NMED in the CMS approval
CMI Progress Reports	As specified by the NMED in the CMI approval
CMI Corrective Measure Completion Report	As specified by the NMED in the CMI approval

TABLE VII.2
SCHEDULE FOR RFI WORK PLAN, HISTORICAL INFORMATION ASSESSMENT AND RELEASE ASSESSMENT SUBMITTALS

PRIORITY	PARCEL NUMBER	GENERAL DESCRIPTION	DOCUMENTS SUBMITTAL DATE
1	21	Parcel 21 includes the TNT Workshop Area, TNT Leach Beds, electrical transformers, and the pre-1940s munitions storage area.	09/01/06
2	11	Parcel 11 includes a portion of the Administration Area, Sewage Treatment Plant, electrical transformers, and the pre-1940s munitions storage area.	03/01/07
3	22	Parcel 22 includes the TNT Workshop Area, Igloo Block D, electrical transformers, the pre-1940s munitions storage area, and land occupied by TPL.	11/01/07
4	6	Parcel 6 includes a portion of the Administration Area, TNT Workshop Area, Igloo Block B, Buildings 537, 542, electrical transformers, the pre-1940s munitions storage area, and land occupied by TPL.	05/01/08
5	4	Parcel 4 (west central) includes Igloo Block C and may include the pre-1940s munitions storage area). Parcel 4 may also include electrical transformers.	11/01/08
6	23	Parcel 23 (west central) includes the Central Landfill, and the pre-1940s munitions storage area. Parcel 23 may include electrical transformers.	05/01/09
7	10	Parcel 10 (northwest) includes the Suspected POL Area, Former Administration and Utilities Area, and may include electrical transformers and the pre-1940s munitions storage area.	11/01/09
8	5	Parcel 5 (west central) includes former structures or buildings and may also include the pre-1940s munitions storage area. Parcel 5 may include electrical transformers.	05/01/10
9	8	Parcel 8 (northwest).	11/01/10 (completed)
10	16	Parcel 16 (northeast corner) includes the Functional Test Range 2/3, buildings near	05/01/11

TABLE VII.2 SCHEDULE FOR RFI WORK PLAN, HISTORICAL INFORMATION ASSESSMENT AND RELEASE ASSESSMENT SUBMITTALS			
PRIORITY	PARCEL NUMBER	GENERAL DESCRIPTION	DOCUMENTS SUBMITTAL DATE
		Lake Knudson, Igloo Block K, and the pre-1940s munitions storage area. Parcel 16 may also include electrical transformers.	
11	13	Parcel 13 (north central) includes the area around Lake Knudson, electrical transformers, and the pre-1940s munitions storage area.	11/01/11
12	18	Parcel 18 (north central) includes the Eastern Landfill and the pre-1940s munitions storage area. Parcel 18 may include electrical transformers.	05/01/12
13	12	Parcel 12 (north) includes electrical transformers, and may include the pre-1940s munitions storage area.	11/01/12
14	14	Parcel 14 (north) may also include electrical transformers and the pre-1940s munitions storage area).	05/01/13
15	7	Parcel 7 (west of Administration Area) includes the Western Landfill, POL Disposal Area, Trash Burning Grounds, electrical transformers, and the pre-1940s munitions storage area.	11/01/13
16	24	Parcel 24 (northwest) includes Igloo Block A and the pre-1940s munitions storage area. Parcel 24 may include electrical transformers.	05/01/14
17	25	Parcel 25 (north) is located along Interstate 40.	11/01/14 (completed)
18	20	Parcel 20 (southeast corner) includes the Functional Test Range 1, and is being used by the Missile Defense Agency (MDA). Parcel 20 may also include electrical transformers.	05/01/15
19	2	Parcel 2 (southwest corner, directly north of the OB/OD Area) includes Igloo Blocks C, H and J, Group C Landfill, Western Rifle Range, and is being used by the Missile Defense Agency (MDA). Parcel 2 may also include electrical transformers.	11/01/15
20	19	Parcel 19 (east central) includes Igloo	05/01/16

TABLE VII.2 SCHEDULE FOR RFI WORK PLAN, HISTORICAL INFORMATION ASSESSMENT AND RELEASE ASSESSMENT SUBMITTALS			
PRIORITY	PARCEL NUMBER	GENERAL DESCRIPTION	DOCUMENTS SUBMITTAL DATE
		Blocks D, E, F, and G, Building T-422 (Normal Maintenance Blg., Bomb and Shell Paint Blg.), electrical transformers, and the pre-1940s munitions storage area.	
21	9	Parcel 9 includes Igloo Block A and the pre-1940s munitions storage area. Parcel 9 is being used by the Missile Defense Agency (MDA). Parcel 9 may include electrical transformers.	11/01/16
22	3	Parcel 3 includes the OB/OD Area SWMUs and AOCs.	05/01/17
23	3	CAMU Closure Plan	180 days prior to the completion of the final SWMU/AOC remedy

VIII SCHEDULE OF COMPLIANCE

VIII.A COMPLIANCE SCHEDULE REQUIREMENTS

VIII.A.1 DATA GAPS IN SITE HISTORY

VIII.A.1.a Historical Documents

The Permittee shall submit to NMED copies of all historical documents, reports, data, and information relating to the Facility within ninety (90) calendar days of the effective date of this Permit. The Permittee shall also submit to the NMED a summary of the historical information and assessment of potential contaminant releases relating to each parcel in conjunction with the parcel-specific RFI Work Plan including complete, legible copies of all associated photographic imprints, maps, figures, drawings, tables, attachments, enclosures, and appendices and other related supporting documentation. The historical information assessment shall identify each historic aerial photographic feature or anomaly in each subject parcel and make a comparison of each feature or anomaly through time.

VIII.A.1.b Interviews

The Permittee shall interview persons, familiar with current and past activities and operations at the Facility, who were not interviewed previously or who may not have provided complete information during the initial interview. The Permittee shall consult with the Navajo Nation and Pueblo of Zuni regarding the interviews. The Permittee shall submit copies of all past and newly conducted interviews to NMED within one hundred eighty (180) calendar days of the submittal date of the Community Relations Plan.

VIII.A.1.c Historic Aerial Photo Interpretation

The Permittee shall perform a historic aerial photograph time sequence analysis and submit a historic aerial photograph analysis in accordance with Permit Section VIII.A.1.a.

The historic aerial photograph analysis shall include photographs that depicts and identifies each feature or anomaly, including features such as SWMUs, AOCs and any location that has actual or potential site contamination. The historic aerial photographic analysis shall include:

1. Time sequence analyses of aerial photographs organized by date and Parcel from the earliest dated photos to the present at intervals of no more than 5-years, or other interval approved by NMED;

2. Master photomap that is based on a current digital aerial photomap that contains all prominent surface features;

3. Digital files on CD of all aerial photographs in a GIS format acceptable to NMED;

4. Historic aerial photographs shall be glossy photographic prints or electronic submittals in format acceptable to NMED (e.g., SHP, PDF format);

5. Each aerial photograph shall be oriented using the New Mexico State Plane Coordinate System or other NMED approved coordinate system; and,

6. Scale with units of measurement in feet for each photograph.

The historic aerial photograph analysis shall include written interpretations of each feature or anomaly, including each SWMU, AOC, and any location that has actual or potential site contamination. [20.4.1.500 NMAC (incorporating 40 C.F.R. 264.101) and 20.4.1.900 NMAC (incorporating 40 CFR 270.14(d))]

VIII.A.1.d Submittal of Updated SWMU and AOC List

Pursuant to the requirements of Permit Section VII.D, the Permittee shall submit a list of newly identified SWMUs and AOCs within fifteen (15) calendar days after completing the requirements of Permit Section VIII.A.1.a for each Parcel. [20.4.1.500 NMAC (incorporating 40 C.F.R. 264.101)]

VIII.A.1.e Asbestos Evaluation

The Permittee shall prepare an asbestos evaluation report for submittal to NMED in conjunction with the associated parcel RFI Work Plans. The reports shall identify sites, that are not SWMUs or AOCs, where there is the potential for asbestos contamination. The reports also shall establish action levels for cleanup or abatement of asbestos, where necessary. In preparing these reports, the Permittee shall consult with Pueblo of Zuni and Navajo Nation in accordance with the provisions of Permit Section VIII.B.1. Any required action to address asbestos contamination in soil identified under this Permit Section (VIII.A.1.e) shall be addressed pursuant to CERCLA [42 U.S.C. 9601 et seq.]. Nothing in this Section (VIII.A.1.e) shall be construed to limit or waive the rights or claims of any person as defined in NMSA 1978, Section 74-4-3(M) (HWA) and 20.4.1.100 NMAC (incorporating 40 CFR 260.10).

VIII.A.2 Closure

The Permittee shall submit the following information relating to closure of the OB/OD Unit:

1. Closure Plan for the OB/OD Unit within one hundred eighty (180) calendar days of the submittal date of the Community Relations Plan that includes all of the information required in 20.4.1.500 NMAC (incorporating 40 CFR 264.111 through 264.115, 264.601, and 264.602) and that provides for compliance with the requirements of Permit Section III.A. The Closure Plan shall be submitted and reviewed as a Class 3 permit modification. The Permittee shall consult with the Navajo Nation and Pueblo of Zuni regarding the Closure Plan according to Permit Section VIII.B.1. The Closure Plan shall also include, at a minimum:

a. a proposed schedule for implementation of closure activities,

b. methods for characterization and removal of all hazardous waste and hazardous waste residues, and characterization and removal or decontamination of all contaminated structures, equipment, and known contaminated soils,

c. the methods and procedures for collection of characterization and confirmation samples,

d. the methods and procedures for sample field screening and field analysis,

e. laboratory chemical analytical methods,

f. sample handling and QA/QC procedures,

g. the methods for management of investigation derived waste,

h. the methods for conducting geophysical investigations pursuant to Permit Section III.A.5, and

i. the proposed format for reporting on the results of closure activities.

2. A summary report of historical information within one hundred eighty (180) calendar days of the submittal date of the Community Relations Plan, including maps and data tables, of historical documents and records relating to the OB/OD Unit, including records, maps, photographs, Department of Defense and other governmental databases, environmental site investigation and remedial action documents, construction records, treatment and disposal records, interviews, and other sources of historical information;

3. A proposal to modify this Permit to include a Corrective Action Management Unit for management of waste generated during closure activities at the OB/OD Unit within one hundred eighty (180) calendar days of the submittal date of the Community Relations Plan;

[20.4.1.900 NMAC (incorporating 40 CFR 270.14(b)(13))]

VIII.A.3 Topographic Map

The Permittee shall provide a revised Permit Attachment 2 to NMED within ninety (90) calendar days of the effective date of this Permit, including:

1. all of the information required by 20.4.1.900 NMAC (incorporating 40 CFR 270.14(b)(19));

2. identification and depiction of the OB/OD Unit and SWMUs and AOCs with known locations;

3. identification, depiction, and labeling of parcels and parcel boundaries; and

4. the known extent of the Kickout Area.

VIII.A.4 Hydrogeologic Information

The Permittee shall submit a summary of Facility hydrologic and geologic data that the Permittee has used to characterize the site hydrogeology and characterize any releases of hazardous waste or constituents to the ground water and surface water to NMED within sixty (60) calendar days of the effective date of this Permit. The summary shall include:

1. Hydrogeologic data regarding the uppermost aquifer and all aquifers hydraulically interconnected beneath the Facility, including the Quaternary alluvium, Painted Desert Member of the Chinle Formation (the nomenclature is being changed to the Painted Desert Formation of the Chinle Group), Sonsela Sandstone Member, Mancos Shale;

2. Provide copies of all Facility well logs and well construction diagrams.

3. Provide ground water flow direction and rate data and the basis for such identification, potentiometric surface summary data tables and contour maps, aquifer test data, flow zone or preferential flow path data, seasonal and spatial fluctuations in flow directions, vertical and horizontal gradients, and any other available hydrogeologic information.

[20.4.1.900 NMAC (incorporating 40 CFR 270.14(c)(2), 270.14(c)(4), and 270.28) and 20.4.1.500 NMAC (incorporating 40 CFR 264.602)]

VIII.B APPROVAL OF SUBMITTALS

All plans, schedules, maps, and other documents required by this Schedule of Compliance shall be submitted to the NMED for review and approval. All plans, schedules, maps, and other documents required by this Schedule of Compliance are, upon approval by the NMED, incorporated into this Permit and become an enforceable part of this Permit. Any noncompliance with approved plans, schedules or other approved documents constitutes noncompliance with this Permit and may subject the Permittee to enforcement action.

VIII.B.1 Prior Consultation Requirements

Prior to submittal, the Permittee shall consult with the Pueblo of Zuni and the Navajo Nation regarding plans and reports that are specifically subject to consultation requirements. The Permittee shall:

a. Take best efforts in good faith to consult with the Navajo Nation and the Pueblo of Zuni regarding the impact of the proposed actions in the plan on archaeological sites, historic sites, and traditional uses of the land. The Permittee shall attempt to identify and negotiate agreement on mitigating measures or alternatives to minimize the impact of the proposed actions in the plan on archaeological sites, historic sites, and traditional uses of the land. This consultation may be performed in conjunction with federal requirements for consultation with affected tribes.

b. When submitting a plan or report subject to consultation requirements, the Permittee shall include a statement summarizing the consultation process and results of the process, including any agreements or disagreements between the Permittee and the Pueblo of Zuni or Navajo Nation.

c. When submitting a plan or report subject to consultation requirements, the Permittee shall certify the statement summarizing the consultation process in accordance with Permit Section I.I.9.g.

d. The Permittee shall maintain documentation in the operating record of the attempts at consultation and any written agreements reached or written documentation indicating refusal to consult or enter into agreement.

IX CORRECTIVE ACTION MANAGEMENT UNIT (CAMU)

This Permit Section authorizes the operation of a CAMU to treat eligible waste in accordance with 40 CFR Part 264.552 and Subpart X, including the requirements for the design, construction, operation, maintenance and monitoring of the unit. Waste Permitted for treatment at the CAMU includes hazardous waste in the form of WMM that cannot be transported offsite for treatment or disposal due to inherent hazards related to transport or management of the waste.

IX.A CAMU DESCRIPTION

The CAMU is located in SWMU 14 in Parcel 3 as shown in Permit Attachment 12. A physical description of the CAMU is included in Permit Attachment 1 (Section 1.1.3). Figures depicting the location and design of the CAMU are provided in Permit Attachment 12.

IX.B CAMU DESIGN

IX.B.1 General Requirements

The Permittee shall design, construct, operate, and maintain the CAMU to minimize the possibility of an accidental fire, explosion, or any sudden or non-sudden release of hazardous waste or hazardous constituents into air, soil, sediment, surface water, or groundwater which could threaten human health or the environment, in accordance 20.4.1.500 NMAC [incorporating 40 C.F.R. 264.31 and 264.601] which are incorporated herein by reference.

The Permittee shall design, construct, operate, and maintain the CAMU to minimize emissions of air pollutants, and to minimize the possibility of exposure to toxic or hazardous air pollutants, and to minimize noise.

IX.B.1.a Tribal Consultation

Prior to the construction of the CAMU the Permittee shall consult with the Navajo Nation and Pueblo of Zuni with regard to the presence of cultural sites and develop procedures to address potential damage to cultural resources in accordance with VIII.B.1.a. The Permittee shall notify NMED that such procedures are in place in accordance with Permit Section VIII.B.1.d no less than 60 days prior to the start of construction activities at the CAMU.

IX.B.2 Pit Design

The CAMU shall be constructed with one primary treatment pit and no more than four contingent treatment pits for open burn and open detonation operations as necessary. The Permittee may use up to four additional contingent demolition pits, one at a time, only if there is a need to treat WMM prior to normal maintenance required by IX.G.2 or there is a functional need to change pits (e.g., a breach of a berm).

The Permittee shall ensure that the pits are surrounded by horseshoe-shaped earthen containment berms. The layout and conceptual design is shown in Attachment 12. The berms shall be constructed with soils to a width of 35 feet and a height of 8 feet with an

entrance to allow access to the interior of the pit. The pit shall not exceed a depth of eight feet bgs. Demolition pits shall be composed of well-packed earth and shall be free from loose stones and deep cracks in which explosives might lodge.

If the soil used for construction is brought from locations outside of the CAMU, it shall be tested to evaluate for the presence of contaminants to establish a baseline prior to construction of the berms. Soil excavated for the demolition pits shall be staged in the CAMU and then replaced at the conclusion of each day's activities.

The berms surrounding the pits shall remain in place throughout the active life of the CAMU and shall be removed when the CAMU is closed.

IX.B.3 Burn Pan Design

Burn pans must be constructed of steel and the dimensions shall not exceed 7 feet wide by 12 feet long by 5 feet deep and may be equipped with a door to prevent or reduce kickout. The burn pans must be located within a detonation pit when used.

IX.C PERMITTED WASTE

The Permittee may treat in the CAMU reactive (D003) and ignitable (D001) hazardous wastes, such as MEC (including damaged, defective, expired, and unserviceable munitions) explosive-contaminated wastes, propellants, bulk explosives, metal powders, detonators, miscellaneous munitions constituents and soils containing hazardous or reactive concentrations of explosive compounds. The waste types allowed to be treated shall solely be waste generated during remediation activities conducted at the Facility.

Treatment at the CAMU shall only be conducted when the designated SUXOS and UXO Quality Control Specialist have designated the material to be treated unsafe for transport off site. Solid waste shall only be treated in the CAMU if it cannot be safely separated from hazardous waste and transported off-site for disposal.

IX.D PROHIBITED WASTE

The Permittee is prohibited from treating wastes in the CAMU that can be safely transported off-site for treatment or disposal at an alternate facility. All debris and incidental solid wastes (e.g., wooden ammunition boxes, containers) that can be safely separated from the munition item/constituent and transported off-site and certified as material documented as safe (MDAS) in accordance with Department of Defense (DoD) and United States Army Corp of Engineers (USACE) regulations and requirements is prohibited from treatment at the CAMU. The Permittee is also prohibited from treating any waste that was not specifically generated at the Facility during clearance or other corrective action operations.

The placement of bulk or non-containerized liquid hazardous waste or hazardous waste contained in free liquids (whether or not sorbents have been added) in the CAMU is prohibited except where placement of such wastes facilitates the initiation of the treatment process. [20.4.1.500 NMAC (incorporating 40 CFR 264.552(a)(3)(i))]

IX.E WASTE DETERMINATION

The SUXOS and UXO Quality Control Specialist is responsible for determining the safe disposition of WMM and incidental solid waste and for making the determination whether the waste must be blown in place, treated in the CAMU, or transported off-site for treatment or disposal. The SUXOS and UXO Quality Control Specialist are responsible for the safe conduct of each CAMU treatment event in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.552(c)(2)). If the SUXOS and the UXO Quality Control Specialist determine any items, materials, or constituents are unsafe to transport off site for disposition, then the items may be treated in the CAMU. The Permittee must document the type and volume of any WMM that must be blown in place or treated at the CAMU. Such documentation shall be maintained in a log book located at the information repository and be made available for inspection upon request during normal business hours. All treatment operations shall be documented in the associated parcel-specific corrective measures implementation report, remedy completion report, or OB/OD closure report.

IX.F MAXIMUM QUANTITY OF WASTE

Table 1 below lists the wastes authorized for treatment at the CAMU. No more than 1,000 lbs of NEW may be treated in any seven-day period.

Table 1. CAMU General Unit and Waste Description

Treatment Unit	General Description of Hazardous Waste	Hazardous Waste No.	Maximum Quantity of Waste per Treatment Event
Open Burn	MEC-Ignitable, Reactive, and Toxic Wastes.	D001, D003, D007, D008	200 lbs for uncased explosives
Open Detonation	MEC-Ignitable, Reactive, and Toxic Wastes	D001, D003, D005, D006, D007, D008, D009, D030	200 lbs Net Explosive Weight for cased

IX.G CAMU TREATMENT PROCESS

The Permittee shall ensure that treatment operations at the CAMU are performed in accordance with the requirements of this Permit Section (IX). Both open burning and open detonations shall only be conducted within the demolition pits. Open burning and open detonation shall not be conducted at the same time. Items to be detonated shall be placed directly on the earthen bottom of the pit, whereas items to be burned shall be placed on a burn pan in the pit, or another safe alternative technology will be employed if one becomes available that performs suitably and complies with the Environmental Performance Standards specified in Permit Section IX.B.1.

IX.G.1 Storage Prior to Treatment

WMM generated during remediation activities may be stored temporarily prior to treatment or off site disposal.

IX.G.1.a Storage at the CAMU

The Permittee shall designate temporary storage area(s) for recovered WMM within the CAMU. These materials may be stored in the CAMU for no more than ten (10) calendar days. Completion of treatment must be conducted as soon as the next demolition/treatment day can be scheduled or within 10 days, whichever is sooner. Any materials placed in the designated temporary storage area shall be segregated and stacked in a manner that will minimize the possibility explosion, fire or the spread of contamination. The Permittee shall provide the required security measures specified in Permit Section II.C. The secured area must be inspected daily to verify that the stored materials remain stable and have not been accessed by unauthorized personnel. The results of such inspections must be recorded and maintained in accordance with Permit Section IX.M.

IX.G.1.b Storage at Designated Igloos

The Permittee may identify a need for longer term storage of WMM prior to treatment in the CAMU. WMM may be stored in the eight (8) FWDA earth-covered magazines (ECM or igloos) in Explosive Storage Block B. A Figure (Location Map of Eight Conditional Exemption Igloos) showing the location of the eight igloos is included in Permit Attachment 12. The Permittee must demonstrate compliance with 40 CFR 266.205 annually by submitting a report documenting compliance with the requirement of 266.205(a)(1) and (2) by June 30 of each year that the storage units are in use.

IX.G.2 Open Detonation (OD)

Prior to detonation the Permittee shall ensure that the designated SUXOS and UXO Quality Control Specialist conduct a visual inspection of the OD Unit to determine if the WMM requires venting to open internal cavities and expose fillers. Items to be detonated/vented shall be transported to and placed within a demolition pit. Boosters/perforators shall be placed in intimate contact with each item and, if required, covered with earth or other material to prevent imminent hazards to workers. The Permittee shall ensure that engineering controls or protective measures are employed to contain kickout and to minimize damage to the containment berms in accordance with the Department of Defense Explosives Safety Board, Technical Paper 16, as updated.

After OD/venting, the munitions debris shall be inspected by two independent UXO technicians. The SUXOS and UXO Quality Control Specialist shall verify and certify that the munitions debris has been 100% properly inspected and, presents no explosive hazard. Munitions debris and scrap metal shall be transported off site for either disposal or recycling. Any items or material that cannot be certified as safe to recycle by the SUXOS and UXO Quality Control Specialist and cannot be transported off site for disposal may be left in the detonation pits for reventing and re-inspection. If the item continues to present an explosive hazard, it shall be re-vented (by CAMU treatment) until it no longer poses an explosive hazard. Small arms ammunition up to and including .50-caliber cartridges that cannot be

vented or treated on site shall also be profiled, packaged, and disposed of at an off-site authorized facility.

IX.G.3 Open Burning (OB)

Treatment by open burning at the CAMU may be conducted only when the designated SUXOS and UXO Quality Control Specialist have designated the material unsafe to transport off site. When a burn treatment is required by the SUXOS and UXO Quality Control Specialist, a single burn pan shall be employed within a demolition pit at the CAMU. The material to be treated shall be placed with an ignition source which may consist of a bed of combustible material, such as fuel oil or diesel fuel. The Permittee shall ensure that only the minimum amount of the ignition source necessary to initiate the burn is used. Incidental solid wastes, such as wooden ammunition boxes, containers, and pallets may also be used as an ignition source during the treatment process if, in the opinion of the SUXOS and UXO Quality Control Specialist determine they cannot be safely separated from the MEC.

After burning and cooling of hot ash and coals, the SUXOS and UXO Quality Control Specialist shall inspect the area for completeness of burn, heat retainment, and any dangerous conditions. Consecutive burns at the same pit shall not be conducted in a single day, and no cool down procedures (e.g., drenching with water) shall be used, except in an emergency. Burn pans shall be cleaned out after each burn operation. The resulting ash may be temporarily stored in appropriate containers in the 90-day storage area prior to disposal.

IX.G.4 Wastes Generated by Treatment at the CAMU

Wastes generated by treatment operations at the CAMU including ash from the treatment of MEC, recyclable scrap, non-MEC debris (incidental solid waste), and potentially impacted soil, shall be characterized for off-site disposal in accordance with Permit Attachment 14 (Waste Analysis Plan) and 20.4.1.800 NMAC (incorporating 40 CFR 268.7).

IX.H AIR QUALITY

CAMU treatment operations shall meet the Environmental Performance Standards in 40 CFR 264.601(c). Open burning shall be conducted in accordance with applicable requirements in 20.2.60.108 NMAC, 20.2.60.113 NMAC, and 20.2.72 NMAC.

IX.I MAINTENANCE

IX.I.1 Vegetation Control

All dry grass, leaves, and other flammable vegetation shall be removed for a distance of at least 200 feet from the treatment units. Live vegetation shall not be allowed to exceed a height of six inches within 200 feet of the treatment units during periods of operation.

IX.I.2 Run On/Run Off Control

The Permittee shall design, construct, operate, and maintain run-off control systems at CAMU to prevent precipitation run-off from leaving the Unit and migration of hazardous waste or hazardous constituents [see 40 CFR 264.601(b)].

The Permittee shall design, construct, operate, and maintain run-on control systems at the CAMU to prevent precipitation from entering the Unit (see 40 CFR 264.601(b)). The Permittee shall install and maintain a silt-fence or other NMED approved erosion control measure at the perimeter of the 200-foot vegetation clearance to ensure that potentially contaminated waste residue, soil, or storm water will not migrate outside of the CAMU boundary.

IX.I.3 Accumulated Precipitation

The Permittee shall remove any standing water in the OB burn pan or in any open detonation pit or crater within 24 hours after a precipitation event, or within 24 hours of when access roads become open for vehicle traffic, should inclement weather preclude access to the CAMU. The Permittee shall analyze any water removed from the treatment unit for the presence of hazardous constituents in accordance with the Waste Analysis Plan (Permit Attachment 14), and shall manage the water appropriately.

IX.I.4 Treatment Residue

At the conclusion of each treatment event the Permittee shall clear the CAMU by removing debris, untreated explosive materials, ash, and any visibly stained soils. As soon as safely possible after a minimum of 24 hours of each open burn operation, the Permittee shall remove any treatment residue from the treatment Unit. This removal of treatment residue shall be conducted only after it has been determined that it is safe for personnel to enter the treatment unit. The Permittee shall collect a sample of the residue pursuant to Permit Attachment 14, Section 14.2 and place any residues in an appropriate container pending results of the analysis. Based on the analysis, the Permittee shall manage residues as either hazardous or nonhazardous waste, as appropriate.

IX.I.5 Unexploded Ordnance and Other Kick-Out

The Permittee shall collect all waste ejected from the treatment unit including but not limited to fragments, metal casings, or other kick-out. Within 24 hours after each open detonation or as soon as safely possible after a minimum of 24 hours of each open burn operation, the Permittee shall collect and appropriately store untreated waste or UXO, fragments of waste (including metal casings) or other kick-out originating from the treatment operations in accordance with this Permit Section IX. All such material must be shipped off site for treatment or disposal unless the SUXOS and UXO Quality Control Specialist determines that transport is unsafe in which case the material shall be further treated in the CAMU.

IX.I.6 Open Burn Container

After a minimum of 24 hours after each open burn operation, the Permittee shall conduct an inspection of the OB burn pan to ensure that the Unit is in good condition and make any necessary repairs prior to the next treatment operation.

IX.J RESTRICTIONS ON OPERATIONS

The designated UXO Quality Control Specialist and SUXOS shall establish a minimum separation distance (MSD) between CAMU operations and personnel, based on the types of WMM being treated. Prior to burning or detonation, all personnel must withdraw from the

MSD area. Unauthorized entry into the treatment area shall be prevented to a distance sufficient to afford protection from blast and fragments. A means of communication shall be maintained among all site personnel during the operation to ensure that unauthorized personnel do not stray into the area. Personnel shall remain outside the MSD area until all smoke and fumes dissipate and the SUXOS and UXO Quality Control Specialist conducts a post blast investigation. Entry of personnel shall be prevented until the SUXOS and UXO Quality Control Specialist declares the area safe for access.

IX.J.1 Weather-Related Operation Restrictions

The Permittee shall not conduct treatment operations under the following conditions to minimize any potential exposure or harm to human health or environment:

1. when heavy overcast conditions or during precipitation or inclement weather, or if storms are forecasted to occur within a three mile radius in less than four hours;

2. when electrical storms exist within three miles upwind of the CAMU;

3. when the wind velocity exceeds 15 mph.; or

4. during Very High, or Extreme Fire Danger classes as designated by the United States Forest Service .

IX.J.2 Other Restrictions

The Permittee shall only conduct treatment operations only during the hours between sunrise and sunset.

IX.K GROUNDWATER MONITORING

Groundwater monitoring at the CAMU will be conducted in accordance with the required facility wide groundwater monitoring plan.

IX.L SURFACE SOIL MONITORING

The Permittee shall collect surface soil samples prior to operation of the CAMU from soils directly beneath the treatment units and surrounding berm and at eight random locations within the 200 foot radius from the treatment units to establish baseline soil contamination levels. The samples must be analyzed for semi-volatile organic compounds (SVOCs), target analyte list (TAL) metals, explosive compounds, perchlorate, nitrate, cyanide, PCBs, dioxins, furans, and diesel and oil range organics. The sampling shall be repeated every two years after the start of treatment operations until use of the CAMU is discontinued.

The Permittee shall submit a work plan that proposes the methods and locations for sample collection and analysis no less than 90 days prior to the start of treatment operations at the CAMU. The Work Plan shall include the frequency of sampling and proposed interim screening levels that will initiate interim measures to remove soils containing concentrations of contaminants that exceed the screening levels.

IX.M RECORDKEEPING FOR TREATMENT OPERATIONS

The Permittee shall maintain a record of all treatment and maintenance operations conducted at the CAMU. The records shall include volume and type of munitions treated, method of treatment, type and volume of any ignition source, estimated volume of incidental solid waste treated and reason the waste could not be separated from the WMM, and date and time of treatment. The records also shall include descriptions of all maintenance and repair activities conducted to prevent migration of contamination at the CAMU. Such documentation shall be maintained in a log book located at the information repository and be made available for inspection upon request during normal business hours.

IX.N CLOSURE

The CAMU must be closed in accordance with Permit Section III.D upon completion of Facility Wide remedy implementation.