

PART 2 GENERAL FACILITY CONDITIONS

PART HIGHLIGHTS:

This Permit sets forth the standards that every owner/operator of a Container Storage Unit (CSU) is required to meet, in order to manage and store hazardous waste at the CSU in a manner protective of human health and the environment.

II. A. OPERATION AND MAINTENANCE OF THE CONTAINER STORAGE UNIT

The Permittee shall maintain and operate the CSU to minimize the possibility of a fire, explosion, or any unplanned, sudden or nonsudden release of hazardous waste or constituents to air, soil, ground water, or surface water which could threaten human health or the environment, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.31.

II.B. WASTE SOURCES

II.B.1 Permitted Waste

The Permittee shall store for subsequent transfer to a treatment, storage, or disposal facility only the hazardous wastes specified in Permit Part 3.

II.B.2. Hazardous Waste Imports

The Permittee shall not accept hazardous waste from a foreign source.

II.B.3. Hazardous Waste From Off-site Sources

The Permittee shall not receive any hazardous waste from an off-site source.

II.B.4. Specific Waste Ban

The Permittee is prohibited from managing or storing liquid hazardous wastes containing polychlorinated biphenyls (**PCBs**) at concentrations greater than 50 parts per million (**ppm**). Hazardous wastes with PCB concentrations greater than 50 ppm must be regulated by a Toxic Substances Control Act (TSCA) permit from the EPA and must be stored at the CSU in compliance with all requirements of 40 CFR §761.65(b). The Permittee is prohibited from storing liquid hazardous wastes containing PCBs at concentrations greater than 50 ppm for more than one year from the date such waste was first placed in storage, pursuant to 20.4.1.700 NMAC, incorporating 40 CFR §268.50 (f).

- a) The Permittee may store wastes restricted under 20.4.1.800 NMAC, incorporating 40 CFR Part 268 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of 20.4.1.800 NMAC, incorporating 40 CFR §268.50 (a) (2), including, but not limited to, clearly marking each drum or container.
- b) The Permittee shall comply with all the requirements of 20.4.1.800 NMAC, incorporating 40 CFR §268.7 as amended. Changes to the waste analysis plan will be processed as minor modifications, pursuant to 20.4.1.900 NMAC, incorporating 40 CFR §270.42.

II.B.5. Additional Waste Ban Requirements

The Permittee shall not land dispose any hazardous waste restricted by 20.4.1.800 NMAC, incorporating 40 CFR Part 268 unless:

- a) The waste meets treatment standards specified in 20.4.1.800 NMAC, incorporating 40 CFR §§268.40, .42, .45 and .49;
- b) A variance from the treatment standards has been granted pursuant to 20.4.1.800 NMAC, incorporating 40 CFR §268.44;
- c) A petition has been granted on a case-by-case extension to the effective date, pursuant to 20.4.1.800 NMAC, incorporating 40 CFR §268.5;
- d) A “no-migration” petition has been granted pursuant to 20.4.1.800 NMAC, incorporating 40 CFR §268.6; or
- e) The surface impoundment is exempt under 20.4.1.800 NMAC, incorporating 40 CFR §268.4.
- f) A corrective action management unit (CAMU) has been designated pursuant to 20.4.1.500 NMAC, incorporating 40 CFR 264.552; or
- g) A staging pile has been designated pursuant to 20.4.1.500 NMAC, incorporating 40 CFR 264.554.

II.B.6. Land Disposal Restrictions

The New Mexico Hazardous Waste Management Regulations 20.4.1.800 NMAC, incorporating 40 CFR Part 268 identify hazardous wastes that are restricted from land disposal and define those limited circumstances under which an otherwise prohibited waste may continue to be placed on or in a storage unit. The Permittee shall maintain compliance with the requirements of 20.4.1.800 NMAC, incorporating 40 CFR Part 268. Where the Permittee has applied for an extension, waiver or

variance under 20.4.1.800 NMAC, incorporating 40 CFR §268, the Permittee shall comply with all restrictions on land disposal under this Permit.

The Permittee is prohibited from management and storage of hazardous wastes restricted from land disposal under 20.4.1.800 NMAC, incorporating 40 CFR Part 268, unless the requirements of 20.4.1.800 NMAC, incorporating 40 CFR §268 Subpart E are met.

The Permittee shall not place hazardous waste in any surface impoundment or landfill unless such a unit has a permit meeting the Minimum Technological Requirements outlined in Section 3004 (o) of RCRA. The Secretary must approve the plans and specifications for retrofitting prior to commencement of construction.

II.C GENERAL WASTE CHARACTERIZATION

II.C.1 General Requirements

The Permittee shall not store any hazardous waste at a permitted hazardous waste management unit at the Facility unless the hazardous waste has been fully characterized as specified by the characterization requirements of this Permit, including the attached Waste Analysis Plan (**WAP**), Permit Attachment D, to demonstrate compliance with all waste characterization requirements of 20.4.1.500 NMAC, incorporating 40 CFR Part 264, including §264.13, and 20.4.1.800 NMAC, incorporating 40 CFR Part 268, including §§268.7 and 268.9.

Waste characterization requirements are specified both in this Permit Part and the WAP, Permit Attachment D. If there is a conflict between the conditions in this Permit Part and the language in the WAP, the conditions in this Permit Part shall supersede the conflicting language in the WAP.

The Permittee shall obtain the following hazardous waste characterization information at the waste's point of generation in compliance with 20.4.1.800 NMAC, incorporating 40 CFR §268.9(c) and 20.4.1.500 NMAC, incorporating 40 CFR Part 264, Subparts BB and CC:

1. All applicable EPA Hazardous Waste Numbers (i.e., waste codes) in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.13 and 20.4.1.800 NMAC, incorporating 40 CFR §268.9(a);
2. Whether the waste meets the applicable Land Disposal Restriction (**LDR**) treatment standard(s) specified at 20.4.1.800 NMAC, incorporating 40 CFR §§268.40, 268.45, and 268.49, in compliance with 20.4.1.800 NMAC, incorporating 40 CFR §268.7(a). To determine the applicable treatment standard(s) for each listed and/or characteristic waste code, the Permittee must obtain the following waste characterization information:
 - a. All applicable hazardous constituents as defined in 20.4.1.100 NMAC, incorporating 40 CFR §260.10 or underlying hazardous constituents (**UHC**)

- as defined at 20.4.1.800 NMAC, incorporating 40 CFR §268.2(i), in the waste in compliance with 20.4.1.800 NMAC, incorporating 40 CFR §§268.7 and 268.9 respectively, unless the waste will be treated and monitored for all constituents;
- b. The waste's treatability category i.e., wastewater or non-wastewater, as defined at 20.4.1.800 NMAC, incorporating 40 CFR §268.2(d) and (f);
 - c. Whether the waste belongs to a treatment/regulatory subcategory as identified in the Table "Treatment Standards for Hazardous Wastes" at 20.4.1.800 NMAC, incorporating 40 CFR §268.40;
 - d. For hazardous debris as defined at 20.4.1.800 NMAC, incorporating 40 CFR §268.2(g) to be treated with the alternative treatment technologies provided by 20.4.1.800 NMAC, incorporating 40 CFR §268.45, identify the contaminants subject to treatment as described at 20.4.1.800 NMAC, incorporating 40 CFR §268.45(b); and
 - e. For contaminated soil subject to LDRs as provided in 20.4.1.800 NMAC, incorporating 40 CFR §268.49(a), identify the constituents subject to treatment as described in 20.1.4.800 NMAC, incorporating 40 CFR §268.49(d).
3. Whether the air emission requirements at 40 CFR Part 264, Subpart BB apply to a waste managed in equipment, in compliance with 20.4.1.500 NMAC, incorporating 40 CFR subpart BB). This determination shall conform to Permit Condition II.C.6.a.
 4. Whether the air emission requirements at 40 CFR Part 264, Subpart CC apply to a waste managed in a tank or container, in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.1082. This determination shall conform to Permit Condition II.C.6.b.

The Permittee shall characterize all hazardous wastes, prior to placement in a permitted storage unit at the Facility, to determine the following in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.13(a)(1):

- a. Whether the waste is listed as an authorized waste in Permit Attachment A, *Authorized Wastes*, and is not otherwise prohibited by the Permit;
- b. The waste characteristics necessary to prevent the mixing or placing of incompatible wastes in the same container or in unacceptable proximity in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §§264.17 and 264.177, or in a tank system in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.199. The Permittee shall characterize the waste sufficiently to prevent the impairment of containers by associated wastes in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.172, and to

prevent the impairment of secondary containment systems by associated wastes in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.193(c)(1);

- c. Characterization sufficient to prevent accidental ignition or reaction of ignitable or reactive wastes in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.17, in containers in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.177, and tank systems in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.198; and
- d. Whether the waste contains free liquids, as defined at 20.4.1.100 NMAC, incorporating 40 CFR §260.10.

II.C.2 Acceptable Knowledge

The Permittee shall obtain the waste characterization information required under Permit Condition II.C.1 above by current sampling and analysis, and/or by use of acceptable knowledge (**AK**). AK is defined in U.S. EPA's Waste Analysis at Facilities that Generate, Treat and Dispose of Hazardous Wastes (OSWER 9938.4-03, April 1994) as process knowledge and prior sampling data that may or may not conform to RCRA. Sampling and analysis is the preferred method, and the Permittee shall obtain characterization by sampling and analysis whenever feasible.

AK may be used as the sole method to characterize waste only when the waste is from processes that are well documented with supporting information that address all characterization requirements of this Permit, including the requirement to determine the LDR status of the waste as specified at Permit Condition II.C.1, or if there is prior sampling and analysis data with documentation that demonstrates conformance to the sampling and analysis requirements of this Permit. AK shall be considered a suitable waste characterization method for waste that is an unused, commercial chemical product, reagent, or chemical of known physical and chemical constituents, for example a P or U-listed EPA Hazardous Waste Number under 20.4.1.200 NMAC, incorporating 40 CFR §261.33, and the waste is documented by a packaging label, a Material Safety Data Sheet, or equivalent information supplied by the manufacture identifying the chemical content of the waste.

II.C.2.a Acceptable Knowledge Documentation

The Permittee shall maintain all documentation used to support a waste's AK in the Facility Operating Record in accordance with 20.4.1.500 NMAC, incorporating 40 CFR §264.73(b)(3). This documentation may be located where the particular waste is generated but must be readily retrievable upon NMED inspection, and must be maintained in the record for a minimum of three years from the date the waste was last stored. For each waste stream, the Permittee shall maintain in the Operating Record, at a minimum, the following process knowledge information:

- 1. The location where the waste stream is generated;

2. Waste stream volume and time period of generation;
3. Description of the waste generating process; and
4. All material inputs or other information that identifies the chemical content and physical form of the waste stream.

II.C.3 Waste Sampling

The Permittee shall establish and utilize a Sampling and Analysis Plan (**SAP**) for each waste stream undergoing sampling. The SAP shall identify the appropriate sampling methods to characterize the waste stream in accordance with Permit Condition II.C.2. The Permittee shall maintain the SAP in the specific waste's characterization documentation and shall document SAP compliance in the Facility's Operating Record for a minimum of three years from the date the waste was last stored. These operating records, including the SAP and its compliance documentation, may be located where the waste is generated.

The SAP shall identify the sample containers, preservation techniques, and holding times for each waste sampled, and shall conform to WAP Section D-4.5. The SAP must conform to the most recent version of Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, (U.S. EPA Publication SW-846) Chapter 9, Sampling Plan, and WAP Section D-4.2. The SAP must ensure collection of a representative sample of wastes by means that preserve its original physical form and composition and ensure prevention of contamination or changes in concentration of the constituents to be analyzed. The SAP shall ensure sample collection meets the quality assurance objectives (**QAO's**) required under Permit Condition II.C.5. The number of samples of each waste shall be sufficient to demonstrate that the upper limit of the confidence interval for the population mean is less than the applicable regulatory threshold, in accordance with SW-846.

II.C.4 Laboratory analysis

The Permittee shall establish and utilize a Sampling and Analysis Plan (**SAP**) for each waste stream undergoing analysis. The SAP shall identify the appropriate laboratory analytical methods to characterize the waste stream in accordance with Permit Condition II.C.2. The Permittee shall perform or obtain laboratory analysis of wastes in accordance with the conditions of this Permit Part, WAP Section D-4.6, and the SAP. The SAP shall identify the appropriate laboratory analytical methods, analytical detection limits, and analytical reporting limits. The Permittee shall maintain the SAP in the specific waste's characterization documentation and in the Facility's Operating Record.

If the Permittee wishes to use an analytical method other than that identified in the WAP, the Permittee must submit a petition to use the alternative analytical method to NMED for its approval, in compliance with 20.4.1.100 NMAC, incorporation 40 CFR §260.21.

If the Permittee uses an independent contract laboratory to perform analyses, the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

When using laboratory analysis as part of a hazardous waste determination, the Permittee shall require the laboratory to report concentrations for all hazardous constituents that the analytical test method is capable of measuring as identified in analytical method specific tables in the most current version of U.S. EPA's Test Methods for Evaluating Solid Wastes (SW-846), Chapter 2. When using laboratory analysis to demonstrate that the waste meets its applicable LDR treatment standard concentrations specified at 20.4.1.800 NMAC, incorporating 40 CFR §268.40, Treatment Standards for Hazardous Wastes, in compliance with 20.4.1.800 NMAC, incorporating 40 CFR §268.7(a), the Permittee shall demonstrate that analytical method detection limits (**MDL's**) are not higher than the treatment standard for all hazardous constituents that can reasonably be expected to be present.

II.C.5 Quality Assurance (QA)/Quality Control (QC)

The Permittee shall perform and record all waste characterization QA/QC procedures in accordance with SW-846 for data used to support waste characterizations required under this Permit Part. The statistical concepts of waste characterization precision, accuracy, completeness, comparability, and representativeness, as described at SW-846, shall be addressed. The Permittee shall maintain a record of all QA/QC determinations in a manner traceable to specific wastes in the Facility Operating Record.

When performing waste sampling required under this Permit Part, the Permittee shall use the applicable sample collection QA/QC procedures specified at SW-846, Chapter 1, Section 3.4, *Field QA and QC Requirements*, including, but not limited to, those dealing with equipment preparation and field equipment maintenance, calibration, and cleaning. The Permittee shall identify and perform the appropriate number of control samples associated with each sample collected, for example; trip and field blanks, field duplicates, and field spikes.

When performing laboratory analysis required under this Permit Section, the Permittee shall analyze method blanks, laboratory duplicates, and laboratory control samples to assess the quality of the data resulting from laboratory analytical programs.

The Permittee shall ensure, prior to placement of a waste in a storage or treatment unit at the Facility, that all waste characterization information is accurate by making the following determinations:

1. Whether the waste was characterized at the point of generation in compliance with Permit Condition 2.3.1, 20.4.1.800 NMAC, incorporating 40 CFR

- §268.9(c), and 20.4.1.500 NMAC, incorporating 40 CFR Part 264, Subparts BB and CC);
2. Whether routinely generated wastes are re-characterized to ensure the waste's characterization is accurate and up to date in compliance with Permit Condition II.C.5.a, Characterization Re-evaluation Frequency, and 20.4.1.500 NMAC, incorporating 40 CFR §264.13(a)(3);
 3. Whether Facility personnel who perform waste characterization at the point of generation have appropriately identified when the process or operation generating routinely generated wastes has changed in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.13(a)(3)(i); and
 4. Whether Facility personnel, including personnel who perform waste characterization at the point of generation, are trained in the applicable waste characterization requirements as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16.

II.C.5.a Characterization Re-evaluation Frequency

The Permittee shall re-evaluate the characterization of routinely generated wastes to ensure that the characterization remains accurate and up to date for subsequent batches of waste, in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.13(b)(4). The results of the re-evaluation shall be thoroughly documented and placed in the Facility Operating Record for a minimum of three years from the date the waste was last stored.

The Permittee shall perform re-evaluation of a waste in accordance with the following minimum requirements:

1. Annually to verify the accuracy of initial characterization results achieved. For wastes originally characterized through sampling and analysis, re-evaluation shall be achieved using the same sampling and analysis methodologies used in the initial analysis. For wastes characterized through AK, re-evaluation may be achieved through a review of AK information;
2. When there is a change in waste-generating processes. Any information that indicates a change in the process that generates the waste and may affect the waste shall cause the waste to be re-characterized; and
3. When the Permittee is notified by an off-site facility receiving hazardous waste from the Facility that the characterization of the waste received at the receiving facility does not match a pre-approved waste analysis certification or accompanying waste manifest or shipping paper. The Permittee shall notify NMED within 24 hours of their receipt of such a discrepancy notice from a receiving facility.

Wastes listed at 20.4.1.200 NMAC, incorporating 40 CFR §261.31, P and U listings, and for which the Permittee possesses an MSDS or equivalent information from the manufacturer identifying chemical content are exempt from the re-evaluation requirements of this Permit Condition.

II.C.6 Air Emissions

The Permittee shall submit to NMED within three months of the effective date of this Permit a list of all locations at the Facility subject to the air emission control requirements at 20.4.1.500 NMAC, incorporating 40 CFR Part 264, Subparts BB and CC. The Permittee shall record the results of air emission waste characterization in the Facility Operating Record.

II.C.6.a Wastes Managed in Equipment

If the Permittee manages hazardous wastes at the Facility in equipment subject to the requirements of 20.4.1.500 NMAC, incorporating 40 CFR Part 264, Subpart BB, the Permittee shall characterize that waste in compliance with the requirements of this Permit Section. That characterization shall determine whether the equipment is in “light” or “heavy liquid” service or in “gas/vapor” service, as defined at 20.4.1.500 NMAC, incorporating 40 CFR §264.1031 and §264.1063(h), and determine whether the organic concentration of the waste equals or exceeds ten percent by weight, using one of the methods specified at 20.4.1.500 NMAC, incorporating 40 CFR §264.1063(d). The Permittee shall use samples in making this concentration determination that are representative of the highest total organic content hazardous waste expected to contact the equipment, in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.1063(g).

II.C.6.b Air Emissions from Tanks and Containers

If the Permittee manages hazardous waste at the Facility in tanks or containers subject to the requirements of 20.4.1.500 NMAC, incorporating 40 CFR Part 264, Subpart CC, the Permittee shall characterize that waste to determine whether it has an average volatile organic (VO) concentration at the point of point of generation of less than 500 parts per million by weight (ppmw), in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.1082(c)(1). The average VO concentration shall be determined using the procedures specified in 20.4.1.500 NMAC, incorporating 40 CFR §264.1083(a). The Permittee shall review and update this waste characterization at least once every 12 months following the date of the initial determination for the wastes entering the unit subject to this Permit Condition. The Permittee shall record the results of this review in the Facility Operating Record.

The Permittee shall not be required to determine the volatile organic concentration of hazardous wastes in containers for the purpose of complying with this Permit Condition if the Permittee control air pollution emissions from all hazardous waste containers in accordance with the container construction specifications and operation requirements at 20.4.1.500 NMAC, incorporating 40 CFR §264.1086(b), and Permit Part 5.

II.C.7 Waste Shipped to an Off-Site Facility

Prior to off-Facility shipment of hazardous waste, the Permittee shall comply with all generator standards in 20.4.1.300 NMAC, incorporating 40 CFR Part 262, in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.71(c), including the waste characterization necessary to facilitate appropriate packaging for transportation, including the U.S. DOT Proper Shipping Name, Hazard Class, an ID Number for each waste.

II.C.8 Remediation Wastes

The Permittee shall characterize remediation waste, as defined at 40 CFR §260.10, in compliance with 20.4.1.300 NMAC, incorporating 40 CFR §262.10(h) and 20.4.1.500 NMAC, incorporating 40 CFR §264.1(j). The Permittee shall characterize remediation waste, including contaminated soil, in compliance with all waste characterization requirements in this Permit Section II.C, including, but not limited to; a hazardous waste determination, the identification of all applicable hazardous waste codes, and LDR status determination.

The Permittee shall obtain, at a minimum, the following information when characterizing remediation hazardous waste; the origin of the waste and how it was subsequently managed, the time and circumstances of the release that created the waste, and any investigation or other reports (e.g., RCRA Facility Investigation or SWMU Reports) describing the release.

II.C.9 Containerized Waste

The Permittee shall characterize hazardous wastes placed inside containers, including overpacked drums, to ensure that the wastes do not react dangerously with, decompose, or ignite sorbent material in the container, in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.316(c), and to ensure that the wastes are not incompatible or reactive, in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §§264.316(d) and 264.317(e). The Permittee shall characterize laboratory packs if they are intended to undergo the alternative treatment standards at 40 CFR §268.42 (c), as to whether they contain any of the prohibited hazardous wastes (i.e., EPA Hazardous Waste Codes specified at 40 CFR Part 268 Appendix IV).

II.C.10 Impermissible Dilution

The Permittee shall not dilute a restricted waste, as a substitute for treatment in compliance with 20.4.1.800 NMAC, incorporating 40 CFR §268.3. 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 not considered impermissible dilution for purposes of this Permit Condition.

II.C.11 Waste Characterization Records

The Permittee shall record and maintain in the Facility Operating Record the results of waste analysis and waste determinations performed as specified in this Permit Section in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §§264.73(b)(3), (7), (10), (11), (12), (15), and (16). The requirements of this Permit Condition apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 40 CFR §261.2 through §261.6, or exempted from Subtitle C regulation, subsequent to the point of generation, in accordance with 20.4.1.800 NMAC, incorporating 40 CFR §268.7(a)(8). The Permittee shall maintain records of the LDR status determination for all wastes in accordance with 20.4.1.800 NMAC, incorporating 40 CFR §268.7(a)(6).

II.C.12 Notification and Certification

The Permittee shall provide the notification and certification statements associated with the storage of hazardous wastes, in compliance with 20.4.1.800 NMAC, incorporating 40 CFR §§268.7 and 268.9. Copies of these notification and certification statements shall be maintained in the Facility Operating Record.

WASTE CHARACTERIZATION DOCUMENTATION

This Documentation Table summarizes all waste characterization documentation referenced in this Permit Section and the Waste Analysis Plan.

NAME	LOCATION	DESCRIPTION
Waste Analysis Plan (WAP)	Permit Attachment D	Permittee's commitments regarding waste characterization procedures. The WAP is a fully enforceable document. If contradiction exist between the WAP and the Permit see Permit Condition II.C.1.
Sampling and Analysis Plan (SAP)	Permit Conditions II.C.2, II.C.3, II.C.4, and WAP Section D-4	Required when sampling and analysis is required. See permit conditions and WAP for specifics.
Quality Assurance/Quality Control record	Permit Condition II.C.5	Regards waste sampling and analysis. Record traceable to a specific waste. See permit condition for specifics.
Record of waste re-evaluation	Permit Condition II.C.5.a	Re-evaluation performed at a minimum annually. See permit condition for specifics.
Record of evaluation of air emission control applicability	Permit Condition II.C.6.b	Re-evaluation of average volatile organic concentration in wastes managed in containers and tanks to be performed annually. See permit condition for specifics.
LDR notification and certification statements	Permit Condition II.C.12 and WAP Section D-3.2.2	LDR notification form accompanies manifest when waste is transferred off-site. It identifies all waste codes and underlying hazardous constituents associated with waste plus other information identified at 40 CFR §268.7(a). See permit condition and WAP for specifics.
HAFB Hazardous	WAP Section D-2.3	See WAP for specifics.

Waste Management Database	and WAP Figure D-1	
HAFB waste disposal request form	WAP Section D-2.3 and WAP Figure D-2	See WAP for specifics.
HAFB Hazardous Waste Profile Sheet	WAP Section D-2.3 and WAP Figure D-2	See WAP for specifics.
Uniform Waste Manifests	Not referenced in Permit or WAP but required at 40 CFR 262 Subpart B	Documents transfer of waste to an off-site TSDF.
LDR status determination records	WAP Section D-3.2.2	See WAP for specifics

II.D. WASTE MINIMIZATION

The Permittee shall submit to the Secretary a certified plan annually by December 1, for the previous year ending September 30th, that the Permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the Facility to the degree determined to be economically practicable, and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. This certified plan must address the items below:

- Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the facility;
- Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities for all hazardous/mixed wastes;
- Any source reduction and/or recycling measures implemented in the last five years or planned for the near future;
- An itemized list of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;
- Factors that have prevented implementation of source reduction and/or recycling;
- Sources of information on source reduction and/or recycling received at the facility (e.g. local government, trade associations, suppliers, etc.);
- An investigation of additional waste minimization efforts that could be implemented at the facility. This investigation shall analyze the potential for reducing the quantity and toxicity of each waste stream through production process change, production reformulation, recycling, and all other appropriate means. The analysis shall include

an assessment of the technical feasibility, cost, and potential waste reduction for each option;

- A flow chart or matrix detailing all hazardous wastes it produces, by quantity and type, including mixed waste, and by building/area and program if consistent with security considerations;
- Demonstration of the need to use those processes which produce a particular hazardous waste due to a lack of alternative processes, available technology, or available alternative processes that would produce less volume of toxic waste; and
- Demonstration of the applicability or inapplicability of the following waste minimization techniques:
 - A program that inventories the amount of contaminated lead that exists at the facility;
 - A program that substitutes steel for lead whenever possible;
 - A program for coating lead with a strippable coating to prevent its entire contamination, if it is impossible to substitute steel for lead;
 - A program or bench scale method to decontaminate the contaminated lead;
 - Use of non-hazardous liquid scintillation cocktail solution; and
 - A program designed to prevent commingling of radioactive waste.

The Permittee shall include the certified plan in the operating record.

II.E. 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, pursuant to 20.4.1.700 NMAC, incorporating 40 CFR §266.23(b).

II.F. REQUIRED NOTICES

II.F.1. Liquid Hazardous Wastes Containing Polychlorinated Biphenyls (PCBs)

The Permittee is prohibited from managing or storing liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 parts per million (**ppm**). Hazardous wastes with PCB concentrations in excess of 50 ppm must be regulated by a Toxic Substances Control Act (**TSCA**) permit from the U.S. EPA, and

must be stored at the CSU as required by the requirements of 40 CFR §761.65(b), and must be removed from storage and treated or disposed of within one year of the date when such wastes are first placed into storage, as required by 20.4.1.800 NMAC, incorporating 40 CFR §268.50(f). A copy of the TSCA Permit issued by the EPA for the storage of PCBs must be submitted to the New Mexico Environment Department before acceptance of such waste at the CSU, in accordance with 20.4.1.800 NMAC, incorporating 40 CFR §268.50.

II.G. SECURITY

In order to prevent the unknowing entry and minimize the possibility of unauthorized entry of persons into the CSU, the Permittee shall comply with the security provisions and procedures described in Permit Attachment E, *Security Plan*, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.14.

II.G.1. Barriers and Means to Control Entry

The Permittee shall maintain an artificial barrier (i.e. a fence in good repair) around the CSU and a means to control entry into the active portion of the CSU, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.14(b)(2), and as specified in Permit Attachment E, *Security Plan*.

The six foot high light gauge fabric, 2-inch mesh chain link fence shall be maintained around the CSU to prevent wild life, unauthorized personnel and livestock from gaining access to the CSU warehouse and its surrounding land. Access to the CSU shall be only through the gates described in the *Security Plan* contained in Permit Attachment E.

II.G.2. Warning Signs

Warning signs in English and Spanish, for example: **DANGER, NO UNAUTHORIZED PERSONNEL, KEEP OUT**, and **PELIGRO, NO PERMITIDA LA ENTRADA SIN AUTORIZACION**, shall be posted at all the gates and around the fence, and at other locations of the CSU in sufficient numbers to be visible from all angles of approach to the CSU. These bilingual signs must be legible from a distance of at least 25 feet from any approach to the perimeter fence, in compliance with the standards contained in 20.4.1.500 NMAC, incorporating 40 CFR §264.14(c).

II.H. GENERAL INSPECTION REQUIREMENTS

II.H.1. Inspection Schedule

The Permittee shall implement the Inspection Plan contained in Permit Attachment F, to detect any container and equipment malfunctions and deteriorations, operator errors, and discharges, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(a).

II.H.2. Inspection Frequency

The Permittee shall inspect monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment at the frequency specified in the weekly and monthly inspection schedules contained in Permit Attachment F, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(b).

II.H.3. Remediation Of Equipment/Structures

The Permittee shall remedy any deterioration or malfunction of equipment or structures that an inspection reveals, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(c).

II.H.4. Inspection Log and Checklist

The Permittee shall use the inspection checklists contained in Table F-1 (*Inspection Schedule*) of Permit Attachment F, *Inspection Plan*. The Permittee shall record the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(d).

II.H.5. Inspection Records

The Permittee shall maintain inspection checklists in the CSU operating record for at least three (3) years from the date of inspection, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(d).

II.I. PERSONNEL TRAINING

The Permittee shall conduct personnel training following the procedures described in Permit Attachment J, *Personnel Training*, and the following Permit Conditions, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16.

II.I.1. Personnel Training Requirements

The Permittee shall train all persons involved in the management and storage of hazardous waste in procedures relevant to the positions in which they are employed, as described in Permit Attachment J, *Personnel Training Requirements*, and as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16.

II.I.2. Personnel Training Content

The personnel training program shall include the courses and procedures described in Permit Attachment J, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16(a-c).

II.I.3. Personnel Training Records

The Permittee shall maintain training documents and records, and keep training records on current personnel at the CSU Office for at least three years from the date the employee last worked at the CSU, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16 (d-e).

II.J. GENERAL REQUIREMENTS FOR HANDLING IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES

The Permittee shall follow the procedures for managing and storing ignitable, reactive, and incompatible wastes set forth in Permit Attachment C, *Container Storage Unit Design and Operation*, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.17.

II.K. PREPAREDNESS AND PREVENTION

II.K.1. Required Equipment

At a minimum, the Permittee shall maintain at the CSU the equipment set forth in Permit Attachment H, *Contingency Plan*, Table H-2, *List of Emergency Response Equipment*, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.32.

II.K.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Attachment H, as necessary, to assure its proper operation in time of emergency, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.33.

II.K.3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.34.

II.K.4. Required Aisle Space

At a minimum, the Permittee shall maintain enough aisle space to allow the unobstructed movements of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of CSU operation, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.35, and as described in Permit Attachment G, *Preparedness and Prevention*.

II.K.5. Arrangements with Local Authorities

The Permittee shall maintain coordination agreements with the City of Alamogordo Fire Department, the Village of Cloudcroft, the Alamo West Fire Rescue, and the White Sands Missile Range Emergency Control Center, as described in Permit Attachment H, *Contingency Plan*. These arrangements shall be either Memoranda of Understanding (MOU) or Mutual Aid Agreements (MAA) between the Permittee and the off-site cooperating agencies, and shall include the elements required by 20.4.1.500 NMAC, incorporating 40 CFR §264.37(a). Copies and descriptions of these MOUs and agreements shall be maintained at the CSU Office in the operating record, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.37(b).

II.L. CONTINGENCY PLAN

II.L.1. Implementation of Plan

The Permittee shall immediately implement the Contingency Plan contained in Permit Attachment H, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.51(b).

II.L.2. Copies of the Plan

The Permittee shall maintain copies of the Contingency Plan and all revisions and amendments to the Plan at the CSU, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.53. The Permittee shall provide copies of the current Contingency Plan and all revisions to the Plan to the Secretary and all entities with which the Permittee has emergency MOUs or MAAs, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.53.

II.L.3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.54.

II.L.4. Emergency Coordinator

An Emergency Coordinator (EC) and an alternate EC, as specified in Permit Attachment H, shall be available at all times in case of an emergency. The Emergency Coordinator or alternate EC shall be thoroughly familiar with the Contingency Plan and shall have the authority to commit the resources needed to implement the Contingency Plan, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.55. In the event of an imminent or actual emergency, the EC shall activate the internal emergency alarms, notify the appropriate State or local agencies with designated response roles, and implement the other procedures, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.56, and as described in Permit Attachment H.

II.M. MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 20.4.1.500 NMAC, incorporating 40 CFR §264.71, §264.72, and §264.76. The Permittee shall comply with the manifest requirements of 20.4.1.500 NMAC, incorporating 40 CFR §264.71, §264.72, and §264.76. The Permittee shall not accept for management or storage any hazardous waste from an off-site source without the accompanying manifest.

II.N. RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in this Permit and 20.4.1.500 NMAC, incorporating 40 CFR §264.73(a), the Permittee shall comply with the following conditions:

II.N.1. Operating Record

The Permittee shall maintain a written Operating Record at the CSU pursuant to 20.4.1.500 NMAC, incorporating 40 CFR §264.73. The Permittee shall keep the Operating Record until the final closure of the Facility has been approved by the Secretary.

II.N.2. Biennial Report

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

II.N.3. Personnel and Telephone Number Changes

The Permittee shall inform the Secretary in writing of changes in its management personnel at the CSU and their respective telephone numbers within fifteen (15) calendar days of the changes.

II.O. GENERAL CLOSURE REQUIREMENTS

II.O.1. Performance Standard

The Permittee shall close the CSU following the procedures described in the Closure Plan outlined in Permit Attachment K, as required 20.4.1.500 NMAC, incorporating 40 CFR §264.111.

II.O.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.112(c), whenever necessary.

II.O.3. Notification of Closure

The Permittee shall notify the Secretary in writing at least fort-five (45) calendar days prior to the date on which he expects to begin closure of the CSU, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.112(d).

II.O.4. Time Allowed For Closure

Within ninety (90) calendar days after receiving the final volume of hazardous waste, the Permittee shall remove all hazardous waste from the CSU to a permitted treatment, storage or disposal Facility, and shall complete closure activities, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.113, following the schedule specified in the Closure Plan, in Table K-1, Permit Attachment K, or as amended, as required by Permit Condition II.M.2.

II.O.5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate or dispose of all contaminated equipment, structures, and soils, as specified in the Closure Plan, Permit Attachment K, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.114.

II.O.6. Sampling for Metals, Organics and Halogenated Organics at, and around the Container Storage Unit During Closure

The Permittee shall collect soil and ground water samples at, and around the CSU for metals (i.e., Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Zinc), organics and halogenated organics using EPA approved methods contained in the most current copy of SW-846, or an alternate method approved by the Secretary.

Samples shall be taken at the boring locations illustrated in Permit Attachment K, Figure K-6, *Closure Soil Sample Locations at the CSU*.

II.O.7. Certification of Closure

Within sixty (60) calendar days from the date of completion of partial closure of the CSU, and within sixty calendar (60) days of completion of final closure of the Unit, the Permittee shall provide to the Secretary a final closure report and written closure certification signed by an independent professional engineer registered in the State of New Mexico, that the CSU was closed as required by the procedures specified in the Closure Plan, Permit Attachment K, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.115.

II.P. GENERAL POST-CLOSURE REQUIREMENTS

II.P.1. Clean Closure

The Permittee shall clean close the Unit as specified in the Closure Plan, Permit Attachment K, and as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.114 through §264.116.

II.P.2. Post-Closure Care Permit

If the Permittee does not clean close the CSU as required by 20.4.1.500 NMAC, incorporating 40 CFR Part 264, closure by removal standards, the CSU shall be subject to post-closure permitting requirements specified by 20.4.1.900 NMAC, incorporating 40 CFR §270.1(c)(6)(iii), and the Permittee shall submit an application for a Post-Closure Care Permit, not later than ninety calendar (90) days from the date that the Permittee determines that the CSU must be closed in place as a landfill, as required by 20.4.1.900 NMAC, incorporating 40 CFR §§264.117 through 264.120. During post-closure care the Permittee shall analyze the ground water samples for those parameters contained in 20.4.1.200 NMAC, incorporating 40 CFR §261, Appendix VIII, that have been detected in the ground water at the monitoring well, or are expected to be in or derived from waste stored at the CSU, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.93(a).

II.Q. TRANSPORTATION OF HAZARDOUS WASTE

The Permittee shall comply with all U.S. Department of Transportation, State, and local regulatory standards which apply to persons transporting hazardous waste within the United States and the State of New Mexico, as required by 20.4.1.400 NMAC, incorporating 40 CFR §263; and any other local restrictions established for transportation of hazardous waste in the affected communities during peak traffic hours.

II.R. GROUND WATER MONITORING

The Permittee shall conduct quarterly ground water detection monitoring at the CSU, if it fails to achieve clean closure. The Permittee shall analyze the ground water samples for those parameters contained in 20.4.1.200 NMAC, incorporating 40 CFR §261, Appendix VIII that have been detected in the ground water at the monitoring wells (that shall be installed at the CSU), or are expected to be in or derived from waste stored at the CSU, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.93(a).