

ATTACHMENT 15 CLEANUP LEVELS

GROUND WATER, SOIL AND SURFACE WATER CLEANUP LEVELS

The Permittee shall attain the cleanup levels specified below when implementing the closure and corrective action requirements of this Permit.

15.1 GROUND WATER CLEANUP LEVELS

The Permittee shall attain the following cleanup levels for hazardous waste and hazardous constituents in ground water:

1. For all contaminants listed in 20.6.2.7.VV and 3103 NMAC the Permittee shall attain the WQCC standards of 20.6.2.4103.A and B NMAC;
2. For all contaminants for which EPA has adopted a drinking water maximum contaminant level (MCL) under 40 CFR Parts 141 and 143, the Permittee shall attain the MCL;
3. If both a WQCC standard and an EPA MCL have been established for a contaminant, then the Permittee shall attain the lower of the two;
4. If no WQCC standard or EPA MCL has been established for a carcinogenic hazardous waste or hazardous constituent, then the Permittee shall use the most recent version of the EPA Region VI *Human Health Medium-Specific Screening Levels* (HHMSSL) for tap water and a target excess cancer risk level of 10^{-5} to develop a proposed cleanup level for NMED approval;
5. If no WQCC standard or EPA MCL has been established for a noncarcinogenic hazardous waste or hazardous constituent, then the Permittee shall use the most recent version of the EPA Region VI *Human Health Medium-Specific Screening Levels* (HHMSSL) for tap water and a Hazard Index (HI) of one (1.0) to develop a proposed cleanup level for NMED approval; and
6. There currently is no WQCC groundwater standard or MCL for perchlorate. However, the Permittee shall determine the nature and extent of the perchlorate contamination at the Facility and, if necessary, down gradient of the Facility. If either the WQCC adopts a groundwater standard for perchlorate, or EPA or the Environmental Improvement Board (EIB) adopts an MCL for perchlorate, such standard shall be followed in accordance with this Attachment (15). If perchlorate is detected at concentrations at or greater than 4 $\mu\text{g/L}$ and no groundwater standard or MCL has been adopted by the EIB, WQCC or EPA, then the Permittee shall use the cleanup goal with a HI of one (1.0) to develop the proposed cleanup level for use in their site investigation or corrective measure evaluation.

15.2 SOIL CLEANUP LEVELS

1. The Permittee shall attain the following cleanup levels for hazardous waste and hazardous constituents in soil: For all individual contaminants for which NMED has

specified a soil screening level in NMED's Technical Background Document for Development of Soil Screening Levels, the residential or industrial land use scenario cleanup level shall be the screening level specified in the most recent version of that document. The method for determining cleanup levels for sites with multiple contaminants shall follow NMED's Technical Background Document for Development of Soil Screening Levels (as updated) and items 2 and 3 below, as applicable;

2. The Permittee shall propose a soil cleanup level for PCBs based on NMED's Position Paper Risk-based Remediation of Polychlorinated Biphenyls at RCRA Corrective Action Sites (March 2000 as updated); and
3. If a NMED soil screening level has not been established for a hazardous waste or hazardous constituent, the Permittee shall propose for NMED approval, a cleanup level based on the most recent version of the EPA Region VI HHMSSL (based on a HI of one (1.0) for compounds designated as "n" (noncarcinogen effects), "max" (maximum concentration), and "sat" (soil saturation concentration), or ten times the EPA Region VI HHMSSL for compounds designated "c" (carcinogen effects) (i.e., a target excess cancer risk level of 10^{-5}).

15.3 LAND USE DETERMINATION

All soil cleanup levels shall be based on a residential land use scenario unless the Secretary determines that an alternate land use is appropriate (e.g., subsistence farming, cultural, or industrial). The Permittee may only propose an alternate land use with less stringent cleanup levels (e.g., industrial) if NMED or EPA can legally and practicably enforce the institutional controls limiting the land use against the Permittee and all subsequent purchasers or other transferees of the property. If an alternate land use for which NMED or EPA has not established soil cleanup levels is determined to be the current and reasonably foreseeable future land use, then the Permittee may propose cleanup levels based on a risk assessment using a target excess cancer risk level of 10^{-5} for carcinogenic hazardous waste or hazardous constituent or, for noncarcinogenic hazardous waste or hazardous constituent, a HI of one (1.0).

15.4 SURFACE WATER CLEANUP LEVELS

The Permittee shall comply with the surface water quality standards outlined in the Clean Water Act (33 U.S.C. §§ 1251 to 1387), the New Mexico WQCC Regulations (20.6.2 NMAC), the State of New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and the procedures for alternative abatement standards (20.6.2.4103 NMAC).

15.5 ECOLOGICAL RISK CLEANUP LEVELS

The Permittee shall derive cleanup levels for each hazardous waste and hazardous constituent for each ecological zone at the Facility using the methodology in NMED's *Guidance for Assessing Ecological Risks Posed by Chemicals: Screening-Level Ecological Risk Assessment*. If the ecological risk evaluation indicates that a lower cleanup level for a hazardous waste or hazardous constituent in groundwater, soil, or surface water is necessary to protect environmental receptors, NMED may establish cleanup levels based on ecological risk for hazardous waste or hazardous

constituents in groundwater, soil, or surface water that are lower than levels that are solely protective of human health.

15.6 BACKGROUND CONCENTRATIONS

If the naturally occurring (background) concentration of a hazardous waste or hazardous constituent in ground water, soil, or surface water exceeds the standards specified above, then the cleanup level shall be the background concentration. To use background concentration as a cleanup level, the Permittee must obtain a written determination of background concentration from NMED.

15.7 VARIANCE FROM CLEANUP LEVELS

The Permittee may seek a variance from a cleanup level for soil or ground water as follows:

15.7.1 WQCC Standards

The Permittee may seek a variance from a WQCC standard in accordance with 20.6.2.4103.E or F NMAC.

15.7.2 Soil Standards and Non-WQCC Ground water Standards

The Permittee may seek a variance from any cleanup level for soil or for ground water (other than a WQCC standard) by submitting a written request to NMED for a determination that attainment of the cleanup level is technically infeasible or otherwise impracticable due to conflict with other environmental laws or requirements for the preservation of cultural resources. If based on technical infeasibility, the request shall include a demonstration of technical or physical impossibility of attaining the cleanup level using potential corrective action remedies. If based on conflict with other environmental laws, the request shall include documentation showing that the Permittee has attempted to resolve the conflict or mitigate the impact on natural resources and shall explain why mitigating measures cannot resolve the conflict or adequately protect the cultural or natural resource (e.g., consultation and a determination of incidental taking or reasonable and prudent measures to minimize the impact under 16 U.S.C. §1536). All requests shall include a discussion of the effectiveness of potential corrective action remedies, whether the proposed variance will allow a present or future hazard to public health or the environment, and any other information required by the NMED. In addition, the request shall propose alternate cleanup levels for NMED approval, based on the effectiveness of potential corrective action remedies and a site-specific risk assessment based on NMED's guidance, *Technical Background Document for Development of Soil Screening Levels* (February 2004 as updated), *Assessing Human Health Risks Posed by Chemicals: Screening Level Risk Assessment* (March 2000, as updated), and *Guidance for Assessing Ecological Risks Posed by Chemicals: Screening-Level Ecological Risk Assessment* (March 2000, as updated).