

PERMIT PART 1: GENERAL PERMIT CONDITIONS

1.0 GENERAL

This Permit Part contains general permit conditions pertaining to post-closure care of the Chemical Waste Landfill (CWL) at the Sandia National Laboratories (SNL) Facility, as permitted under the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 to 74-4-14, and in accordance with the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992k.

In accordance with 40 C.F.R. § 270.1(c), owners and operators of landfills that received waste after July 26, 1982, or that certified closure after July 26, 1983, must have a Post-Closure Care permit. This permit addresses applicable 40 C.F.R. Part 264 groundwater monitoring, corrective action, and post-closure requirements. The CWL was an interim status landfill that was closed in accordance with 40 C.F.R. Part 265 Subpart G and the 1992 CWL Final Closure Plan, as amended. This Post-Closure Care Permit (the Permit) identifies the post-closure activities that shall be performed at the CWL. This Permit is designed to meet RCRA post-closure care requirements in 40 C.F.R. §§ 264.117 through 264.120 and shall become effective and immediately supersede the CWL Closure Plan (SNL/NM December 1992) upon the date of the Department's written approval of the Permittees' certification of the closure of the CWL.

1.1. LEGAL AUTHORITY

The Department issues this Post-Closure Care Permit to the United States Department of Energy and National Technology and Engineering Solutions of Sandia, LLC (NTESS) (the Permittees) pursuant to Section 74-4-10 of the HWA. Additionally, Section 6001 of RCRA provides, in part, that "[e]ach department, agency, and instrumentality of the executive branch of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal or management of solid waste or hazardous waste shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural..., respecting control and abatement of solid waste or hazardous waste disposal and management in the same manner, and to the same extent, as any person is subject to such requirements...." [42 U.S.C. § 6961(a)].

Any violation of any condition of this Permit may subject the Permittees, and its officers, employees, successors, and assigns, to a compliance order under Section 74-4-10 of the HWA or Section 3008(a) of RCRA, 42 U.S.C. § 6928(a); to an injunction under Section 74-4-10 of the HWA, Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), or Section 7002(a) of RCRA, 42 U.S.C. § 6972(a); to civil penalties under Section 74-4-10 of the HWA, Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), or Section 7002(a) of RCRA, 42 U.S.C. § 6972(a); to criminal penalties under Section 74-4-11 of the HWA or Section 3008(d), (e), and (f) of RCRA, 42 U.S.C. § 6928(d), (e), and (f), or to some combination of the foregoing. The list of authorities in this paragraph is not exhaustive, and the Department reserves the right to take any action authorized by law to enforce the requirements of this Permit.

1.2. PERMIT CONSTRUCTION

Whenever provisions of this Permit or of the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC, incorporating 40 C.F.R. Parts 260 through 270 are cited, the citation shall include all subordinate provisions of the cited provision paragraphs of this Permit or of the HWMR. When subordinate sections are cited, such citations shall include all subsections of the cited paragraphs.

Hazardous waste management regulations are frequently cited throughout this Permit. The federal Hazardous Waste Management Regulations, 40 C.F.R. Parts 260 through 273, are generally cited rather than the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC. The federal regulations are cited because only the federal regulations set forth the detailed regulatory requirements; the State regulations incorporate by reference, with certain exceptions, the federal regulations in their entirety. Citing only the federal regulations also serves to avoid encumbering each citation with references to two sets of regulations. However, it is the State regulations that are legally applicable and enforceable. Therefore, for the purpose of this Permit, and enforcement of its terms and conditions, all references to provisions of federal regulations that have been incorporated into the State regulations shall be deemed to include the State incorporation of those provisions.

If there is a conflict between the provisions of the Permit Parts and the provisions of the Permit Attachments, then the provisions of the Permit Parts shall override the provisions of the Permit Attachments.

1.3. SEVERABILITY

The provisions of the Permit are severable, and if any provision of this Permit, or any application of any provision of this Permit 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.

1.4. DEFINITIONS

For 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, their implementing regulations or this Permit, the meaning associated with such a term shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

“Chemical Waste Landfill” (CWL) is a 1.9-acre RCRA hazardous waste landfill undergoing post-closure care. It is located in the southeastern corner of Technical Area III at the Facility. From 1962 through 1985 the CWL was used for the disposal of chemical, radioactive, and solid wastes into unlined pits and trenches. These wastes were generated by SNL research activities. It is the regulated unit subject to this Permit.

“Corrective Action Management Unit” (CAMU) is a site adjacent to the CWL that is used for the containment of hazardous waste that was generated during environmental restoration project remediation activities at the Facility.

“Days” refers to calendar days unless specified otherwise in this Permit.

“Department” or “NMED” means the New Mexico Environment Department and any successor agencies.

“**DOE**” means the United States Department of Energy, which is a Department of the United States government, and any successor departments or agencies.

“**EPA**” means the United States Environmental Protection Agency and any successor agencies.

“**Facility**” means Sandia National Laboratories including all contiguous land, and structures, other appurtenances, and improvements on the land. For the purposes of implementing corrective action under 40 C.F.R. § 264.101, or RCRA Section 3008(h), or the HWA, NMSA 1978, § 74-4-10(E), the Facility includes all contiguous property under the control of the owner or operator seeking a Permit under Subtitle C of RCRA, that is, 40 C.F.R. Parts 260 through 273.

“**Hazardous Constituent**” or “**Hazardous Waste Constituent**” means any constituent identified in 40 C.F.R. Part 261 Appendix VIII, or 40 C.F.R. Part 264 Appendix IX.

“**Hazardous waste**” shall have the meaning set forth in the HWA, Section 74-4-3(K) and the HWMR, 20.4.1 NMAC.

“**Hazardous Waste Regulations**” or “**HWMR**” means the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC and all provisions of 40 C.F.R. Parts 260 through 273 incorporated therein.

“**Permit**” means this Permit issued to the Permittees for the Facility, pursuant to the HWA and the HWMR for the Facility to conduct post-closure care of the CWL following the procedures in this Permit, EPA ID No. NM5890110518-2, as it may be modified or amended.

“**Permittees**” mean National Technology and Engineering Solutions of Sandia, LLC and the United States Department of Energy.

“**RCRA**” means the Resource Conservation and Recovery Act of 1980, as amended, 42 U.S.C. §§ 6901 to 6992k, as amended.

“**Release**” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, 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 hazardous constituents).

“**Solid Waste**” means a solid waste as defined in 40 C.F.R. § 261.2.

“**Technical Area**” (TA) means a specific parcel of land controlled by Sandia National Laboratories and owned by the DOE.

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, the Department may, at its discretion, apply the new definition to this Permit.

1.5. EFFECT OF PERMIT

The New Mexico Environment Department issues this Permit to the Permittees, the owner and operators of the CWL, located at the Facility (EPA I.D. Number NM5890110518). This Permit requires the Permittees to conduct post-closure care of the CWL, and establishes the general and specific standards for these activities, pursuant to the HWA and the HWMR.

1.5.1. Compliance with Permit (Permit Shield)

Compliance with this Permit during its term constitutes compliance, for purposes of enforcement, with 40 C.F.R. Parts 264 and 268, only for those management practices specifically authorized by

this permit. The Permittees must also comply with 40 C.F.R. Parts 260, 261, 262, and 263; to the extent the requirements of those Parts are applicable. The Permittees must also comply with all applicable self-implementing provisions imposed by statute or rule. Compliance with this Permit shall not constitute a defense to any order issued or any action brought under HWA, NMSA 1978, § 74-4-10(E) or § 74-4-13; RCRA § 3008(a), § 3008(h), § 3013, § 7002, or § 7003; 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. Pursuant to 40 C.F.R. § 270.4 and § 270.30(g), 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 regulations in accordance with 40 C.F.R. § 270.4 and § 270.30(g).

The complete Permit consists of Permit Parts 1 through 3 and Permit Attachments 1 through 6 as follows.

Part 1	General Permit Conditions
Part 2	General Facility Conditions
Part 3	Post-Closure Care Requirements for the Chemical Waste Landfill
Attachment 1	Post-Closure Care Plan for the Chemical Waste Landfill
Attachment 2	Groundwater Sampling and Analysis Plan
Attachment 3	Soil-Gas Sampling and Analysis Plan
Attachment 4	Inspection Forms
Attachment 5	Personnel Training Program
Attachment 6	Contingency Plan

1.6. PERMIT ACTIONS

1.6.1. Term of Permit

This Permit shall be effective for a fixed period of 10 years from the effective date as specified in Section 1.0 of this Permit, in accordance with 40 C.F.R. § 270.50(a), subject to Section 1.6.2 of this Permit Part.

1.6.2. Permit Modification, Suspension, Revocation, and Termination

1.6.2.1. Permit Modification

If at any time for any of the reasons specified in 40 C.F.R. § 270.41, the Department determines that modification of this Permit is necessary, in accordance with 20.4.1.901 NMAC, the Department may modify or revoke and reissue the Permit accordingly.

1.6.2.2. Permit Modification at the Request of the Permittees

The Permittees may initiate permit modifications in accordance with 40 C.F.R. § 270.42 and 20.4.1.901 NMAC. All applicable requirements specified in 40 C.F.R. § 270.42 shall be followed.

1.6.2.3. *Permit Suspension, Revocation, and Termination*

This Permit may be modified, suspended, revoked or terminated for cause in accordance with the provisions of HWA, NMSA 1978, § 74-4-4.2, 40 C.F.R. §§ 270.41 through 270.43 and 20.4.1.901 NMAC. The filing of a request by the Permittees for a Permit modification, suspension, or revocation, or the notification of planned changes or anticipated noncompliance, shall not stay any Permit condition, in accordance with 40 C.F.R. § 270.30(f).

Modifications to this Permit do not constitute a reissuance of this Permit

1.6.3. Permit Renewal/Duty to Reapply

The Permittees shall renew this Permit by submitting an application for a new permit at least one hundred eighty (180) days before the expiration date of this Permit, as required by 40 C.F.R. § 270.10(h) and 40 C.F.R. § 270.30(b).

1.6.4. Continuation of Expiring Permit

In accordance with 40 C.F.R. § 270.51, if the Permittees have submitted a timely and complete application for renewal of this Permit as specified in 40 C.F.R. §§ 270.10, 270.11, 270.12 (as applicable), and 270.13 through 270.29, this Permit shall remain in effect until the effective date of the new permit if, through no fault of the Permittees, the Department has not issued a new permit on or before the expiration date of this Permit.

1.6.5. Transfer of Permit

The Permittees may only transfer this Permit after providing notice to and receiving approval from the Department. The prospective new owner or operator must file a disclosure statement with the Department as specified at HWA, NMSA 1978, § 74-4-4.7. The Department may require modification or revocation and reissuance of this Permit in accordance with 40 C.F.R. §§ 270.40(b) and 270.41(b)(2).

Before transferring ownership or post-closure care of the CWL, the Permittees shall notify the new owner or operator in writing of the requirements of 40 C.F.R. Parts 264 and 270, and 40 C.F.R. §§ 264.12(c) and 270.30(1)(3) and shall provide the Department with a copy of this notice.

1.6.6. Permit Review

In accordance with 40 C.F.R. § 270.50(d), the Department will review this Permit, five years after the effective date of Permit issuance, and may modify this Permit as necessary pursuant to Section 74-4-4.2 of the HWA and 40 C.F.R. § 270.41. Nothing in this section shall preclude the Department from reviewing and, in accordance with applicable requirements, modifying the Permit at any time during its term.

In accordance with 40 C.F.R. § 270.50(b), such modification(s) shall not extend the effective term of this Permit as specified in Permit Condition 1.6.2. Nothing in this Section shall preclude the Department from reviewing and modifying the Permit at any time during its term.

1.7. POINTS OF CONTACT DURING POST-CLOSURE CARE

Points of contact during the compliance monitoring and post-closure care periods are identified below.

The DOE contact person is:

Site Office Manager
U.S. Department of Energy
P.O. Box 5400,
Albuquerque, NM 87185-0184

The Operator contact person is:

Vice President
Waste Management Operations
Sandia National Laboratories
P.O. Box 5800,
Albuquerque, NM 87185-5800

All reports required by the permit shall be signed by a responsible corporate officer or principal executive officer or their duly authorized representatives in accordance with 40 C.F.R. § 270.11(b). The Permittees shall provide written notification to the Department within thirty days of any changes concerning the names of and contact information for the responsible corporate and principal executive officers or their duly authorized representatives.

1.8. DUTIES AND REQUIREMENTS

1.8.1. Duty to Comply

In accordance with 40 C.F.R. § 270.30(a), the Permittees shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an emergency permit specified in 40 C.F.R. § 270.61. Any Permit noncompliance, except under the terms of an emergency permit, constitutes a violation of HWA and RCRA and may subject the Permittees, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to:

1. An administrative or civil enforcement action, including civil penalties and injunctive relief, as specified under Section 74-4-10 of the HWA or Sections 3008(a) and (g), 7002, or 7003 of RCRA;
2. Permit modification, suspension, or revocation, or to denial of a permit application or modification request, under Section 74-4-4.2 of the HWA; or
3. Criminal fines or imprisonment under the HWA, NMSA § 74-4-11, or Section 3008(d), (e), or (f) of RCRA; or to a combination of the foregoing.

1.8.2. Need to Halt or Reduce Activity Not a Defense

In accordance with 40 C.F.R. § 270.30(c), it shall not be a defense for the Permittees in an enforcement action that it would have been necessary for the Permittees to halt or reduce the permitted activities in order to maintain compliance with the terms of this Permit.

1.8.3. Duty to Mitigate

In accordance with 40 C.F.R. § 270.30(d), in the event of noncompliance with this Permit, the Permittees 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.

1.8.4. Proper Operation and Maintenance

In accordance with 40 C.F.R. § 270.30(e), the Permittees shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittees 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 the conditions of this Permit.

1.8.5. Duty to Provide Information

In accordance with 40 C.F.R. §§ 264.74(a) and 270.30(h), the Permittees shall furnish to the Department, within a reasonable time as specified by the Department, any relevant information which the Department may request to determine whether cause exists for modifying, suspending, or revoking this Permit, or to determine compliance with this Permit. The Permittees shall also furnish to the Department, upon request, copies of records required to be kept by this Permit.

This Permit Condition shall not be construed to limit, in any manner, the Department's authority under HWA, NMSA 1978, § 74-4-4.3 or RCRA § 3007(a).

1.8.6. Inspection and Entry

In accordance with 40 C.F.R. § 270.30(i), the Permittees shall allow the Department, or authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter at reasonable times into the Permittees' premises where the regulated Facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect at reasonable times the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA and/or the HWA, any substances or parameters, including soil, air, sediment, surface water, and groundwater at the Facility.

This Permit Condition shall not be construed to limit, in any manner, the Department's authority under HWA, NMSA 1978, § 74-4-4.3 or RCRA § 3007(a).

1.8.7. Monitoring and Records

1. Representative sampling - For purposes of monitoring, in accordance with 40 C.F.R. § 270.30(j)(1), the Permittees shall take samples and measurements that are representative of the monitored activity.
2. Record Retention - In accordance with 40 C.F.R. § 270.30(j)(2), the Permittees shall retain records of all monitoring information, including all calibration and maintenance records,

and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by 40 C.F.R. § 264.73(b)(9) and records of all data used to complete the Permit application for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. The Permittees shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the post-closure period.

In addition, all records must be furnished upon request, and made available at all reasonable times for inspection by any representative of the Department. The record retention period may be extended by request of the Department at any time and is automatically extended during the course of any unresolved enforcement action regarding this Facility.

3. Monitoring Records Contents - In accordance with 40 C.F.R. § 270.30(j)(3), records of monitoring information shall include:
 - a. The dates, exact place, and times of sampling or measurements;
 - b. The names of the individuals who performed the sampling or measurements;
 - c. The name and address of the laboratory that performed the analysis;
 - d. The dates analyses were performed;
 - e. The names of the individuals who performed the analyses;
 - f. The analytical techniques or methods used; and
 - g. The results of such analyses.

1.8.8. Reporting Planned Changes

In accordance with 40 C.F.R. § 270.30(l)(1), the Permittees shall give notice to the Department, as soon as possible, of any planned physical alterations or additions to the CWL.

1.8.9. Reporting Anticipated Noncompliance

In accordance with 40 C.F.R. § 270.30(l)(2), the Permittees shall give advance notice to the Department of any planned changes to the CWL or in any activities which may result in noncompliance with Permit requirements.

1.8.10. Certification of Construction or Modification

In accordance with 40 C.F.R. § 270.30(l)(2), if the CWL is modified, the Permittees shall not treat, store or dispose of hazardous waste in the modified portion of the CWL, except as provided in Sections 1.6.2 and 1.6.3 of this Permit Part 1 and 40 C.F.R. § 270.42, unless the following conditions have been satisfied:

4. The Permittees have submitted to the Department, by certified mail or hand delivery, a letter signed by the Permittees and an independent professional engineer registered in New Mexico stating that the CWL's modification meets the requirements of this Permit; and
1. The Department has:
 - a. inspected the modified or newly constructed portion of the CWL and it meets the requirements and conditions of this Permit; or
 - b. waived the inspection or, within fifteen (15) calendar days from the date of submission of the letter required by Permit Condition 1.8.11.a., has not notified the Permittees of its intent to inspect.

1.8.11. Twenty-Four Hour and Subsequent Reporting

1.8.11.1. *Oral Report*

In accordance with 40 C.F.R. § 270.30(l)(6)(i) and (ii), the Permittees shall report to the Department any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittees become aware of the circumstances. The report shall include the following:

1. Information concerning release of any hazardous waste, or hazardous constituents, that may cause an endangerment to public drinking water supplies; and
2. Any information about a release or discharge of hazardous waste, or hazardous constituents, or of a fire or explosion at the permitted unit which could threaten the environment or human health outside the permitted unit.
3. The description of the occurrence and its cause shall include:
 - a. Name, address, and telephone number of the owner or operator and the name and phone number of the contact person;
 - b. Name, address, and telephone number of the Facility;
 - c. Date, time, and type of incident;
 - d. Name and quantity of material(s) involved;
 - e. The extent of injuries, if any;
 - f. An assessment of actual or potential hazards to the environment and human health at or outside of the permitted unit, where this is applicable; and
 - g. Estimated quantity and disposition of recovered material that resulted from the incident.

1.8.11.2. *Written Report*

In accordance with 40 C.F.R. § 270.30(l)(6)(iii), the Permittees shall also submit a written report within five (5) calendar days from the time the Permittees become aware of the noncompliance. The

written report shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The report shall also include the following:

1. Information concerning release of any hazardous waste, or hazardous constituents, that may cause an endangerment to public drinking water supplies; and
2. Any information about a release or discharge of hazardous waste, or hazardous constituents, or of a fire or explosion at the permitted unit which could threaten the environment or human health outside the permitted unit.
3. The description of the occurrence and its cause shall include:
 - a. Name, address, and telephone number of the owner or operator and the name and phone number of the contact person;
 - b. Name, address, and telephone number of the Facility;
 - c. Date, time, and type of incident;
 - d. Name and quantity of material(s) involved;
 - e. The extent of injuries, if any;
 - f. An assessment of actual or potential hazards to the environment and human health at or outside of the permitted unit, where this is applicable; and
 - g. Estimated quantity and disposition of recovered material that resulted from the incident.

The Department, at its discretion, may extend the time for submitting the written report to up to fifteen (15) calendar days.

1.8.11.3. *Reports Required by Contingency Plan*

Any time the Contingency Plan in Permit Attachment 6 is implemented, the Permittees shall comply with the reporting requirements required by 40 C.F.R. § 264.56(j).

1.8.12. Admissibility of Data

In any administrative or judicial action to enforce a condition of this Permit, the Permittees waive any objection to the admissibility as evidence of any data generated pursuant to this Permit.

1.8.13. Other Noncompliance

In accordance with 40 C.F.R. § 270.30(1)(10), the Permittees shall report all other instances of noncompliance not otherwise required to be reported under this Permit at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition 1.8.11.

1.8.14. Other Information

In accordance with 40 C.F.R. § 270.30(1)(11), whenever the Permittees become aware that they failed to submit any relevant facts in the Permit Application, or submitted incorrect information in the Permit Application or in any report to the Department, the Permittees shall promptly submit such facts or information in writing to the Department.

1.9. REPORTS, NOTIFICATIONS, AND INFORMATION SUBMITTALS

1.9.1. Information Submittal

The Permittees shall submit by certified mail, courier/delivery service or hand delivery all reports, notifications, or other submittals that are required by this Permit to be sent or given to the Department.

In accordance with 40 C.F.R. § 270.43, failure to comply with any condition of the Permit, including relevant information submittal, constitutes a violation of the Permit and is grounds for enforcement action, Permit amendment, termination, revocation, suspension, or denial of Permit renewal application. Misrepresentation of any relevant facts at any time is grounds for termination of this Permit.

The Permittees shall ensure that all plans, reports, notifications, and other submittals to the Department required in this Permit are signed and certified in accordance with 40 C.F.R. § 270.11. The original plans, reports, notifications or other submissions shall be submitted to the Department by certified mail, courier/delivery service, or hand delivery 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) 476-6000
Facsimile Number: (505) 476-6030

And one copy to:
New Mexico Environment
Department Hazardous Waste Bureau
121 Tijeras Ave. NE
Albuquerque, NM 87102
Telephone Number: (505) 222-9500
Facsimile Number: (505) 222-9510

1.9.2. Incorporation of Plans and Schedules into the Permit

All plans and schedules required by this Permit are, upon approval by the Department, incorporated into this Permit by reference and become an enforceable part of this Permit. Because required items are essential elements of this Permit, failure to submit any of the required items or submission of inadequate or insufficient relevant information may subject the Permittees to enforcement action under Section 74-4-10 of the HWA, which may include penalties and suspension or revocation of this Permit.

Any noncompliance with approved plans and schedules shall be deemed noncompliance with this Permit. Written requests for extensions of due dates for submittals may be granted by the Department.

1.10. CONFIDENTIAL INFORMATION

The Permittees may claim confidentiality for any information required to be submitted by this Permit. Any such claim must be asserted at the time of submittal in the manner prescribed on the application form, or in the case of other submittals, by stamping the words “confidential business information” on each page containing such information. If no claim is made, the Department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with 40 C.F.R. § 270.12, the Inspection of Public Records Act, NMSA 1978, 14-2-1 to -12, and the HWA, NMSA 1978, 74-4-1 to -14.