UNITED STATES DEPARTMENT OF ARMY

WHITE SANDS MISSLE RANGE

RCRA PERMIT

DECEMBER 2009

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT
EPA ID No. NM 2750211235

to

UNITED STATES DEPARTMENT OF ARMY

for the

WHITE SANDS MISSILE RANGE

Located in

DOÑA ANA, LINCOLN, OTERO, SIERRA AND SOCORRO COUNTIES, NEW MEXICO

December 2009

Prepared by the

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LIST OF ACRONYMS

AGI	American Geological Institute
AOC	Area of Concern
ASTM	American Society for Testing and Materials
BS/BSD	blank spike/blank spike duplicate
BTU/hr	British Thermal Units per hour
CBU(s)	cluster bomb units
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CG	Commanding General
cm	centimeter(s)
CMS	Corrective Measures Study
COPC	Constituent of Potential Concern
CSM	Conceptual Site Model
cu m	cubic meter(s)
CWA	Clean Water Act
cy	cubic yard
DOT	U.S. Department of Transportation
DPT	Direct Push Technology
DPW	Department of Public Works
DQO	Data Quality Objective(s)
DTC	Development Test Command
ESL	ecological screening level(s)

EC	Emergency Coordinator
EO	Environmental Officer
EOC	Emergency Operation Center
ECD	electron capture device
EOD/OB/OD	Explosive Ordnance Disposal/Open Burn/Open Detonation
EPC	exposure point concentration
EPA	United States Environmental Protection Agency
eV	electron volt
FEP	fluorinated ethylene propylene
ft	foot (feet)
gal	gallon(s)
GC/FID	gas chromatograph/flame ionization detector
GC/MS	gas chromatograph/mass spectrometry
GC-PA	General Command Public Affairs
GPS	global positioning system
HAZCAT	Hazard Categorization (trade name)
HAZMAT	Hazardous Material
HAZWOPER	Hazardous Waste Operations and Emergency Response
HCF	HELSTF Cleaning Facility
HDPE	High Density Poly-ethylene
HE	high explosives
HELSTF	High Energy Laser Systems Test Facility
HHMSSL	Human Health Medium-Specific Screening Level(s)
HI	Hazard Index

HQ	Hazard Quotient
HSWA	Hazardous and Solid Waste Amendments
HTA	Hazardous Test Area
HWA	Hazardous Waste Act
HWMC	Hazardous Waste Management Center
HWMR	Hazardous Waste Management Regulations
HWMU	Hazardous Waste Management Unit
HWSF	Hazardous Waste Storage Facility
IAP	Installation Action Plan
ICP	inductively coupled plasma
IDW	investigation derived waste
IM	Interim Measures
in	inch(es)
IOSC	Installation On-Scene Commander
IRT	Installation Response Team
ISCP	Installation Spill Contingency Plan
kg	kilogram(s)
km	kilometer(s)
km/h	kilometers per hour
lb	pound(s)
LDR	land disposal restrictions
mg/kg	milligrams per kilogram
MCL	Maximum Contaminant Level
mg/L	milligrams per liter

m	meter(s)
m^3	meters cubed
MEK	methyl ethyl ketone
mi	mile(s)
MSDS	Material Safety Data Sheet
MS/MSD	Matrix spike/matrix spike duplicate
NASA	National Aeronautics and Space Administration
NCP	National Oil and Hazardous Substance Pollution Contingency Plan
NEMA	National Electrical Manufacturers Association
NFPA	National Fire Protection Association
NFRAP	no further remedial action planned
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMSA	New Mexico Statutory Authority
NMSSL	New Mexico Soil Screening Level(s)
NR	National Range
OB/OD	Open Burning/Open Detonation
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyls
PVC	polyvinyl chloride
PID	photo-ionization detector
POC	Point of Contact
POL	petroleum, oil, lubricants
POP	Performance Oriented Packaging

psf	pounds per square foot
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation and Recovery Act
RFA	RCRA Facility Assessment
RFI	RCRA Facility Investigation
RQ	Reportable Quantity
SAP	satellite accumulation point
SCBA	self-contained breathing apparatus
SDO	Staff Duty Officer
SOP	Standard Operating Procedure(s)
SOW	Statement of Work
SRC	Stallion Range Center
STP	sewage treatment plant
SVOC	semi-volatile organic compound
SWMU	Solid Waste Management Unit
TDS	total dissolved solids
TMDE	Test Measurement Diagnostic Equipment
TOC	total organic carbon
TPH	total petroleum hydrocarbons
TRV	toxicity reference value(s)
TSCA	Toxic Substance Control Act
TSD	Treatment, Storage or Disposal
TSS	total suspended solids
TTF	Temperature Test Facility

UCL	upper confidence limit
UL	Underwriters Laboratories
USC	United States Code
USGS	United States Geological Survey
UTL	upper tolerance limit
VOC	Volatile Organic Compound
WAP	Waste Analysis Plan
WQCC	New Mexico Water Quality Control Commission
WSMR	White Sands Missile Range

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PART I
GENERAL PERMIT CONDITIONS

I.A PERMITTEE

The New Mexico Environment Department issues this Permit to the United States, Department of the Army, White Sands Missile Range (WSMR), hereinafter referred to as the Permittee, the owner and operator of WSMR (the Facility), with EPA ID No. NM2750211235, located in Doña Ana, Otero, Sierra, Lincoln, and Socorro Counties, New Mexico.

I.B PERMITTED ACTIVITY

This Permit authorizes the Permittee to accept, store, and transfer hazardous wastes generated on-site at the Container Storage Area at the Hazardous Waste Storage Facility. This Permit requires the Permittee to conduct closure and if necessary, post-closure activities at the units listed in Appendix 4. This Permit also requires the Permittee to conduct corrective action activities and to 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 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.

I.C PERMIT CITATIONS

Whenever the Permit cites a provision of 20.4.1 NMAC or 40 CFR the Permit shall be deemed to incorporate the citation by reference, including all subordinate provisions of the cited provision, and make binding the full text of the cited provision.

Hazardous waste management regulations are frequently cited throughout this Permit. The federal Hazardous Waste Management Regulations, 40 CFR 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.

I.D 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 264, 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, 500, 700, and 800 NMAC (incorporating 40 CFR parts 260, 261, 262, 263, 264, 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) 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 to 9675; 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.E EFFECT OF INACCURACIES IN PERMIT APPLICATION

This Permit is based on the information submitted in the Part B Permit applications dated June 1999 and updated by subsequent submittals (Application). Any inaccuracies found in the Application may be grounds for the termination, revocation and reissuance, or modification of this Permit pursuant to 40 CFR 270.43(a)(2). Where and when the Permittee becomes aware that it failed to submit any relevant facts in the Application, or submitted incorrect information in the Application or in any report to the NMED, it shall promptly submit such facts or information pursuant to 40 CFR 270.30(l)(11).

I.F ENFORCEMENT

Any violation of a condition of this Permit may subject the Permittee, 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 NMED reserves the right to take any action authorized by law to enforce the requirements of this Permit.

I.G PERMIT COMPONENTS

This Permit consists of the regulations incorporated by reference into this Permit, Permit Sections in Permit Parts 1 through 6, Permit Attachments 1 through 6, and Permit Appendices 1 through 8.

I.H PERMIT ACTIONS

I.H.1 Term of Permit

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

I.H.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 of the HWA, 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 the applicability and enforceability of any permit section [40 CFR 270.30(f)].

I.H.3 Unclassified Permit Modifications

Unless a permit modification is explicitly listed in Appendix I of 40 CFR 270.42 as a Class 1 or 2 permit modification, the Permittee shall not submit the proposed permit modification as a Class 1 or 2 permit modification. The Permittee may only make such permit modification as a Class 3 modification, or may request a determination from the NMED that the proposed permit modification is reviewed and approved as a Class 1 or 2 modification in accordance with the requirements of 20.4.1.901 NMAC and 40 CFR 270.42(d)(1).

I.H.4 Transfer of Land Ownership

The Permittee shall submit a permit modification request, in compliance with all requirements of 20.4.1.901 NMAC and 40 CFR 270.42, at least 180 calendar days prior to the proposed effective date of transfer of ownership of any land that 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 NMAC and 40 CFR 270.42(d). 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; and

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

monitoring wells on transferred land). [40 CFR 264.101, 40 CFR 270.30(l)(1), 270.32(b) and 270.42); and 20.4.1.901 NMAC]

8. Describe all measures taken to comply with Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9629(h)

I.H.5 Permit Renewal

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 40 CFR 270.10(h). In reviewing any application for a permit renewal, the NMED will consider improvements in the state of control and measurement technology and changes in applicable regulations. [40 CFR 270.10(h) and 270.30(b); 42 U.S.C. 6925(c)(3)]

I.H.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 40 CFR 270.14, and the applicable sections in 40 CFR 270.15 through 270.29, which is a complete application under 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. [40 CFR 270.51(b)]

I.I PERMIT CONSTRUCTION

I.I.1 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, then the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

I.I.2 Conflict in Language

If there is a conflict between the language of a Permit Condition and the language of a Permit Attachment or Appendix, where the Attachment or Appendix includes text provided by the Permittee that is not expressly written by NMED, then the language of the Permit Condition shall control the language in the Permit Attachment or Appendix. This Permit and 40 CFR 264, 266 and 268 establish the minimum requirements for the design, construction, operation, and maintenance of the Facility. Any language in an attachment, which states or implies discretion to not comply with the minimum requirements of this Permit or 40 CFR 270.32(b)(1) is not effective and the requirements of this Permit and 40 CFR 270.32(b)(1) shall control.

I.J DEFINITIONS

For the purposes of this Permit, terms used herein shall have the same meanings as those in the Hazardous Waste Act, the Resource Conservation and Recovery Act and their implementing regulations, unless this Permit specifically provides otherwise. Where a term is not defined in the Hazardous Waste Act, RCRA, or pursuant regulations, EPA guidelines or publications, 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.

Acceptable Knowledge means generator knowledge of the process that generated a waste, including but not limited to process knowledge, waste analysis data from generators of similar wastes, and facility records of analysis performed before the effective date of RCRA, that is used by a generator to characterize wastes. *Waste Analysis: EPA Guidance Manual for Facilities That Generate, Treat, Store and Dispose of Hazardous Waste* (OSWER 9938.4-03, April 1994) broadly defines the term "acceptable knowledge" to include process knowledge, whereby detailed information on the wastes is obtained from existing published or documented wastes analysis data or studies conducted on hazardous wastes generated by processes similar to that which generated the waste; waste analysis data obtained from generators of similar wastes, which send wastes off-site for treatment, storage or disposal, and facility records of analysis performed before the effective date of RCRA. Examples of acceptable knowledge documentation for this Permit include, but are not limited to:

1. Process design documents;
2. Preliminary and final safety analysis reports, un-reviewed safety question determinations and technical safety requirements;
3. Standard operating procedures and detailed operating procedures, which may include a list of raw materials and reagents and descriptions of the wastes generated and how they were handled;
4. Waste packaging logs;
5. Test plans or research project reports that describe the reagents and other raw materials used in an experiment;
6. Site databases;
7. Documented interviews with site personnel that were directly involved in the waste generation process;
8. Vendor and other standard industry practice documents;
9. Industry reports on a similar process when there is a clear connection between the industrial process/experiment and the WSMR process/experiment;
10. Previous (pre-RCRA) analytical data relevant to the waste stream;

11. Analytical data from studies of common industry processes that are similar to WSMR processes;

12. Material safety data sheets, product labels and other product packaging information;

13. Sampling and analysis data from comparable waste streams;

14. Documented visual inspections that were performed to confirm or identify the physical characteristics and packaging of a waste;

15. Laboratory notebooks that detail the research processes and raw materials used in an experiment; and

16. Site characterization data, waste characterization data, waste characterization strategy documentation and RCRA Facility Investigation documentation.

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. An area of concern may include buildings, structures at which releases of hazardous waste or constituents have not been remediated, including releases resulting from one time and accidental events.

Corrective Action means any activity related to site assessment, investigation, remediation, characterization or monitoring including reporting and document submittal activities.

Discharge means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of solid waste or hazardous waste into or onto any land or water.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Extent of contamination means the horizontal and vertical area in which the concentrations of hazardous waste or constituents in the environmental media being investigated are above detection limits or background concentrations indicative of the region, whichever is appropriate, as determined by the NMED.

Facility means White Sands Missile Range, EPA ID Number NM 2750211235, owned by the United States, Department of the Army and located in Doña Ana, Socorro, Lincoln, Otero, and Sierra Counties, New Mexico, including all contiguous land, and structures, other appurtenances, and improvements on the land, used for storage or disposal of hazardous waste. For the purpose of implementing corrective action, "Facility" means all contiguous property under the control of the owner or operator.

Foreign source means hazardous waste generated outside the United States of America.

Hazardous Waste, for the purposes of corrective action for solid waste management units and areas of concern conducted pursuant to section 74-4-4.2(B) of the HWA, 40 CFR part 264, subpart F, or 40 CFR 270.32(b)(2), means a hazardous waste as defined in section 74-4-3(I) of the HWA. Hazardous waste, for the purposes of corrective action, includes, without limitation any hazardous waste as defined in 40 CFR 261.3, any ground water contaminant listed in the Water Quality Control Commission (WQCC) Regulations in 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, and munitions constituents as defined in 10 U.S.C. 2710(e)(3) not excluded from regulation under 40 CFR 266.202.

Hazardous Waste, for all other purposes of this Permit, means a hazardous waste as defined in 40 CFR 261.3.

Hazardous constituent means any constituent identified in 40 CFR part 261 appendix VIII and any constituent identified in 40 CFR part 264 appendix IX.

Military Range means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluated military munitions and explosives, other ordinance, or weapons systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zone with restricted access and exclusionary areas.

NMED means the New Mexico Environment Department.

Off-site source means a generator of hazardous waste located within the United States of America, but outside the Permittee's Facility boundary.

Operator means the person responsible for the overall operation of the Facility. The U.S. Army White Sands Missile Range is the operator of White Sands Missile Range.

Owner means the person who owns the Facility or part of a Facility. The U.S. Army White Sands Missile Range is the owner of White Sands Missile Range.

Permittee means the U.S. Army White Sands Missile Range.

Post-Closure Care Unit means any hazardous waste management unit subject to the post-closure care requirements of 40 CFR Part 264, Subpart G.

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

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

Solid waste management unit (*SWMU*) means any discernable unit or area at the Facility at which solid waste has been placed at any time, and from which the Secretary determines there may be a risk of a release of hazardous waste or constituents, irrespective of whether the unit was intended for the management of solid waste. Placement of solid waste includes any units or area at which solid waste has been routinely and systematically released.

Watercourse shall have the meaning defined in 20.6.2.7 NMAC.

I.K GENERAL REQUIREMENTS

I.K.1 Duty to Comply

The Permittee shall comply with all sections in this Permit, except to the extent and for the duration such noncompliance is authorized in an emergency permit, in accordance with the requirements of 40 CFR 270.61. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the Hazardous Waste Act and RCRA and may subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to an administrative or civil enforcement action [40 CFR 270.30(a)].

I.K.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 in accordance with the requirements of 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. [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 NMED in accordance with 40 CFR 270.42. The new owner or operator must submit a revised permit application no later than 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 compliance with 40 CFR 264, subpart H (Financial Requirements) within 6 months of the date of the change of ownership or operational control of the Facility. [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 40 CFR part 264 and 40 CFR part 270, and the HWA and shall provide NMED with a copy of this notice. [40 CFR 264.12(c)]

I.K.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 condition of this Permit. [40 CFR 270.30(c)]

I.K.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. [40 CFR 270.30(d)]

I.K.5 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment, control, and related appurtenances which are installed or used by the Permittee to achieve compliance with the sections of this Permit. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance and 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. [40 CFR 270.30(e)]

I.K.6 Duty to Provide Information

The Permittee shall furnish to NMED, within a reasonable time as specified by NMED, any relevant information which NMED may request to determine whether cause exists for modifying, 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. [40 CFR 264.74(a) and 40 CFR 270.30(h)]

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 Section shall not be construed to limit in any manner NMED's authority under § 74-4-4.3 of HWA, §3007(a) of RCRA, or any other applicable law or regulation.

I.K.7 Inspection and Entry

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

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

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

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

4 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. [40 CFR 270.30(i)]

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 any other applicable law or regulation.

I.K.8 Monitoring and Records

1. Representative sampling

For purposes of monitoring, the Permittee shall take samples and measurements representative of the monitored activity in accordance with the procedures included in Permit Appendix 5 (*Investigation and Sampling Methods and Procedures*). All samples and measurements of waste streams taken by the Permittee under any condition in this Permit shall be representative of the waste, media, equipment or structure being sampled. To obtain a representative sample of a waste stream the Permittee shall use an appropriate method from appendix I of 40 CFR 261 or an equivalent method approved by the Secretary. Laboratory methods must be those specified in the current edition of *Test Methods for Evaluating Solid Waste Physical/Chemical Methods SW-846*, or an equivalent method, as specified in the *Waste Analysis Plan* in Attachment 2 (40 CFR 270.30(j)(1).

2. Record retention

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports and records required by this Permit, the waste minimization certification required by 40 CFR 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, in accordance with the requirements of 40 CFR 270.30(j)(2). 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.

3. Monitoring records content

a. Pursuant to 40 CFR 270.30(j)(3), records of monitoring information shall include:

b. The date, exact place, and time of sampling or measurements;

c. The date(s) analyses were performed;

d. The name and qualification of the individual(s) who performed the analyses;

e. The measuring techniques, analytical techniques or methods used; and

f. The results of such measurements or analyses.

I.K.9 Reporting Requirements

1. Reporting planned changes

The Permittee shall give notice to NMED as soon as possible of any planned physical alterations or additions to the permitted Facility, in accordance with 40 CFR 270.30(l)(1).

2. Reporting anticipated noncompliance

The Permittee shall give a minimum of 60 calendar days advance to NMED of any planned changes in the permitted Facility or any activities, that may result in noncompliance with Permit requirements, in accordance with 40 CFR 270.30(l)(2).

3. Certification of construction or modification

For a new or modified facility, the Permittee shall not treat, store, or dispose of hazardous waste in the newly constructed or modified portion of the Facility, until the following conditions specified in 40 CFR 270.30(l)(2) have been satisfied:

a. Submittal of statement

The Permittee has submitted to the NMED, by certified mail or hand delivery, a letter signed by the Permittee and a professional engineer registered in New Mexico stating that the Facility has been constructed or modified in compliance with the Permit; and

b. Inspection by the NMED

The NMED has inspected the modified or newly constructed portion of the Facility and finds it is in compliance with the conditions of this Permit, or waived the inspection, or within 15 calendar days from the date of submission of the letter required by this Section (I.K.9), has not notified the Permittee of its intent to inspect.

4. Twenty-four hour and subsequent reporting

a. 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 in accordance with 40 CFR 270.30(1)(6)(i). The report shall include the following:

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

ii. Information of a release or discharge of hazardous waste, or of a fire or explosion at the Facility, that could threaten the environment or human health outside the Facility.

b. Content of description

The description of the occurrence and its cause shall include:

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

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

iii. Date, time, and type of incident;

iv. Name and quantity of materials involved;

v. The extent of injuries, if any;

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

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

c. Written report

The Permittee shall submit a written report to NMED within five calendar days from the time the Permittee becomes aware of the noncompliance [40 CFR 270.30(l)(6)(iii)]. The written report shall contain the following:

i. A description of the noncompliance and its cause;

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

iii. 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 15 calendar days pursuant to 40 CFR 270.30(l)(6)(iii).

5. Contingency plan implementation

If the *Contingency Plan* (Permit Attachment 3) is implemented, then the Permittee shall comply with Permit Section I.K.10 in addition to the reporting requirements of 40 CFR 264.56(j).

6. Manifest discrepancy report

If a significant discrepancy in a manifest is discovered, then the Permittee must attempt to reconcile the discrepancy. If not resolved within 15 days, then the Permittee must submit a letter report, including a copy of the manifest, to the NMED [40 CFR 270.30(l)(7) and 40 CFR 264.72].

7. Biennial report

The Permittee shall submit a biennial report covering Facility activities during odd numbered calendar years [40 CFR 264.75].

8. Other noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported under Permit Section I.K.10, at the time monitoring reports are submitted. The reports shall contain the information listed in this Section (I.K.9) [40 CFR 270.30(l)(10)].

9. Other information

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

10. Signatory requirement

The Permittee shall sign and certify all applications, reports, or information submitted to or requested by NMED or required by this Permit [40 CFR 270.11 and 270.30(k)].

I.K.10 Reports, notifications, and submissions to the New Mexico Environment Department

The Permittee shall submit by certified mail or hand delivery all reports, notifications, or other submissions that are required by this Permit to be sent or given to the New Mexico Environment Department. The submittals shall be in the form of one paper copy and one copy in electronic or other format acceptable to NMED. The submissions should be sent by certified mail or hand delivered to:

Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone Number: 505-476-6000
Facsimile Number: 505-476-6030

The Permittee may claim confidentiality for any information required by this Permit, to the extent authorized by section 74-4-4.3.D NMSA 1978 and 40 CFR 270.12. The Permittee shall segregate confidential material during all record keeping activities require under this Permit to facilitate NMED inspections under Permit Condition I.K.7.

I.K.10.a Signatory requirement

The Permittee shall sign and certify all applications, reports, or other information submitted to the Department. All applications shall be signed and certified in accordance with the requirements of 40 CFR 270.11 and 40 CFR 270.30(k), which are incorporated herein by reference.

I.K.11 Compliance Schedules

This Permit specifies a schedule for submittal of corrective action and closure documents that leads to compliance with the HWA and 20.4.1 NMAC. The submittal schedule is specified in Appendix 8 (*Work Plan and Closure Plan Submittal Schedule*). [40 CFR 270.33(a)]

I.K.12 Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privilege, pursuant to 40 CFR 270.30(g).

I.K.13 Information Repository

The NMED may require the Permittee to establish and maintain an information repository any time pursuant to 40 CFR 270.30(m). The location of the information repository shall be established in accordance with 40 CFR 124.33(d)..

I.K.13.a General Documents and Information to be Maintained at the Facility

The Permittee shall maintain at the Facility until completion of closure and post-closure care, in compliance with Permit Conditions II.O and II.P, is approved by the Secretary, or as otherwise specified below, the following documents and all amendments, revisions, and modifications to these documents:

1. This Permit, including all Attachments;
2. A general description of the Facility as required by this Permit;
3. A topographic map as required by 40 CFR 264.18 and 270.13 and this Permit.
4. The chemical and physical analyses of the hazardous wastes and hazardous debris managed or handled at the Facility under this Permit. At a minimum these analyses shall contain all the information required to treat or store the wastes properly under the requirements of 40 CFR 264 and as required by this Permit.
5. The Waste Analysis Plan as required by 40 CFR 264.13(b) and this Permit;
6. Security procedures and a listing of security equipment as required by 40 CFR 264.14 and this Permit;
7. Inspection schedules and results, for three years from the date of the inspection, as required by 40 CFR 264.15(b)(2) and this Permit;

8. Preparedness and prevention procedures and a listing of related equipment as required by 40 CFR 264, Subpart C and this Permit;

9. Personnel training, including both introductory and continuing training programs, used to prepare employees to safely operate and maintain this Facility in compliance with 40 CFR 264.16(d) and this Permit;

10. The Contingency Plan and any summary reports and details of all incidents that require implementation of the Contingency Plan, and a copy of all Memorandums of Agreement, Memorandums of Understanding, Mutual Aid Agreements and contracts with emergency response contractors and suppliers required by Permit Condition II.L and 40 CFR 264.56(j);

11. A description of procedures, structures or equipment used at the Facility to prevent hazards in unloading/loading operations, prevent run-off from hazardous waste handling areas to other areas of the Facility or environment or to prevent flooding, prevent contamination of water supplies, mitigate the effects of equipment failure and power outages, prevent undue exposure of personnel to hazardous waste, and prevent releases to the atmosphere as required under this Permit;

12. Special precautions for ignitable, reactive, or incompatible wastes as required by 40 CFR 264.17 and this Permit;

13. Traffic patterns, estimated volumes and control as required by this Permit;

14. The Facility Operating Record, as required by 40 CFR 264.73 and Permit Condition II.M.2;

15. Closure plans for each permitted unit as required by 40 CFR 264.112 and this Permit; and

16. The Permittee shall maintain the information and records by this Section (I.K.13.a) in paper form or in an electronic form acceptable to NMED.

I.K.14 Community Relations Plan

The NMED may require the Permittee to prepare and implement a Community Relations Plan to inform the public and all interested parties of investigation and cleanup activities conducted under this Permit, and to inform the public of safety issues concerning releases at the Facility and beyond Facility boundaries at any time pursuant to 40 CFR 270.32(b)(2).

I.L APPROVAL OF WORK PLANS AND OTHER DOCUMENTS

All documents requiring NMED approval (including monitoring plans, work plans, including Investigation Work Plans, Interim Measures Work Plans, Accelerated Corrective Measures Work Plans, and Corrective Measures Implementation Plans; Corrective Measures Evaluation Reports) and all associated schedules that the Permittee prepares under the terms of this Permit must be approved

by the NMED prior to their implementation. Upon receiving a work plan or other document for approval, the NMED will review the document and either approve the document, approve it with modifications, or disapprove it. If the NMED approves the document, it will notify the Permittee in writing. If the NMED approves the document with modifications, the NMED will notify the Permittee in writing of the necessary modifications, and the reasons for the modifications. If the NMED disapproves a document, it will notify the Permittee in writing of the disapproval and the deficiencies in the document or other reasons for the disapproval. A notice of disapproval may also state modifications necessary for NMED approval. The NMED may require resubmittal of the document and specify a due date for such submittal.

Each work plan shall meet or address the requirements of this Permit in one or more of the following ways:

1. The work plan shall provide for performance of the work in full compliance with the requirements of this Permit.

2. The work plan shall state that work meeting the requirements of this Permit has been completed. The background section of the work plan shall summarize the data or other information used to satisfy the investigation requirements of this Permit. The summaries shall cite supporting documents with corresponding page numbers.

3. The work plan shall propose to the NMED alternate requirements that differ from those in this Permit. Any such proposal shall be in writing, shall specifically identify each proposed alternate requirement and how it differs from the requirement in the Permit, and shall be accompanied by a detailed written justification. Alternate requirements may be satisfied by previous work that is documented in the work plan as described in Paragraph 2 above. If the NMED approves in writing a work plan with alternate requirements, the alternate requirements of the work plan, rather than the requirements of the Permit, shall be applicable and enforceable.

Upon NMED approval, all monitoring plans, work plans, and Corrective Measures Evaluation Reports, and associated schedules are incorporated herein by reference, including any approved extensions and required modifications, and become an enforceable part of this Permit. Work plans and reports subject to this Permit Section (I.L) shall not be considered modifications of this Permit.

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.

PART II
GENERAL FACILITY CONDITIONS

II.A OPERATION AND MAINTENANCE OF THE FACILITY

This Permit authorizes the storage of the hazardous wastes specified in Permit Attachment 2 (*Waste Analysis Plan*) for subsequent transfer to a treatment, storage, or disposal facility. This permit also authorizes management of residual hazardous wastes in closed hazardous waste management units listed in Permit Appendix 4 as described in Permit Part IV and V. The Permittee shall maintain a current list and map of the hazardous waste generation locations at the Facility. The Permittee shall maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, ground water, or surface water that could threaten human health or the environment [40 CFR 264.31]. The Permittee shall construct, maintain all structures and equipment, and follow the operating procedures described in Permit Appendices 1 through 8 and Permit Attachments 1 through 6.

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 Attachment 1 *(Part A of Permit Application).*

II.B.2 Prohibited Waste

The Permittee shall not accept hazardous waste from an off-site source. "Off-site" source refers to waste generated by sources other than the Permittee, tenants or its contractor(s) on-site. If the Permittee is to receive hazardous waste from an off-site source, he shall apply for a permit modification pursuant to 40 CFR 270.42 prior to accepting such waste.

II.C LAND DISPOSAL RESTRICTIONS

Title 40 CFR part 268, identifies hazardous wastes that are restricted from land disposal and defines 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 40 CFR part 268. Where the Permittee has applied for an extension, waiver or variance in accordance with 40 CFR part 268, the Permittee shall comply with all restrictions on land disposal under this Permit Part once the effective date for the waste has been reached pending final approval of such application.

II.C.1.a Storage of Land Disposal Restricted Waste

The Permittee is prohibited by 40 CFR 268.50 and Attachment 2 (*Waste Analysis Plan*), Section 2.3.2.2, from storing hazardous waste restricted from land disposal pursuant to 40 CFR part 268 subpart C for more than one year from the date such waste was first placed into storage. If the Permittee requests a variance to one-year limitation, the Permittee must submit a request for the variance in writing to NMED no less than 30 days prior to reaching the one-year limit.

II.C.1.b Storage of PCB Contaminated Waste

The Permittee is prohibited from storing liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than 50 parts per million (ppm) unless such storage is 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 into storage, in accordance with the requirements of 40 CFR 268.50(f).

II.C.2 Waste Dilution

As specified in 40 CFR 268.3, the Permittee shall not dilute wastes.

II.D WASTE CHARACTERIZATION

II.D.1 General Requirements

The Permittee shall not store any hazardous waste at the permitted Hazardous Waste Storage Facility unless the hazardous waste has been fully characterized in accordance with the requirements of this Permit and the *Waste Analysis Plan* (WAP) (Permit Attachment 2), to demonstrate compliance with all requirements of 40 CFR Part 264, including 264.13 and 40 CFR Part 268. At a minimum, this waste characterization process must produce all of the information necessary to treat, store and dispose of the waste in compliance with 40 CFR parts 264 and 268. All information required in this Section (II.D.1) shall be maintained in the Facility Operating Record. [40 CFR 264.13(a)(1)]

The Permittee shall document the following waste characterization information prior to acceptance of a hazardous or non-hazardous waste for storage at the Hazardous Waste Storage Facility in accordance with 40 CFR 264.13(a)(1):

1. Characterization to determine whether a solid waste is a hazardous waste in accordance with 40 CFR 262.11;

2. All applicable EPA Hazardous Waste Numbers, in accordance 40 CFR 264.13 and 40 CFR 268.9(a);

3. Whether the waste is listed as an authorized waste in Permit Attachment 1 (*Part A of Permit Application*) and is not otherwise prohibited by this Permit;

4. Whether the waste contains free liquids, as defined at 40 CFR 260.10;

5. The waste characteristic data necessary to prevent the mixing or placing of incompatible wastes in the same container in accordance with 40 CFR 264.17, 264.177, Permit Attachment 2 (*Waste Analysis Plan*), or in a tank system in accordance with 40 CFR 264.199. The Permittee also shall characterize the waste sufficiently to prevent the impairment of containers by associated wastes, in accordance with 40 CFR 264.172, and to prevent the impairment of secondary containment systems by associated wastes, in accordance with 40 CFR 264.193(c)(1); and

6. Characterization sufficient to prevent accidental ignition or reaction of ignitable or reactive wastes in accordance with 40 CFR 264.17, in containers in accordance with 40 CFR 264.177, and tank systems in accordance with 40 CFR 264.198.

For a new waste generated at the Hazardous Waste Storage Facility, the Permittee shall obtain the above waste characterization information within thirty (30) days of when the waste is first generated.

II.D.2 General Waste Characterization Methods

The Permittee must follow the sections in the *Waste Analysis Plan* (Permit Attachment 2) that are applicable to the waste management activities addressed under this Permit. The procedures that the Permittee must carry out to comply with 40 CFR 264.113(a) and (b), apply to, but are not limited to:

1. The ten waste generating activity groups at the Facility;

2. The parameters for which each hazardous waste will be analyzed and the rationale for the selection of these parameters;

3. All analytical methods that will be used to test for these parameters;

4. All sampling methods that will be used to obtain representative samples of the waste to be analyzed; and

5. The waste characterization recordkeeping commitments.

The Permittee shall keep a copy of the WAP at the Facility.

The Permittee shall characterize waste by using either current sampling and analysis, acceptable knowledge, or a combination of the two methods as described in the WAP (Permit Attachment 2) and this Permit, consistent with 40 CFR 262.11 and 264.34 and EPA guidance *Waste Analysis at Facilities that Generate, Treat and Dispose of Hazardous Wastes* (OSWER 9938.4-03, April 1994). All characterization methods must be approved by NMED.

II.D.2.a Sampling and Analysis

The Permittee shall perform all sampling and analytical procedures used for waste characterization, with the exception of hydrazine wastes, in accordance with the most recent version of *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, (U.S. EPA Publication SW-846) or an equivalent method, which has received prior approval from the NMED.

The Permittee shall ensure that samples collected and analyzed for waste characterization are representative of both the nature and the entire volume of the waste under consideration.

The Permittee shall ensure that the sampling and analytical procedures used to collect a representative sample of a waste preserve its original physical form and composition and ensure prevention of contamination or changes in concentration of the constituents to be analyzed. The Permittee shall conduct a quality assurance program to ensure that sample collection and analytical procedures used to support waste characterization required under this Permit are technically accurate

and statistically valid. This quality assurance program must comply with the quality assurance requirements in SW-846. The Permittee shall identify and perform the appropriate number of control samples associated with each sample collected (e.g. trip and field blanks, field duplicates, and field spikes).

When performing laboratory analysis the Permittee or the independent laboratory shall analyze the appropriate number of method blanks, laboratory duplicates, and laboratory control samples to assess the quality of the data resulting from laboratory analytical programs. The Permittee shall maintain a record of these quality assurance procedures in the Facility Operating Record in compliance with 40 CFR 264.73 and Permit Condition I.K.

If the Permittee uses an independent contract laboratory to perform analyses, the Permittee shall enter into a written contract with the laboratory, which requires the analytical laboratory to operate under the waste analysis conditions set forth in this Permit. Copies of all such contracts with independent contract laboratories shall be kept in the Facility Operating Record.

If the Permittee chooses to propose an analytical method that deviates from an established method in SW-846, the Permittee must demonstrate and document to the Secretary that the proposed analytical procedure is equal to or superior to the corresponding method in SW-846 in terms of its sensitivity, accuracy and precision. The Permittee must submit a written request to the Department 90 days prior to using the proposed sampling or analytical procedure, which includes the following information:

1. A statement of the need and justification for the proposed action;

2. A full description of the proposed method (i.e a standard operating procedure), including all procedural steps and equipment used in the method;

3. A description of the types of wastes or waste matrices for which the proposed method may be used;

4. Performance data;

5. Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in SW-846 and 40 CFR 261 and 264;

6. An assessment of any factors which may interfere with or limit the use of the proposed method; and

7. A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

The NMED must issue a written approval of the alternative method before the Permittee may substitute it for an approved method under this Permit.

II.D.2.b Acceptable Knowledge Hazardous Wastes

The Permittees may use acceptable knowledge to characterize waste in lieu of sampling and analysis or to supplement sampling and analysis. The Permittees shall include in the acceptable knowledge documentation all of the background information assembled and used in the characterization process, whether or not the information supports the decision to use acceptable knowledge. The acceptable knowledge record must document the resolution of any data discrepancies between different acceptable knowledge sources. The Permittees shall provide additional waste characterization information if requested by NMED. Such information shall be provided within the time specified by NMED.

II.D.2.c Waste Characterization Documentation

Table 1, *Required Hazardous Waste Characterization Information*, lists the waste characterization documentation that the Permittee shall maintain in the Facility Operating Record.

The Permittee shall include in the acceptable knowledge documentation all background information assembled and used in the characterization process, whether or not the data supports the decision to use acceptable knowledge, and a report summarizing the supporting documentation and waste characterization conclusions. Appropriate acceptable knowledge documentation includes, but is not limited to:

1. Standard operating procedures and detailed operating procedures, which includes a list of raw materials and reagents, a listing of all material the raw materials or reagents come in contact with, and descriptions of the wastes generated and how they were handled;

2. Test plans or research project reports that describe the reagents and other raw materials used in an experiment;

3. Documented interviews with site personnel that were directly involved in the waste generation process;

4. Vendor and other standard industry practice documents;

5. Industry reports on a similar process when there is a clear connection between the industrial process or experiment and the Permittee's process or experiment;

6. Previous (pre-RCRA) analytical data relevant to the waste stream;

7. Analytical data from studies of common industry processes that are similar to the Permittee's processes;

8. Material safety data sheets, product labels and other product packaging information;

9. Sampling and analysis data from comparable waste streams;

10. Documented visual inspections that were performed to confirm or identify the physical characteristics and packaging of a waste;

11. Laboratory notebooks that detail the research processes and raw materials used in an experiment;

12. Environmental site characterization data, waste characterization data, waste characterization strategy documentation and RCRA Facility Investigation documentation; and

13. Waste stream laboratory analytical data.

Acceptable knowledge documentation must be maintained in an auditable record for a minimum of three years from the date the waste was last managed at the Hazardous Waste Storage Facility. The three-year record retention period is automatically extended during the course of any unresolved enforcement action or as requested by the NMED. The Permittee shall assign a traceable identification number at the point of generation to this documentation to facilitate access to this information by the Permittee and NMED.

Table 1

Required Hazardous Waste Characterization Information[1]

INFORMATION	REGULATORY BASIS	PERMIT CONDITION
Waste name (textual descriptor, optional)		WAP Section 2.2.2 and WAP Table 2-1
Unique waste identifier (generally a number, optional)		WAP Section 2.2.2
Waste generation location (e.g., building and room number, optional)		WAP Sections 2.2.2 and 2.3.1, and WAP Table 2-1
Name(s) of individuals that are responsible for performing waste characterization (optional)		WAP Section 2.2.3 and WAP Figure 2-1
Date of, and basis for, most recent waste characterization (e.g., annual review, waste stream undergoes a significant change, or off-site facility information indicates waste is different)	40 CFR 264.13(a)(3)(i), 264.13(b)(4), 268.7(b)	WAP Sections 2.2

INFORMATION	REGULATORY BASIS	PERMIT CONDITION
Waste source (identify all that apply): 1. Research, Development, Testing and Evaluation Support 2. Environmental Restoration Activities 3. Vehicle Maintenance 4. Equipment Maintenance 5. Fabrication Shop Operations 6. Laboratory Activities 7. Photographic Operations 8. Facility Maintenance 9. Paint and Solvent Recovery From Aerosol Can Recycling 10. Other (specify)		WAP Sections 2.2.2, 2.2.3, and WAP Table 2-1
Detailed waste generation process description	40 CFR 264.13(a)(1)	WAP Section 2.2
Method of characterization: 1. Sampling and analysis (detailed requirements in WAP) 2. Identification of acceptable knowledge (AK) (Listing of required AK documentation at Permit Section II.D.3.b)	40 CFR 264.13(a)(2), 268.7(a)(1)	WAP Sections 2.2.3
All EPA Hazardous Waste Numbers (i.e., hazardous waste codes)	40 CFR 264.13(a)(1), 268.7(a)(2), 268.9(a)	Permit Attachment 1
Land Disposal Restriction Status Information [2]		
Documentation supporting one of the following LDR statuses; 1. Waste is prohibited from land disposal 2. Waste meets LDR treatment standards 3. Waste is exempted from LDRs	40 CFR 264.13(b)(6), 268.1(c), 268.3, 268.7(a)(1), 268.50	WAP Sections 2.3.2, 2.3.2.2

INFORMATION	REGULATORY BASIS	PERMIT CONDITION
Waste characterization information to support LDR status determination includes the following; 1. All underlying hazardous constituents in characteristic hazardous waste including their range of concentrations 2. All constituents of concern in F001-F005 and F039 hazardous wastes including their range of concentrations 3. Wastewater / non-wastewater classification 4. Total suspended solids (TSS) concentration by weight 5. Total organic carbon (TOC) concentration by weight 6. Identification of any special treatment regulatory subcategory 7. High total organic carbon (TOC) waste (i.e., greater than or equal to 10%)	40 CFR 268.7(a)(2), 268.9(a), 268.40(a)	WAP Sections 2.1, 2.3.2.2; WAP Table 2-1

[1]Information is required unless identified as "optional".

[2]LDR information queries must be established prior to placement of waste at a permitted waste management unit in accordance with Permit Section II.D.6, unless the waste is generated at the Hazardous Waste Storage Facility.

II.D.3 Waste Characterization Review

The Permittee shall comply with the following conditions to ensure that characterization of regularly or routinely delivered wastes to the HWSF is accurate and up to date:

1. Review hazardous waste characterization annually, at a minimum, to verify the accuracy of initial characterization results in accordance with the Waste Analysis Plan. This annual re-characterization shall be performed by reviewing waste characterization data with the waste generator to determine if the process generating the waste has undergone a significant change. A significant change is any change that constitutes a change in the composition of the waste or causes a change to the regulatory status of the waste under the HWA, including changes that affect management of the waste with regard to land disposal restrictions (LDR). If particular wastes are received at a waste management unit less frequently than once each calendar year, this review process shall occur before each delivery of the wastes to the waste management unit. This annual review of the waste generating process, or less frequent review for the waste described above, shall be documented in the Facility Operating Record; For wastes originally characterized through sampling and analysis, verification shall be achieved using the same sampling and analysis

methodologies used in the initial analysis or other methods approved by NMED. For wastes characterized through acceptable knowledge, verification may be achieved through a review of acceptable knowledge information and/or sampling and analysis;

2. Re-characterize a waste whenever there is a change in waste-generating processes that may affect the physical or chemical properties or listed status of the waste; and

3. Re-characterize a waste whenever the Permittee is notified by an off-site facility that has received a 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 the NMED in writing within 24 hours of receipt of such a discrepancy notice from a receiving facility.

Unique wastes that are generated on a one-time basis, or wastes listed at 40 CFR 261.33 (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 section (II.D.3).

The Permittee shall comply with the frequency required for initial analysis of the waste and the frequency that the analysis will be reviewed and/or repeated to ensure that the analysis is accurate and up-to-date as specified in *Waste Analysis Plan* (Permit Attachment 2*)* Sections 2.2.2 and 2.4.4 [40 CFR 264.13(b)(4)].

II.D.4 Air Emissions from Containers

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 if the Permittee controls air pollution emissions from all hazardous waste in containers in accordance with the container construction specifications and operation requirements specifies at 40 CFR 264.1086(b) and in the *Waste Analysis Plan* (Attachment 2) Section 2.3.2.3.

II.D.5 Compliance With Land Disposal Restriction

II.D.5.a Hazardous Waste Analysis

The Permittee shall determine if a hazardous waste managed under this Permit must be treated before it may be land disposed in accordance with 40 CFR 268.40, 268.45, or 268.49. The Permittee shall make this determination by sampling and analyses of a representative sample of the waste, acceptable knowledge, or a combination of the two methods.

When using laboratory analysis as part of a hazardous waste characterization, the Permittee shall require the laboratory to report concentrations of all hazardous constituents listed at 40 CFR 268.48, *Table of Universal Treatment Standards*, that the analytical test method used is capable of measuring. When performing or obtaining laboratory analysis to demonstrate that a waste meets its applicable LDR treatment standard concentrations specified in 40 CFR 268.40, *Treatment*

Standards for Hazardous Wastes, in compliance with 40 CFR 268.7(a) and (b), the Permittee shall ensure that analytical method detection limits are not higher than the treatment standard.

The Permittee shall characterize treatment-derived wastes, including wastes that are de-characterized and are no longer hazardous waste, to determine whether the waste meets the applicable LDR treatment standards specified at 40 CFR 268.40, 268.45, and 268.49, in compliance with 40 CFR 268.7(b).

II.D.5.b Prohibition on Dilution as a Substitute for Treatment

The Permittee shall not dilute a waste that is restricted from land disposal, or the residue from treatment of a restricted waste, as a substitute for treatment in compliance with 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 or ineffective treatment that does not destroy, remove, or permanently immobilize hazardous constituents. The Permittee shall not aggregate a waste that is restricted from land disposal with other waste streams or materials in order to comply with Land Disposal Restrictions. Aggregating or mixing wastes as part of a legitimate treatment process is considered permissible dilution for purposes of this Permit.

II.D.6 Waste Shipped to an Off-Site Facility

The Permittee shall conduct the waste characterization necessary to facilitate appropriate packaging for transportation, including the U.S. DOT Shipping Name, Hazard Class, and an ID Number for each waste. The Permittee shall record in the Facility Operating Record all off-site Facility pre-qualification acceptance characterization information.

II.E WASTE MINIMIZATION

The Permittee shall institute a waste minimization program to reduce the volume and toxicity of hazardous wastes generated by the Facility's operation to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal that is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment, in compliance with 40 CFR 264.73(b)(9).

Certification of the waste minimization program shall include each of the following items if :

1. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the Facility;

2. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities for all hazardous/mixed wastes;

3. Any source reduction or recycling measures implemented in the last five years or planned for the next federal fiscal year;

4. An estimate of the dollar amounts of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;

5. Factors that have prevented implementation of source reduction or recycling;

6. Sources of information on source reduction and/or recycling received at the Facility (e.g., local government, trade associations, suppliers);

7. An investigation of additional waste minimization efforts, which 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;

8. A flow chart or matrix detailing all hazardous wastes the Facility produces, by quantity and type, including mixed waste, and by building or area and program; and

9. 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.

Documentation of ISO 14001 certification may satisfy requirements of this Permit Section (II.E) The Permittee shall include the report in the operating record.

II.F 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, for dust suppression or road treatment, in accordance with the requirements of 40 CFR 266.23(b) which is incorporated herein by reference.

II.G SECURITY

To prevent the unknowing entry and to minimize the possibility of unauthorized entry of persons into the Facility, the Permittee shall comply with the security provisions in accordance with 40 CFR 264.14 and the procedures specified in Permit Attachment 3 (*Contingency Plan).*

II.H GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule specified in Permit Attachment 5 (*Inspections*). The Permittee shall inspect the Hazardous Waste Management Units and remedy any deterioration or malfunction discovered by an inspection, in accordance with the requirements of 40 CFR 264.15. Records of inspection shall be kept, as required by 40 CFR 264.15. Emergency equipment shall be inspected at the frequency specified in Permit Attachment 5 (*Inspections*) to insure it is properly maintained as required by Permit Section II.K.3.

II.I PERSONNEL TRAINING

The Permittee shall conduct the personnel training specified in Permit Attachment 4 (*Training Program),* in accordance with the requirements of 40 CFR 264.16. The Permittee shall maintain training documents and records in accordance with the requirements of 40 CFR 264.16(d) and

(e) and Permit Attachment 4 (*Training Program*). The Permittee shall ensure that training records include the following documentation:

- The job title for each hazardous waste management position at the Facility and the name and employee number of each employee filling the position;
- A written job description for each hazardous waste management position. This description must include the requisite skill, education or other qualifications and duties of employees assigned to each position;
- A written description of the type and amount of both introductory and continuing training that will be given to each person filling a hazardous waste management position.

Records that document Facility personnel have received and completed the training and/or job experience required under this Section (II.I). The records must be searchable by employee name, employee number, or position description.

II.J IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee shall comply with the requirements of 40 CFR 264.17 for managing ignitable, reactive, or incompatible waste.

II.K PREPAREDNESS AND PREVENTION

II.K.1 Operation and Maintenance of Facility

The Permittee shall design, construct, maintain, and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, ground water, or surface water that could threaten human health and the environment in accordance with the requirements of 40 CFR 264.31 which is incorporated herein by reference.

II.K.2 Required Equipment

At a minimum, the Permittee shall maintain at the Facility the communication, spill control, decontamination, and fire control equipment set forth in Permit Attachment 3 (*Contingency Plan*) in accordance with the requirements of 40 CFR 264.32.

II.K.3 Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Section II.K.2, as necessary, to assure its proper operation in time of emergency in accordance with the requirements of 40 CFR 264.33. The Permittee shall ensure that the external communication equipment is compatible with the equipment used by the local authorities, emergency response organizations, medical providers and contractors that are identified in Attachment 3.

The Permittee shall ensure that if testing identifies any communication equipment, alarm system component or fire protection, spill control or decontamination equipment that is not functioning

properly it is promptly repaired. The Permittee shall immediately provide substitute equipment or systems while the repairs are ongoing. The Permittee shall ensure that Facility employees and contractors are notified of the presence of substitute equipment and, if necessary, trained in its use. The Permittee shall ensure that malfunctioning equipment is clearly marked as "Inoperable" and the location of the substitute equipment is posted adjacent to the malfunctioning equipment.

II.K.4 Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system in accordance with the requirements of 40 CFR 264.34.

II.K.5 Coordination Arrangements

The Permittee shall maintain Coordination Arrangements to familiarize the White Sands Missile Range Fire Department, Fire and Emergency Services Division , White Sands Security Office , White Sands Medical Clinic , and the Installation Safety Office with the layout and potential hazards at the Facility in accordance with 40 CFR 264.37.

The Permittee shall provide these organizations with a copy of their *Contingency Plan* (Permit Attachment 3). Copies and descriptions of coordination agreements between the various White Sands Missile Range departments shall be maintained in the operating record in accordance with the requirements of 40 CFR 264.37(b).

If other state or local authorities are contacted for inclusion in the arrangements made through the Contingency Plan, and where the state or local authorities contacted decline to enter into such an arrangement, the Permittee must document the refusal in the operating record in accordance with the requirements of 40 CFR 264.37(b).

II.L CONTINGENCY PLAN

II.L.1 Provisions of Plan

The Permittee shall develop a Contingency Plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, ground water, or surface water in accordance with the requirements 40 CFR 264.51(a).

II.L.2 Implementation

The Permittee shall immediately implement the *Contingency Plan* (Permit Attachment 3) whenever there is a fire, explosion, or release of hazardous waste or constituents at the Facility that could threaten human health or the environment in accordance with the requirements of 40 CFR 264.51(b). The Permittee shall ensure that an adequate number of trained emergency response personnel are available at all times including, but not limited to, holidays, evenings and weekends.

II.L.3 Copies of Plan

The Permittee shall maintain and distribute copies of the *Contingency Plan* (Permit Attachment 3) in accordance with the requirements of 40 CFR 264.53. The Permittee shall provide copies of the *Contingency Plan*, as modified, to NMED and all entities with which the Permittee has emergency coordination agreements and to all other local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

II.L.4 Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the *Contingency Plan* (Permit Attachment 3 in accordance with the requirements of 40 CFR 264.54 and 40 CFR part 270 Appendix I.B.6.

II.L.5 Emergency Coordinator

An Emergency Coordinator (EC) or an Alternate Emergency Coordinator, in accordance with Permit Attachment 3 (*Contingency Plan*) shall be available at all times in case of an emergency. The Emergency Coordinator or Alternate Emergency Coordinator shall be thoroughly familiar with the *Contingency Plan* and shall have the authority to commit resources needed to implement the *Contingency Plan*, in accordance with the requirements of 40 CFR 264.55.

II.M RECORDKEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in the Permit, the Permittee shall comply with the requirements specified in this Section (II.M.1 and II.M.2). All documents required to be maintained at the Facility shall be readily available at all times, and shall be made available to NMED or EPA personnel upon request.

II.M.1 Documents to be Maintained at the Facility

The Permittee shall maintain at the Facility the documents specified in this permit section (II.M).

1. Waste Analysis Plan.
2. Inspection Schedule.
3. Personnel documents and records in accordance with the requirements of 40 CFR 264.53(a).
4. The biennial report shall be prepared and submitted to the NMED in accordance with the requirements of 40 CFR 264.75. The Permittee shall maintain copies of the biennial reports at the Facility.
5. A copy of this Permit and its revisions and modifications as approved by NMED.
6. Summary reports and details of all incidents that require implementation of the *Contingency Plan* in accordance with the requirements of 40 CFR 264.56(j).

7. Closure Plan (Permit Attachment 11).

8. The names, addresses, and phone numbers of the Emergency Coordinator (EC) and all persons designated as Alternate Emergency Coordinator in accordance with 40 CFR 264.52(d).

9. All records of the reports required by 40 CFR 264.77.

II.M.2 Operating Record

The Permittee shall maintain an operating record at the Facility in accordance with the requirements of 40 CFR 264.73. The operating record must include a description of the type and quantity of each hazardous waste received at each individual hazardous waste management unit at the Facility, the date of its receipt, and the method of its treatment or disposal. The operating record shall also include all items identified in the applicable provisions of 40 CFR 264.73, and all items otherwise required to be kept in the operating record under the terms of this Permit. All documents must be made available to NMED upon request pursuant to 40 CFR 264.74.

II.N MANIFEST SYSTEM

The Permittee shall comply with all the manifest requirements 40 CFR 264.71, 264.72, and 264.76.

II.O GENERAL CLOSURE REQUIREMENTS

II.O.1 Performance Standard

The Permittee shall clean close the Facility in accordance with all the requirements of 40 CFR 264.111 and with the *Hazardous Waste Storage Facility Closure Plan* (Permit Attachment 6).

II.O.2 Amendment to Closure Plan

The Permittee shall amend the *Hazardous Waste Storage Facility Closure Plan* (Permit Attachment 6) before implementing the plan, unless the Permittee demonstrates conclusively by direct measurements and Facility records that no releases of hazardous waste or hazardous waste constituents had occurred to the environment from the Facility for its entire operating life. The Permittee shall amend the *Hazardous Waste Storage Facility Closure Plan* (Attachment 6) for any other reasons set forth in 40 CFR 264.112(c). The Permittee shall comply with all the requirements of 40 CFR 264.112(c) in amending the Closure Plan.

II.O.3 Notification of Closure

The Permittee shall notify the NMED in writing at least 45 calendar days prior to the date on which it expects to begin closure of the Facility, and shall otherwise comply with all the requirements of 40 CFR 264.112(d).

II.O.4 Time Allowed For Closure

Within 90 calendar days after receiving the final volume of hazardous waste at any permitted unit, the Permittee shall remove all hazardous waste from the unit to a permitted treatment, storage or disposal facility, and shall complete closure activities, in accordance with all the requirements of 40 CFR 264.113 and following the schedule specified in their *Hazardous Waste Storage Facility Closure Plan (*Permit Attachment 6).

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

The Permittee shall decontaminate or dispose of all contaminated equipment, structures, and soils, in accordance with all the requirements 40 CFR 264.114 and the *Hazardous Waste Storage Facility Closure Plan* (Permit Attachment 6).

II.O.6 Certification of Closure

Within 60 calendar days from the date of completion of closure of the Facility, the Permittee shall submit to the NMED a final closure report and written closure certification, signed by an independent professional engineer registered in New Mexico, that the Facility was closed in accordance with their approved *Hazardous Waste Storage Facility Closure Plan* (Permit Attachment 6). The Permittee shall comply with all the requirements of 40 CFR 264.115 in submitting the certification.

II.O.7 Survey Plat

If any waste or contaminated media is left in place, the Permittee shall submit a survey plat to the local zoning authority and the NMED, no later than the submission of certification of closure of each hazardous waste disposal unit, in accordance with the requirements of 40 CFR 264.116 which is incorporated herein by reference. The Permittee shall comply with all the requirements of 40 CFR 264.116 in submitting the survey plat.

II.P POST-CLOSURE CARE REQUIREMENTS

If the Permittee does not clean close the Hazardous Waste Storage Facility as required by 20.4.1.500 NMAC, incorporating 40 CFR 264.111, the Facility shall be subject to post-closure permitting requirements pursuant to 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, no later than 90 calendar days from the date that the Permittee determines that the Facility must be closed with waste in place, as required by 20.4.1.500 NMAC, incorporating 40 CFR 264.117 through 120.

PART III
CONTAINER STORAGE AREA / HAZARDOUS WASTE STORAGE FACILITY

Part III specifies the regulatory requirements that the Permittee shall follow when managing and storing hazardous wastes at the Hazardous Waste Storage Facility. The Permittee is authorized to manage and store only those hazardous wastes listed in Part A of the Permit Application and in Permit Attachment 2 (*Waste Analysis Plan).* Specific Facility and process information for the management, storage and transfer of hazardous waste in the Permittee's container storage area known as the Hazardous Waste Storage Facility are provided in Permit Appendix 1 (*General Facility Description*) and Permit Attachment 2 (*Waste Analysis Plan*).

The Permittee may store containerized wastes in the appropriate storage buildings known as the Hazardous Waste Storage Facility (HWSF), located in a fenced area of approximately 151,700 square feet,. The Permittee's known hazardous waste streams are described in Permit Attachment 2 (*Waste Analysis Plan*). The Permittee generates hazardous waste at the locations specified in Permit Attachment 2 (*Waste Analysis Plan*).

The Permittee shall store no more than 13,200 gallons of hazardous waste in 55-gallon drums and smaller containers in Buildings S22895 A through D and Building S22895. The Permittee may store only those hazardous wastes generated within the Facility boundaries, and must dispose of its wastes off-site through licensed treatment, storage or disposal contractors.

Illustrations in Appendix 2 (*Maps and Figures*) show the location of White Sands Missile Range, the HWSF within the missile range, and the location of the structures at the HWSF. Topographic maps in Permit Appendix 2 (*Maps and Figures*) show surrounding land use. Additional details on the construction and design of the HWSF are included in Permit Appendix 1(*General Facility Description*).

III.A HAZARDOUS WASTE STORAGE FACILITY

The Permittee shall manage and store hazardous waste in the HWSF in accordance with the following conditions:

III.A.1 Storage Location and Quantities

The Permittee shall manage and store hazardous waste containers located in the HWSF in accordance with Section 1.2.1.a (Building Descriptions) of Permit Appendix 1. The Permittee shall not manage and/or store hazardous waste in excess of the maximum capacities specified in Section 1.2.1.a (Building Descriptions) of Permit Appendix 1..

III.A.2 Storage Time Limit

The Permittee shall not store any hazardous waste in the HWSF for more than one (1) year, in accordance with 40 CFR 268.50(b).

III.A.3 Minimum Aisle Space

The Permittee shall maintain sufficient aisle space between storage drums in the storage bays to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area within the HWSF, in accordance with the requirements of 40 CFR 264.35.

III.B PERMITTED AND PROHIBITED WASTES

III.B.1 Permitted Wastes

The Permittee shall store for subsequent transfer to a treatment, storage, or disposal facility only the hazardous wastes listed in the RCRA Part A Permit Application (Attachment 1) of this Permit. Section 1.2.1.a of Permit Appendix 1 specifies the maximum amounts of hazardous waste that the Permittee may manage or store at the Facility subject to the terms of this permit.

III.B.2 Prohibited Wastes

The Permittee is prohibited from managing and storing in the HWSF any hazardous waste that is not identified in Attachment 1-Part A RCRA Permit Application.

III.C CONDITION OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., has severe rusting, apparent structural defects) or if it begins to leak, then the Permittee shall transfer the hazardous waste from such a container to a container that is in good condition or otherwise manage the waste in accordance with this Part (III) and 40 CFR 264.171.

III.D ACCEPTABLE STORAGE CONTAINERS

The Permittee shall use containers that comply with the requirements of the U.S. Department of Transportation shipping container regulations (49 CFR part 173 - *Shippers - General requirements for Shipment and Packaging, and* 49 CFR part 178 - *Specifications for Packaging*) for storage of hazardous waste at the HWSF. The Permittee shall store hazardous waste in containers listed in Permit Appendix 1, Section 1.2.1.b.

III.E COMPATIBILTY OF WASTE WITH CONTAINERS

The Permittee shall use containers made of, or lined with, materials that will not react with, and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired, in accordance with 40 CFR 264.172. The Permittee shall ensure compliance with this requirement by conducting pre-acceptance characterization of waste, in accordance with Permit Attachment 2.

III.F MANAGEMENT OF CONTAINERS

The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak, in accordance with at 40 CFR 264.173.

III.G SECONDARY CONTAINMENT SYSTEM

The Permittee shall maintain secondary containment systems for all containers containing free liquids in the HWSF in accordance with the requirements of 40 CFR 264.175. All containers containing free liquids must be labeled as containing free liquids.

III.H INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect the HWSF for the condition of containers and secondary containment systems, safety equipment, and aisle space at least weekly to detect leaking containers, deterioration of containers and the containment system caused by corrosion and other factors, in accordance with the Permit Attachment 5 (*Inspections*) and in accordance with the requirements of 40 CFR 264.174.

III.I RECORD KEEPING

The Permittee shall place the results of all waste analyses and any other documentation showing compliance with Permit Section II.M in the Operating Record, in accordance with the requirements of 40 CFR 264.73.

III.J CLOSURE

During closure of the HWSF, the Permittee shall remove all hazardous waste and hazardous waste residues, remaining containers, liners, bases and soils containing or contaminated with hazardous waste or hazardous waste residues, from the containment system in accordance with the closure procedures specified in their *Hazardous Waste Storage Facility Closure Plan* (Permit Attachment 6*)* and in accordance with the requirements of 40 CFR 264.178

III.K SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

III.K.1 Location of Ignitable and Reactive Waste

The Permittee shall not locate containers holding ignitable or reactive hazardous waste within 15 meters (50 feet) of the Facility's property line, in accordance with the requirements of 40 CFR 264.176.

III.K.2 Procedures to Prevent Ignition/Reaction

The Permittee shall take all appropriate precautions to prevent accidental ignition or reaction of ignitable or reactive waste and shall follow the procedures specified in their *Waste Analysis Plan* (Permit Attachment 2), and in accordance with 40 CFR 264.17(a).

III.K.3 Storage of Hazardous Waste Containers

The Permittee shall not stack containers of ignitable and reactive wastes more than two high, in order to comply with the National Fire Protection Association's *Flammable and Combustible Liquids Code.*

III.L SPECIAL CONTAINER PROVISIONS FOR INCOMPATABLE WASTES

III.M STORAGE OF INCOMPATIBLE WASTES

The Permittee shall not place incompatible wastes in the same containers in accordance with Permit Attachment 2 (*Waste Analysis Plan*), and 40 CFR 264.177(a), unless the Permittee complies with 40 CFR 264.17(b).

III.M.1 Management of Unwashed Containers

The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material, in accordance with the requirements of 40 CFR 264.177(b).

III.M.2 Separation of Hazardous Waste Containers

The Permittee shall separate containers of incompatible wastes in accordance with their *Waste Analysis Plan* (Permit Attachment 2), and 40 CFR 264.177(c).

PART IV
CLOSURE OF HAZARDOUS WASTE MANAGEMENT UNITS

IV.A GENERAL

The Facility contains 41 hazardous waste management units which are listed in Table 4-4 in Appendix 4. The Hazardous Waste Storage Facility is the only hazardous waste management unit in active use. The Permittee shall submit a closure plan for each unit that addresses all closure activities that have not yet been completed. The status of these units is identified in Table 4-4 in Appendix 4. The closure plans shall be submitted in accordance with the schedule in Appendix 8.

IV.B CLOSURE PLAN SUBMITTALS

Each closure plan shall consist of two phases. The first phase shall consist of evaluation of the waste historically managed at the unit, the waste currently in place in the unit, and an assessment of the nature and extent of any releases from the unit. The second phase shall consist of the activities required to complete closure, including remediation of any contaminated media, in accordance with the requirements of 40 CFR 264.111 through 264.116 and the applicable closure requirements of 40 CFR 264 subpart K, 264 subpart N, 264 subpart O, and 264 subpart X.

IV.B.1 Closure Unit Evaluation

The Permittee shall submit a Phase 1 Closure Plan for each unit to characterize the waste managed in the unit and to evaluate any releases from those units. At a minimum, the plan shall include:

1. A summary of the waste historically managed at the unit, including dates, volumes, and types of wastes disposed or treated;

2. Waste disposal practices (e.g., burning, burial);

3. The methods for removal of wastes and decontamination or dismantling of equipment;

4. The volume of residual waste that remains in place; and

5. The scope of work and methods and procedures for investigating the nature and extent of releases.

The Phase 1 Closure Plan shall be prepared in the format for work plans included in Appendix 7.

IV.C CORRECTIVE ACTION

If NMED determines that the releases from a hazardous waste management units, detected during implementation of the requirements of Permit Section IV.B constitute a threat or potential threat to human health or the environment, then the Permittee shall conduct corrective actions to investigate and propose a remedy for contaminant remediation in accordance with Permit Appendix 7

(*Reporting Requirements*). By removing contaminated sources, the Permittee may become a generator of hazardous waste and must manage it in accordance with all applicable RCRA requirements. NMED may require a revised Post-Closure Plan based on the results of contaminant source removal activities.

PART V
POST-CLOSURE CARE OF HAZARDOUS WASTE MANAGMENT UNITS

V.A CORRECTIVE ACTION

The Permittee shall submit to NMED investigation work plans to determine the extent of releases from each post-closure care unit where corrective action was not completed during closure. The units currently in post-closure that require corrective action are identified in Table 4-4 in Appendix 4. The investigation work plans must be submitted in accordance with the format specified in Appendix 7 (*Reporting Requirements*).

V.B POST-CLOSURE PLAN

The Permittee shall submit a Post-Closure Plan for each unit identified in Table 4-4 in Appendix 4. All post-closure care activities must be conducted in accordance with the provisions of the Post-Closure Plan pursuant to 40 CFR 264.117(d) and 264.118(b).

V.B.1 Post Closure Care for Rhodes Canyon Landfill

The Permittee shall conduct post closure care activities for Rhodes Canyon Landfill (SWMUs 114 and 115) in accordance with the approved Corrective Measures Implementation (CMI) Report (September 2004) and its Addendum (December 2005). Post closure care activities include:

1. Semi-annual inspections of the soil landfill cap, fences, and ground water monitoring wells;
2. As-needed maintenance of the corrective measures; and
3. Annual ground water monitoring.

V.C INSPECTIONS

The Permittee shall inspect the components, structures, and equipment at the hazardous waste management unit in accordance with the NMED-approved post-closure plan in accordance with 40 CFR 264.117(a)(1) and 264.118(b)(2).

V.D NOTICES AND CERTIFICATIONS

V.D.1 Notification Filing

The Permittee shall maintain copies of documentation that they have submitted to the local zoning authority or the authority with jurisdiction over local land use, and to the NMED a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the Facility. For hazardous wastes disposed of before January 12, 1981, the Permittee shall have identified the type, location, and quantity of the hazardous wastes in accordance with any records retained [40 CFR 264.119(a)].

V.D.1.a Record Requirements

The Permittee shall maintain documentation of certification of closure of the first through the last hazardous waste disposal unit. The Permittee shall record, in accordance with the State of New Mexico law, a notation on the deed to the Facility property or on some other instrument that is normally examined during the title search that will in perpetuity notify any potential purchaser of the property that:

1. The land has been used to manage hazardous wastes;

2. Its use is restricted under 40 CFR Part 264 Subpart G; and

3. The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility have been filed with the NMED, and the authority with jurisdiction over local land use.[40 CFR 264.119(b)(1)].

V.D.1.b Certification

The Permittee shall maintain copies of the certification submitted to the NMED, signed by the Permittee, that he has recorded the notation specified in Permit Section V.D.1.a, including a copy of the document in which the notation has been placed in accordance with 40 CFR 264.119(b)(2).

V.E POST-CLOSURE PERMIT MODIFICATIONS

The Permittee must request a permit modification to authorize a change in the approved Post-Closure Plan in accordance 40 CFR 264.118(d). This request must be in accordance with applicable requirements of 40 CFR Part 124 and 40 CFR Part 270, and must include a copy of the proposed amended Post-Closure Plan for approval by the NMED. The Permittee shall request a permit modification whenever changes in plans or facility design affect the approved Post-Closure Plan, there is a change in the expected year of final closure, or other events occur during the active life or post-closure period of the facility that affect the approved Post-Closure Plan.

V.F COMPLETION OF POST-CLOSURE REQUIREMENTS

No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the Permittee shall submit to the NMED, by registered mail, a certification that the post-closure care for the hazardous waste disposal unit was performed in accordance with the specifications in the approved Post-Closure Plan. The certification must be signed by the Permittee and an independent, registered professional engineer. Documentation supporting the independent, registered professional engineer's certification must be furnished to the NMED in conjuction with the certification. [40 CFR 264.120]

V.G POST CLOSURE CARE OF THE OB/OD

The Permittee shall construct, inspect, and maintain all environmental closure covers at the OB/OD in order to minimize the possibility of fire, explosion, flooding, including run-on and run-off control, or any unplanned sudden or non sudden release of hazardous waste constituents to air, soil,

groundwater, or surface water which could threaten human health or the environment. The Permittee shall conduct corrective action to investigate and remediate all releases of hazardous waste or hazardous constituents to soil, groundwater or surface water pursuant to 40 CFR 264.111.

V.G.1 Unit Identification

The OB/OD is part of the Hazardous Test Area (HTA) located on the southeastern flank of the San Andres Mountains. The OB/OD units are identified on a site topographic map in Permit Appendix 2 (*Maps and Figures)*. Open burning and open detonation (OB/OD) of explosive components from expended test munitions has occurred since the early 1960's. The Permittee was issued a RCRA operating permit for the OB/OD in November, 1995. The site officially ceased operations on December 31, 2000. Ground water contamination resulting from the operations at the OB/OD was first discovered in 1991 and ground water monitoring is ongoing. NMED confirmed the Permittee's closure certification on February 17, 2003. Corrective action is required to address the ground water contamination.

The Permittee shall conduct corrective action and provide post-closure care for the OB/OD as described in this Permit Section (V) and subject to the terms and conditions of this permit.

V.G.2 POST-CLOSURE PROCEDURES AND USE OF PROPERTY

V.G.2.a Post-closure Care Period

The Permittee shall conduct post-closure care for the OB/OD units during the post-closure care period. The post-closure care period shall continue for 30 years from the closure certification date. The OB/OD closure was certified on February 17, 2003. The Permittee shall conduct corrective action at the post-closure care unit as outlined in this Section (V). The 30-year post-closure care period may be shortened upon application and demonstration, approved by NMED, that the facility is free of environmental impact, or may be extended by NMED if the Secretary finds this necessary to protect human health and the environment in accordance with 40 CFR 264.117(a)(2).

V.G.2.b Post-Closure Care Plan

The Permittee shall submit a post closure plan that addresses post-closure care in accordance with 40 CFR 264.118(a) and (b) and an investigation work plan that addresses soil and ground water contamination related to the OB/OD and ground water monitoring at and down gradient from the OB/OD in accordance with 40 CFR 264 subpart F and 264.118. The investigation work plan shall include a schedule for implementation of the required work. Upon approval of the investigation work plan, NMED will establish a schedule for submittal of the post-closure care plan.

V.G.2.c Ground Water Monitoring

The Permittee shall maintain and monitor the ground water monitoring system and comply with all other applicable requirements of 40 CFR Part 264 Subpart F during the post-closure period as specified in 40 CFR 264.117(a)(1). Specific requirements for ground water monitoring at the OB/OD are listed below and shall be included in the post-closure care plan.

V.G.2.d Landfill Requirements

The OB/OD units addressed in this Permit Section (V) were not clean closed. The Facility shall comply with the requirements for post-closure in accordance with 40 CFR 264.310, 264.602, and 264.603.

1. Maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary, to correct the effects of settling, subsidence, erosion, or other events.

2. Maintain and monitor the ground water monitoring system and comply with all other applicable requirements of 40 CFR Subpart F.

3. Prevent run-on and run-off from eroding or otherwise damaging the final cover.

4. Protect and maintain surveyed benchmarks used in complying with the surveying and recordkeeping requirements of 40 CFR 264.309.

5. The Permittee shall not allow any use of the units closed as landfills, which will disturb the integrity of the final cover, liners, any components of the containment system, or the function of the Facility's monitoring systems during the post-closure care period pursuant to 40 CFR 264.117(c).

V.G.2.e Security Measures

The Permittee shall comply with all security requirements, as specified in Permit Attachment 3 (*Contingency Plan*) in accordance with 40 CFR 264.14 and 264.117(b).

V.G.2.f OB/OD Corrective Action Requirements

V.G.2.f.i OB/OD Investigation Work Plan

The Permittee shall submit a work plan for NMED approval to investigate historical releases from the former OB/OD units. The work plan shall address investigation of contamination that was historically released to the environment and that potentially is a source of on-going groundwater contamination.

The Permittee shall submit the work plan in accordance with the schedule provided in Permit Appendix 8 (*Work Plan and Closure Plan Submittal Schedule).*

V.G.2.f.ii OB/OD Drilling Explorations

The Permittee shall conduct subsurface explorations, as specified in the approved work plan required in this Permit Section (V.G), in order to acquire data to characterize the extent of contamination, and to determine whether the soils beneath the HTA are sources of groundwater contamination. At a minimum the work plan shall include the following:

1. Submittal of a historical information document that summarizes all historical documents, reports, data, and information relating to the HTA;

2. Advancement of soil borings or exploratory excavations to delineate the source(s) of explosives- and propellant-related contamination;

3. Installation of monitoring wells to determine the sources of ground water contamination and to more accurately define the extent of ground water contamination; and

3. Investigation methods and procedures as outlined in Permit Appendix 5 (*Investigation and Sampling Methods and Procedures*).

PART VI
CORRECTIVE ACTION FOR SWMUs AND AOCs

VI.A APPLICABILITY

The conditions of this Section apply to all Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) identified in Permit Appendix 4 (SWMU, AOC, and Hazardous Waste Management Unit Tables), any newly identified SWMUs and AOCs identified after the issuance of this Permit, and any releases of hazardous waste or hazardous constituents from SWMUs and AOCs.

VI.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. [40 CFR 264.101(c)]

VI.C CORRECTIVE ACTION ALREADY COMPLETED

Any corrective action tasks required under this Section that the 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.

VI.D NOTIFICATION AND ASSESSMENT FOR NEWLY IDENTIFIED SWMUs AND AOCs

The Permittee shall notify NMED in writing, within 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 VI.F.1 to determine the status of the newly discovered SWMU or AOC. Alternatively, NMED may require an Investigation Work Plan for the newly discovered SWMU or AOC in accordance with Permit Section VI.H.1 without requiring a Release Assessment. If NMED determines that an Investigation Work Plan for a newly discovered SWMU or AOC is required, the Permittee shall modify this Permit to add the SMWU or AOC to Permit Appendix 4 (*SWMU, AOC, and Hazardous Waste Management Unit Tables*) in accordance with 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 explosive 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 or SWMU.

VI.E NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES FROM SWMUS OR AOCS

The Permittee shall notify NMED in writing, within 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 an Investigation Work Plan in accordance with Permit Section VI.H.1.

VI.F RELEASE ASSESSMENT

VI.F.1 Release Assessment Report

If required by NMED, the Permittee shall submit a Release Assessment Report for newly discovered SWMUs or AOCs under this Permit Section (VI.F.1). Any revisions to the Release Assessment Report required by NMED shall be submitted within 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, as required under 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. Specifications 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).

VI.F.2 Requirement to Proceed

NMED will review the Release Assessment Report to determine whether any further investigative action is required. NMED will notify the Permittee of the need for confirmatory sampling if necessary, or notify the Permittee that an Investigation Work Plan is required in accordance with the requirements in Permit Section VI.H.1. NMED will notify the Permittee of any corrective action complete decision.

VI.G INTERIM MEASURES

VI.G.1 NMED-Initiated Interim Measures

Upon written notification by NMED, the Permittee shall prepare and submit an Interim Measures (IM) Work Plan 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 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. The Permittee shall prepare and submit IM Work Plans in accordance with the work plan format included in Permit Appendix 7 (*Reporting Requirements*).

VI.G.2 Permittee-Initiated Interim Measures

The Permittee may initiate interim measures at a SWMU or AOC by notifying NMED, in writing, at least 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.

VI.G.3 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 40 CFR 264.1(g)(8) or 40 CFR 270.61.

VI.G.4 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.

VI.G.5 Interim Measures Implementation

VI.G.5.a Implementation and Completion of Approved IM Work Plan

The Permittee shall implement interim measures required under Permit Section VI.G in accordance with the NMED-approved IM Work Plan. The Permittee shall complete interim measures within 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 30 calendar days of receipt of the IM implementation extension request.

VI.G.5.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 VI.G.1 or initiated by the Permittee in accordance with Permit Section VI.G.3.

VI.G.6 Interim Measures Reports

The Permittee shall submit to NMED for review and approval, within 90 calendar days of completion of interim measures, an 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 during IM investigations;
4. Summaries of accomplishments and/or effectiveness of interim measures; and,
5. Copies of all relevant laboratory/monitoring data, maps, logs, and other related information.

VI.H CORRECTIVE ACTION INVESTIGATIONS

VI.H.1 Investigation Work Plan

VI.H.1.a Investigation Work Plan Submittal

The Permittee shall submit to NMED Investigation Work Plans for the SWMUs and AOCs identified in Permit Appendix 4 (*SWMU, AOC, and Hazardous Waste Management Unit Tables*) in accordance with the schedule set forth in Permit Appendix 8 (*Work Plan and Closure Plan Submittal Schedule*).

VI.H.1.b Investigation Work Plan Requirements

Investigation Work Plans shall meet the requirements specified in Permit Appendix 7 (*Reporting Requirements*). Investigation Work Plans 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 an Investigation Work Plan. Such deletions of a unit, medium, or pathway from the work plan(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 Appendix 7 (*Reporting Requirements*). Such omissions or deviations are subject to the approval of NMED. In addition, Investigation Work Plans shall include all investigations necessary to ensure compliance with 40 CFR 264.101).

VI.H.1.c Historical Documents

The Permittee shall submit to the NMED a summary of the historical information and assessment of potential contaminant releases relating to each SWMU or AOC in conjunction with the unit-specific Investigation Work Plan including complete, legible copies of all associated photographic imprints, maps, figures, drawings, tables, attachments, enclosures, appendices and other relevant supporting documentation.

VI.H.2 Investigation Work Plan Implementation

The Permittee shall implement Investigation Work Plans as approved by NMED. The Permittee shall notify NMED at least 30 calendar days prior to any permit or corrective action-related field activity (e.g., drilling, sampling).

VI.H.3 Corrective Action Investigation Reports

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

The Investigation Reports shall include an analysis and summary of all required investigations of SWMUs and AOCs. 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 Investigation Report shall also describe the extent of contamination (qualitative and quantitative) in relation to background levels of the area. If the Investigation 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.

VI.H.3.a Cleanup Levels

The Investigation Reports shall identify the applicable cleanup levels in accordance with Permit Appendix 3 (*Cleanup Levels*) for each hazardous waste or hazardous constituent found at each SWMU and AOC. The Permittee shall propose in the Investigation Report or in a subsequent Risk Assessment or Corrective Measures Evaluation appropriate cleanup levels for those hazardous wastes or hazardous constituents without established cleanup levels based upon human and ecological risk.

VI.H.3.b Requirement to Proceed

Based upon NMED's review of the Investigation 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).

VI.I RISK ASSESSMENT

The Permittee shall attain the cleanup goals outlined in Permit Appendix 3 (*Cleanup Levels*) of this Permit including, as necessary, performance of risk analysis to establish alternate cleanup goals, at each site for which the NMED determines, in the format included in the Permit Appendix 7 (*Reporting Requirements*), that corrective measures are necessary. The Permittee shall submit to the NMED for approval a Risk Assessment Report in accordance with this Permit Section (VI.I) for sites where risk analyses are conducted.

VI.J CORRECTIVE MEASURES EVALUATION

VI.J.1 General

NMED will require corrective measures at a SWMU or AOC if the NMED determines, based on the Investigation Report and other relevant information available to the NMED, that there has been a release of contaminants into the environment at the SWMU or AOC and that corrective action is necessary to protect human health or the environment from such a release. Upon making such a determination, the NMED will notify the Permittee in writing. NMED will specify a date for the submittal of the necessary reports and evaluations in the written notification.

VI.J.2 Corrective Measures Evaluation Report

Following written notification from NMED that a corrective measures evaluation is required, the Permittee shall submit to the NMED for approval a Corrective Measures Evaluation Report. The Permittee shall follow the Corrective Measures Evaluation Report format outlined in Permit Appendix 7 (*Reporting Requirements*) of this Permit. The corrective measures evaluation shall evaluate potential remedial alternatives and shall recommend a preferred remedy that will be protective of human health and the environment and that will attain the appropriate cleanup goals.

The Corrective Measures Evaluation Report shall, at a minimum, comply with Permit Appendix 7 (*Reporting Requirements*) of this Permit and include the following:

1. A description of the location, status, and current use of the site;
2. A description of the history of site operations and the history of releases of contaminants;
3. A description of site surface conditions;
4. A description of site subsurface conditions;
5. A description of on- and off-site contamination in all affected media;
6. An identification and description of all sources of contaminants;
7. An identification and description of contaminant migration pathways;
8. An identification and description of potential receptors;
9. A description of cleanup standards or other applicable regulatory criteria;
10. An identification and description of a range of remedy alternatives;
11. Remedial alternative pilot or bench scale testing results;
12. A detailed evaluation and rating of each of the remedy alternatives, applying the criteria set forth in Permit Appendix 7 (*Reporting Requirements*);
13. An identification of a proposed preferred remedy or remedies;
14. Design criteria of the selected remedy or remedies; and
15. A proposed schedule for implementation of the preferred remedy.

VI.J.3 Cleanup Standards

The Permittee shall select corrective measures that are capable of achieving the cleanup standards and goals outlined in Appendix 3 (*Cleanup Levels*) of this Permit including, as applicable, approved alternate cleanup goals established by a risk assessment.

VI.J.4 Remedy Evaluation Criteria

VI.J.4.a Threshold Criteria

The Permittee shall evaluate each of the remedy alternatives for the following threshold criteria. To be selected, the remedy alternative must:

1. Be protective of human health and the environment;

2. Attain media cleanup standards;

3. Control the source or sources of releases so as to reduce or eliminate, to the extent practicable, further releases of contaminants that may pose a threat to human health and the environment; and

4. Comply with applicable standards for management of wastes.

VI.J.4.b Remedial Alternative Evaluation Criteria

The Permittee shall evaluate each of the remedy alternatives for the factors described in this Permit Section (VI.J.4.b). These factors shall be balanced in proposing a preferred alternative.

VI.J.4.b.i Long-term Reliability and Effectiveness

The remedy shall be evaluated for long-term reliability and effectiveness. This factor includes consideration of the magnitude of risks that will remain after implementation of the remedy; the extent of long-term monitoring, or other management that will be required after implementation of the remedy; the uncertainties associated with leaving contaminants in place; and the potential for failure of the remedy. Permittee shall give preference to a remedy that reduces risks with little long-term management, and that has proven effective under similar conditions.

VI.J.4.b.ii Reduction of Toxicity, Mobility, or Volume

The remedy shall be evaluated for its reduction in the toxicity, mobility, and volume of contaminants. Permittee shall give preference to remedy that uses treatment to more completely and permanently reduce the toxicity, mobility, and volume of contaminants.

VI.J.4.b.iii Short-term Effectiveness

The remedy shall be evaluated for its short-term effectiveness. This factor includes consideration of the short-term reduction in existing risks that the remedy would achieve; the time needed to achieve that reduction; and the short-term risks that might be posed to the community, workers, and the environment during implementation of the remedy. The Permittee shall give preference to a remedy that quickly reduces short-term risks, without creating significant additional risks.

VI.J.4.b.iv Implementability

The remedy shall be evaluated for its implementability or the difficulty of implementing the remedy. This factor includes consideration of installation and construction difficulties; operation and maintenance difficulties; difficulties with cleanup technology; permitting and approvals; and the availability of necessary equipment, services, expertise, and storage and disposal capacity. Permittee shall give preference to a remedy that can be implemented quickly and easily, and poses fewer and lesser difficulties.

VI.J.4.b.v Cost

The remedy shall be evaluated for its cost. This factor includes a consideration of both capital costs, and operation and maintenance costs. Capital costs shall include, without limitation, construction and installation costs; equipment costs; land development costs; and indirect costs including engineering costs, legal fees, permitting fees, startup and shakedown costs, and contingency allowances. Operation and maintenance costs shall include, without limitation, operating labor and materials costs; maintenance labor and materials costs; replacement costs; utilities; monitoring and reporting costs; administrative costs; indirect costs; and contingency allowances. All costs shall be calculated based on their net present value. Permittee shall give preference to a remedy that is less costly, but does not sacrifice protection of health and the environment.

VI.J.5 Approval of Corrective Measures Evaluation Report

Subject to the procedures in Section VI.M of this Permit, if NMED disapproves the Corrective Measures Evaluation Report, NMED will notify the Permittee in writing of the Corrective Measures Evaluation Report's deficiencies and specify a due date for submission of a revised Corrective Measures Evaluation Report. Upon receipt of such notification of disapproval, the Permittee shall submit to NMED, within the specified time, a revised Corrective Measures Evaluation Report that corrects the deficiencies. If NMED approves the Corrective Measures Evaluation Report, NMED will notify the Permittee in writing.

VI.J.6 Relationship to Corrective Action Requirements

The Corrective Measures Evaluation shall serve as a Corrective Measures Study for the purposes of RCRA compliance. *See* 55 Fed. Reg. 30875-77 (July 27, 1990) (proposed 40 CFR 264.520-264.524).

VI.J.7 Statement of Basis

Upon approval of the Corrective Measures Evaluation Report, NMED will select a remedy or remedies for the SWMU or AOC. NMED may choose a different remedy from that recommended by the Permittee. NMED will issue a Statement of Basis for selection of the remedy, and will receive public comment on the remedy. The public comment period will extend for at least 45 days from the date of the public notice of the Statement of Basis. NMED will provide an opportunity for a public hearing on the remedy, at which all interested persons will be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. The comment period will automatically be extended to the close of the public hearing. The public hearing will follow the hearing requirements under section 20.4.1.901.F NMAC. NMED will select a final remedy and issue a response to public comments to all commenters, after the end of the public comment period. In selecting a remedy, NMED will follow the public participation requirements applicable to remedy selection under sections 20.4.1.900 NMAC incorporating 40 CFR 270.41 and 20.4.1.901 NMAC.

The administrative record for the Facility will be made available to the public for review at NMED's offices in Santa Fe, New Mexico. All significant written and signed comments, including emailed comments, will be considered by NMED prior to approving a final remedy or remedies.

NMED's decision on the final remedy or remedies shall follow the requirements under section 20.4.1.901 NMAC, Secretary's Decision. NMED will issue a response to public comments at the time of NMED's final decision.

VI.K CORRECTIVE MEASURES IMPLEMENTATION

VI.K.1 General

The Permittee shall implement the final remedy selected by NMED.

VI.K.2 Corrective Measures Implementation Plan

Within 90 days after NMED's selection of a final remedy, or as otherwise specified by the schedule contained in the approved Corrective Measure Evaluation Report or as specified by a schedule required by NMED in the written approval notification, the Permittee shall submit to NMED for approval a Corrective Measures Implementation Plan outlining the design, construction, operation, maintenance, and performance monitoring for the selected remedy, and a schedule for its implementation. The implementation plan shall be submitted to NMED for review in accordance with the procedures in Section I.L of this Permit. The Corrective Measures Implementation Plan shall, at a minimum, include the following elements:

1. A description of the selected final remedy;
2. A description of the cleanup goals and remediation system objectives;
3. An identification and description of the qualifications of all persons, consultants, and contractors that will be implementing the remedy;
4. Detailed engineering design drawings and systems specifications for all elements of the remedy signed and stamped by a registered New Mexico professional engineer;
5. A construction work plan;
6. An operation and maintenance plan;
7. The results of any remedy pilot tests;
8. A plan for monitoring the performance of the remedy, including sampling and laboratory analysis of all affected media;
9. A waste management plan;
10. A proposed schedule for submission to NMED of periodic progress reports; and
11. A proposed schedule for implementation of the remedy.

VI.K.3 Health and Safety Plan

The Permittee shall conduct all activities in accordance with a site-specific or Facility-wide Health and Safety Plan during all construction, operation, maintenance, and monitoring activities conducted during corrective measures implementation.

VI.K.4 Progress Reports

The Permittee shall submit to NMED progress reports in accordance with the schedule approved in the Corrective Measures Implementation Plan. The progress reports shall, at a minimum, include the following information:

1. A description of the remedy work completed during the reporting period;
2. A summary of problems, potential problems, or delays encountered during the reporting period;
3. A description of actions taken to eliminate or mitigate the problems, potential problems, or delays;
4. A discussion of the remedy work projected for the next reporting period, including all sampling events;
5. Copies of the results of all monitoring, including sampling and analysis, and other data generated during the reporting period; and
6. Copies of all waste disposal records generated during the reporting period.

VI.K.5 Remedy Completion

VI.K.5.a Remedy Completion Report

Within 90 days after completion of remedy, the Permittee shall submit to NMED a Remedy Completion Report. The report shall, at a minimum, include the following items:

1. A summary of the work completed;
2. A statement, signed by a registered professional engineer, that the remedy has been completed in accordance with NMED approved work plan for the remedy;
3. As-built drawings and specifications signed and stamped by a registered New Mexico professional engineer;
4. Copies of the results of all monitoring, including sampling and analysis, and other data generated during the remedy implementation, if not already submitted in a progress report;

5. Copies of all waste disposal records, if not already submitted in a progress report; and

6. A certification, signed by a responsible official of White Sands Missile Range (owner), stating: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

VI.L ACCELERATED CLEANUP PROCESS

If the Permittee identifies a corrective action or measure that, if implemented voluntarily, will reduce risks to human health and the environment to levels acceptable to NMED, will reduce cost and/or will achieve cleanup of a SWMU or AOC ahead of schedule, the Permittee may implement the corrective measure as provided in this Permit Section (VI.L), in lieu of the process established in Permit Sections VI.G through VI.K. The accelerated cleanup process shall be used at sites to implement presumptive remedies at small-scale and relatively simple sites where groundwater contamination is not a component of the accelerated cleanup, where the remedy is considered to be the final remedy for the site, and where the field work will be accomplished within 180 days of the commencement of field activities. The proposed accelerated cleanup will be documented in an Accelerated Corrective Measure Work Plan, which shall include:

1. A description of the proposed remedial action, including details of the unit or activity that is subject to the requirements of this Permit;

2. An explanation of how the proposed cleanup action is consistent with the overall corrective action objectives and requirements of this Permit,

3. The methods and procedures for characterization and remediation sample collection and analyses, and

4. A schedule for implementation and reporting on the proposed cleanup action.

The Permittee shall notify NMED of the planned accelerated corrective action or measure a minimum of 30 days prior to the commencement of any accelerated field activity. The notification shall include the submittal of the Plan if not already submitted to NMED.

VI.L.1 Accelerated Corrective Measures Work Plan

The Permittee shall obtain approval of an Accelerated Corrective Measures Work Plan prior to implementation. The Permittee shall prepare the Work Plan in general accordance with the requirements of Permit Appendix 7 (*Reporting Requirements*) of this Permit. The Work Plan shall

be submitted to NMED for review in accordance with the procedures in Permit Section VI.M of this Permit. If NMED disapproves the Accelerated Corrective Measures Work Plan, NMED will notify the Permittee in writing of the Plan's deficiencies and specify a due date for submission of a revised Accelerated Corrective Measures Work Plan. The Permittee shall include an implementation schedule in the revised Accelerated Corrective Measures Work Plan.

VI.L.2 Accelerated Corrective Measures Implementation

The Permittee shall implement the accelerated corrective measures in accordance with the approved Accelerated Corrective Measures Work Plan. Within 90 days of completion of the accelerated corrective measures, the Permittee shall submit to NMED for approval a Remedy Completion Report in a format approved by the Department in accordance with Permit Appendix 7 (*Reporting Requirements*) of this Permit. If upon review, NMED identifies any deficiencies in the Remedy Completion Report, NMED will notify the Permittee in writing.