

PART II

GENERAL FACILITY CONDITIONS AND REQUIREMENTS

II.A. DESIGN AND OPERATION OF 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 constituents to air, soil, surface water, or ground water, which could threaten human health or the environment as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31).

II.B. REQUIRED NOTICES

II.B.1. Hazardous Waste Imports

The Permittee shall not accept, store or dispose hazardous waste at the Facility from any foreign source.

II.B.2. Hazardous Waste from Off-Site Sources

The Permittee shall not accept, store or dispose hazardous waste at the Facility from any off-site source.

II.C. GENERAL WASTE ANALYSIS

The analysis of the electroplating waste previously generated at the Facility is provided in Attachment 3 of the Permit Application.

II.D. SECURITY

The Permittee shall comply with the security provisions specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.14 (a) (1) and (2), (b) (2) and (c)), and in Section 2.4 of the Permit Application in order to prevent unknowing or unauthorized entry onto any portions of the capped surface impoundment.

II.E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall inspect the Facility for malfunctions and deterioration, operator errors, and any discharges, which may lead to the release of hazardous waste constituents to the environment or pose a threat to human health as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (a)).

II.E.1. Inspection Schedule

The Permittee shall implement the inspection schedules specified in Section 2.5 and Attachment 4 of the Permit Application. The inspection schedule shall be kept at the Corporate Office as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (b) (2)).

II.E.2. Inspection Frequency

The Permittee shall inspect all items specified in Section 2.5 and Attachment 4 of the Permit Application which includes the capped surface impoundment and the security fence surrounding the capped surface impoundment in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (b) (1) through (b) (4)).

II.E.3. Remediation of Equipment/Structures

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

II.E.4. Inspection Log and Checklist

The Permittee shall use the inspection checklist contained in Attachment 4 of the Permit Application.

The Permittee shall record the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (d)).

II.E.5. Inspection Records

The Permittee shall maintain at the Corporate Office, inspection schedules and results for three years from the date of the inspection in accordance with this Permit pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (d)).

II.F. PERSONNEL TRAINING

The Permittee shall provide for personnel training as specified in Section 2.12 of the Permit Application and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16 (a) (1) through (a) (3)).

II.G. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

Section II.G is not applicable to this Permit due to no waste being treated, stored, or disposed of at the Facility.

II.H. LOCATION STANDARDS

Section II.H is not applicable to this Permit due to the Facility not being located within the 100-year floodplain and not being a new facility.

II.I. PREPAREDNESS AND PREVENTION

Section II.I is not applicable to this Permit due to no wastes being handled at the Facility and that the capped surface impoundment does not pose a current or future threat to human health or the environment due to the design of the RCRA engineered cap.

II.J. CONTINGENCY PLAN

In the event of an unforeseen emergency related to the capped surface impoundment, the emergency coordinator listed in the Final Source Containment System Operation and Maintenance Manual shall be notified and the procedures specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.56) carried out.

The remainder of 20.4.1.500 NMAC (incorporating 40 CFR 264.50 through 40 CFR 264.54), is not applicable to this Permit due to no wastes being handled at the Facility and that the capped surface impoundment does not pose a current or future threat to human health or the environment due to the design of the RCRA engineered cap.

II.K. MANIFEST SYSTEM

Section II.K is not applicable to this Permit due to the Facility not receiving hazardous waste from off-site sources.

II.L. RECORDKEEPING AND REPORTING

Record keeping and reporting requirements shall be in accordance with this Permit. The Permittee shall maintain at the Corporate Office, records containing information required under this Permit. The Permittee shall comply with the following requirements:

II.L.1. Required Records

The following items shall be retained at the Corporate Office:

- a. Records and results of waste analyses and waste determinations related to the capped surface impoundment;
- b. Summary reports and details of all incidents that require implementation of the Contingency Plan;
- c. Records and results of inspections, retained for a period of three (3) years; and
- d. Monitoring, testing, or analytical data, and corrective action related to the capped surface impoundment.

II.L.2. Biennial Report

Section II.L.2 is not applicable to this Permit.

II.L.3. Record Retention

The Permittee shall retain all records of all information, including all calibration and maintenance records, copies of all reports and records required by this Permit, Permit Attachments, the Permit Application, and records used to complete the Permit Application.

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

II.M. GENERAL CLOSURE REQUIREMENTS

II.M.1. Performance Standard

Section II.M.1 is not applicable to this Permit due to Facility being in post-closure.

II.M.2. Amendment to Closure Plan

Section II.M.2 is not applicable to this Permit due to Facility being in post-closure.

II.M.3. Notification of Closure

Section II.M.3 is not applicable to this Permit due to Facility being in post-closure.

II.M.4. Time Allowed for Closure

Section II.M.4 is not applicable to this Permit due to Facility being in post-closure.

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

Section II.M.5 is not applicable to this Permit due to Facility being in post-closure.

II.M.6. Certification of Closure

Section II.M.6 is not applicable to this Permit due to Facility being in post-closure.

II.M.7. Survey Plat

Section II.M.7 is not applicable to this Permit due to Facility being in post-closure.

II.N. GENERAL POST-CLOSURE REQUIREMENTS

This Permit implements post-closure care requirements for soil contamination left in place after closure of one RCRA regulated unit and one Solid Waste Management Unit (SWMU). The SWMU is a concrete sump used for storage of RCRA regulated hazardous waste. The concrete sump was located immediately north of the existing Facility, and consisted of a five foot by five foot by two foot sump that received spent solvent waste. The waste mainly consisted of trichloroethylene (TCE), 1,1,1 – trichloroethane (TCA), lesser amounts of methylene chloride, acetone, and 1,1 – dichloroethylene (DCE). The concrete sump was constructed sometime between 1960 and 1969, was in operation until October 1980, and removed in 1986. The RCRA regulated unit is the capped surface impoundment constructed in 1975, operated until August 1983, and closed in 1986. The impoundment accepted plating waste for storage and off-site shipment.

The Old Drum Storage Area, referenced in the Permit Application, was used for spent solvent storage from 1980 to 1981. This unit was certified clean closed by an independent professional engineer in December 2001.

The New Drum Storage Area, referenced in the Permit Application, was where spent solvents were stored from May 1981 until 1986. This unit was certified clean closed by an independent professional engineer in 1986.

Post-closure use of property on or in which hazardous wastes remain after final closure must never be allowed to disturb the integrity of the final cover, or any other components of the containment system, or the function of the capped surface impoundment

monitoring systems unless as approved by the Secretary and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (c)).

II.N.1. Post-Closure Care Period

Post-closure care requirements shall remain in place for 30 years after closure of the capped surface impoundment, unless the post-closure period is shortened or lengthened pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (a) (1) and (2)).

Post-closure care shall be in accordance with 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart G), the Post-Closure Plan, the Permit Application, and shall be subject to the terms and conditions of this Permit in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.117).

All post-closure care activities implemented by the Permittee must be conducted in accordance with the provisions of the Post-Closure Plan and the Permit Application pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.117 (d) and 264.118 (b)).

II.N.2. Post-Closure Security

The Permittee shall implement the security provisions outlined in Section II.D and in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.14).

II.N.3. Amendment to Post-Closure Plan

The Permittee shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements in 40 CFR Parts 124 and 270. The written modification or request shall include a copy of the amended post-closure plan for review or approval by the Secretary as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.118 (d)).

II.N.4. Post-Closure Notices

If the Permittee wishes to move off-site any hazardous waste, hazardous waste residue, or contaminated soils from the Facility, then the Permittee shall request a modification to this Permit in accordance with the applicable requirements at 20.4.1.900 NMAC (incorporating 40 CFR Part 270) and 20.4.1.901 NMAC. The Permittee shall demonstrate that the removal of hazardous waste is in compliance with all applicable HWA and RCRA requirements for generation and transport of

hazardous waste pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.119 (c)).

By removing hazardous waste, the owner or operator may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264).

II.N.5. Certification of Completion of Post-Closure Care

No later than 60 days after completion of the established post-closure care period, the Permittee shall submit to the Secretary, by registered mail, a certification that post-closure care was performed in accordance with this Permit. This certification shall be signed by the Permittee and an independent New Mexico registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Secretary upon request until the Secretary releases the Permittee from the financial assurance requirements for post-closure care under 20.4.1.500 NMAC (incorporating 40 CFR 264.145 (I)) pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.120).

II.O. COST ESTIMATE FOR POST-CLOSURE

The cost estimate for the post-closure care period is satisfied by the cost estimate requirements of Section XXIV of the Consent Decree.

II.P. FINANCIAL ASSURANCE FOR FACILITY POST-CLOSURE

Financial assurance for the post-closure care period is satisfied by the financial assurance requirements of Section XXIV of the Consent Decree.

II.Q. LIABILITY REQUIREMENTS

Section II.Q is not applicable to this Permit due to the Facility being in post-closure.

II.R. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with 20.4.1.500 NMAC (incorporating 40 CFR 264.148), in the event of bankruptcy proceedings naming the owner or operator, or bankruptcy of the financial assurance issuing institution.