PERMIT PART 1

GENERAL PERMIT CONDITIONS

HIGHLIGHTS

This Part sets forth the standards and conditions that every owner/operator of a hazardous waste storage, treatment, and/or disposal facility (TSDF) is required to meet, in order to manage, store, and dispose hazardous waste in a manner protective of human health and the environment under the New Mexico Hazardous Waste Act (the HWA) and the Resource Conservation and Recovery Act (RCRA).

1.1 EFFECT OF PERMIT

The Secretary of the New Mexico Environment Department (the Secretary) issues this permit to Gandy Marley, Inc., the owner and operator of the Triassic Park Waste Disposal Facility (Environmental Protection Agency (EPA) I.D. No. NM0001002484). This Permit authorizes Gandy Marley (the Permittee) to treat, store, and dispose of off-site hazardous waste at the Triassic Park Waste Disposal Facility (the Facility), and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-1 to 74-4-14 (Repl. Pamp. 2000) and the New Mexico Hazardous Waste Management Regulations, 20.4.1. NMAC.

Compliance with this Permit during its term shall constitute compliance, for purposes of enforcement, with Subtitle C of RCRA, and/or the HWA, and/or their implementing regulations. Compliance with this Permit shall not constitute a defense to any order issued or any action brought under Sections 74-4-10.E, 74-4-10.1, or 74-4-13 of the HWA; Sections 3008(a), 3013, 7002(a)(1)(B), or 7003 of RCRA; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq.; or any other law providing for protection of public health or the environment. This Permit does not convey any property rights or any exclusive privilege, nor authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. [20.4.1.900 NMAC (incorporating 40 CFR 270.4(a) and 270.30(g))]n

1.2 PERMIT ACTIONS

1.2.1 Term of Permit

This Permit shall be effective for a fixed term not to exceed ten years from the effective date of issuance as specified in the Permit certificate. [20.4.1.900 NMAC (incorporating 40 CFR 270.50(a))]

1.2.2 Permit Renewal

The Permittee may request a renewal of this Permit by submitting an application for a new Permit at least 180 calendar days before the expiration date of this Permit. In reviewing any application for a Permit renewal, the Secretary shall consider improvements in the state of control and measurement technology and changes in applicable regulations. [20.4.1.900 NMAC (incorporating 40 CFR 270.10(h) and 270.30(b))]

1.2.3 Permit Modification, Suspension, and Revocation

This Permit may be modified, suspended, and/or revoked for cause as specified at Section 74-4-4.2 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.41, 270.42, and 270.43). The filing of a request by the Permittee for a Permit modification, suspension, or revocation, or the notification of planned changes or anticipated noncompliance, shall not stay any Permit Condition. [20.4.1.900 NMAC (incorporating 40 CFR 270.41)]

1.2.4 Transfer of Permit

The Permittee shall not transfer this Permit to any person except after providing notice to the Secretary and receiving approval from the Secretary for this action. The prospective new owner or operator shall file a disclosure statement with the Secretary prior to the transfer as required by Section 74-4-4.7 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(3)). The Secretary may require modification or revocation and reissuance of this Permit in accordance with 20.4.1.900 and 20.4.1.901 NMAC (incorporating 40 CFR 270.40(b) and 270.41(b)(2)).

Before transferring ownership or operation of the Facility during its active life or post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of 20.4.1.900 NMAC (incorporating 40 CFR Part 270). [20.4.1.500 NMAC (incorporating 40 CFR 264.12(c))]

1.2.5 Permit Review

The Secretary shall review this Permit no later than five years after the effective date of the Permit, and shall modify the Permit as necessary, pursuant to Section 74-4-4.2 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.41 and 270.50(d)). Such modification shall not extend the effective term of the Permit as specified at Permit Condition 1.2.1.

1.3 SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. [40 CFR 124.16(a)(1) and (a)(2)]

1.4 DEFINITIONS

If, subsequent to the issuance of this Permit, federal or State regulations are promulgated which redefine any of the terms defined below, the Secretary may, at his or her discretion, apply the new definition to this Permit by modifying the Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.41(a)(3))]

For purposes of this Permit, terms used herein shall have the same meanings as those in the HWA, RCRA, and their implementing regulations unless this Permit specifically provides otherwise. Where a term is not defined in the HWA, RCRA, pursuant regulations, EPA guidelines or publications, or this Permit, the meaning associated with such a term is defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

- *Action leakage rate (ALR)* means the maximum design flow rate that a leak detection system can remove without the fluid head on the bottom liner exceeding one foot. [20.4.1.500 NMAC (incorporating 40 CFR 264.222(a) and 264.302(a))]

- *Area of Concern (AOC)* means any area may have a release of hazardous waste or hazardous constituents, which is not from a solid waste management unit and is suspected or determined by the Secretary to pose a threat to human health or the environment.

- *Debris* means solid material exceeding a 60 millimeter particle size that is intended for disposal and that is: a manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in 20.4.1.800 NMAC (incorporating 40 CFR 268, Subpart D), namely, lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75 percent of their original volume. A mixture of debris that has not been treated to the standards provided by 20.4.1.800 NMAC (incorporating 40 CFR 268.45) and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection. [20.4.1.800 NMAC (incorporating 40 CFR 268.2(g))]

- *Evaporation pond* for purposes of this Permit means the Surface Impoundment at the Triassic Park Waste Disposal Facility.

- *Facility* for purposes of this Permit means the Triassic Park Waste Disposal Facility, including all contiguous land, and structures, other appurtenances, and improvements on the land used for the management of hazardous waste.

- *Free liquids* means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure. [20.4.1.100 NMAC (incorporating 40 CFR 260.10]

- *Hazardous constituent or constituents* means those constituents listed at 20.4.1.200 NMAC (incorporating 40 CFR 261, Appendix VIII). [20.4.1.800 NMAC (incorporating 40 CFR 268.2(b)]

- *Hazardous waste* means any hazardous waste identified at 20.4.1.200 NMAC (incorporating 40 CFR 261.3).

- *HWA* means the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-1 to 74-4-14, the state statute governing hazardous waste management.

- *In light liquid service* (in light material service) means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20° C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20° C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions. [20.4.1.500 NMAC (incorporating 40 CFR 264.1031)]

- *Land Disposal Restrictions* (*LDR*) means the restrictions on the land disposal of hazardous waste in section 3004(b) through (m) of RCRA, 42 U.S.C. § 6924(b) through (m), and the NMAC 20.4.1.800 (incorporating 40 C.F.R. part 268).

- *Leachate* means any liquid, including any suspended components in the liquid that has percolated through or drained from hazardous waste. [20.4.1.100 NMAC (incorporating 40 CFR 260.10)]

- *Leak detection system (LDS)* means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure. [20.4.1.100 NMAC (incorporating 40 CFR 260.10)]

- *Nonwastewaters* mean wastes that do not meet the criteria for wastewaters provided at 20.4.1.500

NMAC (incorporating 40 CFR 268.2(f)). [20.4.1.800 NMAC (incorporating 40 CFR 268.2(d))]

- *Permittee* means Gandy Marley, Inc., 1109 East Broadway, P.O. Box 827, Tatum, Chaves County, New Mexico 88267.

- *Permitted unit* means any unit treating, storing or disposing of hazardous wastes and required to have a permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.1(c))]

- *RCRA* means the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901 to 6992k, the federal statute governing hazardous waste management.

- *Regulated unit* means a surface impoundment, waste pile, land treatment unit, or landfill that receives hazardous waste after July 26, 1982. Regulated units must undergo monitoring for the purposes of detecting, characterizing and responding to releases to the uppermost aquifer. [20.4.1.500 NMAC (incorporating 40 CFR 264.90(a)(2))]

- *Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous waste or hazardous constituent into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing a hazardous waste or hazardous constituent. [61 FR 19442]

- *Remediation waste* means all solid and hazardous wastes, and all media (including ground water, surface water, soils, and sediments) and debris which contain listed hazardous wastes, or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements in compliance with RCRA, Sections 3004(v) and 3005(c)(3), and 20.4.1.500 NMAC (incorporating 40 CFR 264.101).

- *Secretary* means the Secretary of the New Mexico Environment Department or his or her designee. [20.4.1.101.B.8 NMAC]

- *Soil* means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges or solids which is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition of 20.4.1.800 NMAC (incorporating 40 CFR 268.3). [20.4.1.800 NMAC (incorporating 40 CFR 268.2(k))]

- *Solid Waste Management Unit (SWMU)* means any discernable unit at which solid wastes have been placed at any time, and from which the Secretary determines there may be a risk of a release of hazardous constituents, irrespective of whether the unit was intended for the management of solid or hazardous wastes. Placement of solid waste includes one time and accidental events that were not remediated, as well as any unit or area at which solid waste has been routinely and systematically placed.

- *Underlying hazardous constituent (UHC)* means any constituent listed in 20.4.1.800 NMAC (incorporating 40 CFR 268.48, Table UTS - Universal Treatment Standards), except fluoride, selenium, sulfides, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standards. [20.4.1.800 NMAC (incorporating 40 CFR 268.2(i))]

- *Unit* means, but is not limited to, for purposes of this Permit, any hazardous waste container

area, tank storage area, tank treatment area, surface impoundment, or landfill.

- *Vadose zone* means the geologic profile extending from the ground surface to the upper surface of the uppermost water-bearing formation and includes localized areas of saturation such as perched water and capillary fringe regions. [20.9.1.105.CH NMAC]

- *Wastewaters* means wastes that contain less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS). [20.4.1.800 NMAC (incorporating 40 CFR 268.2(f))]

1.5 DUTIES AND REQUIREMENTS

1.5.1 Duty to Comply

The Permittee shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an Emergency Permit, as specified at 20.4.1.900 NMAC (incorporating 40 CFR 270.61). Any Permit noncompliance, except under the terms of an Emergency Permit, constitutes a violation of the HWA and/or RCRA and may subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to an administrative or civil enforcement action, including civil penalties and injunctive relief under Sections 74-4-10 or 74-4-10.1 of the HWA, or Sections 3008(a) and (g) or 7002(a)(1)(A) of RCRA; to Permit modification, suspension, or revocation, or denial of a Permit application or modification request under Section 74-4-4.2 of the HWA; to citizen suit under Section 7002(a) of RCRA; to criminal fines or imprisonment under Section 74-4-11 of the HWA, or Sections 3008(d), (e), or (f) of RCRA; or to a combination of the foregoing. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(a))]

1.5.2 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 conditions of this Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(c))]

1.5.3 Continuation of Expiring Permit

If the Permittee has submitted a timely and complete application for renewal of this Permit in accordance with Permit Condition 1.2.2 and 20.4.1.900 NMAC (incorporating 40 CFR 270.10 and 270.13 through 270.27), and, through no fault of the Permittee, the Secretary has not issued a new Permit on or before the expiration date of this Permit, the terms and conditions of this Permit remain in effect until the effective date of the Secretary's issuance or denial of the new Permit. [20.4.1.900 NMAC (incorporating 40 CFR 270.51)]

1.5.4 Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste or hazardous constituents to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(d))]

1.5.5 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all units and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(e))] This provision requires the operation of back-up or auxiliary units or similar systems only when necessary to achieve compliance with the conditions of this Permit.

1.5.6 Duty to Provide Information

The Permittee shall furnish to the Secretary, within a reasonable time as specified by the Secretary, any relevant information which the Secretary may request to determine whether cause exists for modifying, suspending, or revoking this Permit, to determine compliance with this Permit, to determine whether corrective action may be necessary, or otherwise to enforce the provisions of the HWA or RCRA. [NMSA 74-4-4.3; 20.4.1.500 NMAC (incorporating 40 CFR 264.74(a))]

The Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this Permit. [NMSA 74-4-4.3; 20.4.1.900 NMAC (incorporating 40 CFR 270.30(h))]

Permit Condition 1.5.6 shall not be construed to limit, in any manner, the Secretary's authority under Section 74-4-4.3 of the HWA, Section 3007(a) of RCRA, or other applicable laws.

1.5.7 Disclosure Statement

If any information required to be included in the disclosure statement provided by the Permittee to comply with Section 74-4-4.7 of the HWA changes, or if any information is added after filing the statement, the Permittee shall provide that information to the Secretary within 30 calendar days after the change or addition. Failure to provide such information in a timely manner may constitute the basis for the revocation of this Permit.

1.5.8 Inspection and Entry

The Permittee shall allow the Secretary, or his or her authorized representatives, upon the presentation of credentials and other documents as may be required by law, the following entry and inspection authority, as required by NMSA 47-4-4.3 and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(i)):

1.5.8.a Entrance to Premises

To enter at reasonable times into the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

1.5.8.b Access to Records

To have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Permit;

1.5.8.c Inspection

To inspect at reasonable times any units, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

1.5.8.d Sampling

To sample or monitor at reasonable times, for the purposes of assuring Permit compliance, determining the need for corrective action, or as otherwise authorized by the HWA or RCRA, any substances or parameters, including wastes, soil, and groundwater, at any location.

Permit Condition 1.5.8 shall not be construed to limit, in any manner, the Secretary's authority under Section 74-4-4.3 of the HWA, Section 3007(a) of RCRA, or other applicable laws.

1.5.9 Reporting Requirements

1.5.9.a Reporting Planned Changes

The Permittee shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the Facility. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(1))]

1.5.9.b Reporting Anticipated Noncompliance

The Permittee shall give advance written notice to the Secretary of any planned physical changes to the Facility or any permitted activities that may result in noncompliance with Permit requirements. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(2))]

1.5.9.c Certification of Construction or Modification

The Permittee shall not accept hazardous waste at the Facility, or, if the Facility is being modified, the Permittee shall not accept, treat, store, or dispose of hazardous waste in the modified portion of the Facility, until the following conditions have been satisfied:

1.5.9.c.i Submittal of Construction Certification and As-Built Specifications

The Permittee has submitted to the Secretary, by certified mail, hand delivery, or special delivery service, a letter signed by the Permittee and an independent professional engineer registered in New Mexico stating that the Facility has been constructed or modified as required by this Permit, in accordance with Permit Condition 1.10; and

1.5.9.c.ii Inspection by the Secretary

The Secretary has inspected the newly constructed Facility or the modified portion of the Facility and:

- finds it is in compliance with the conditions of this Permit; or
- has waived the inspection; or,
- within 15 calendar days from the date of submission of the letter required under Permit Condition 1.5.9.c.i, has not notified the Permittee of his or her intent to inspect. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(2))]

1.5.9.d Twenty-Four Hour and Subsequent Reporting

1.5.9.d.i Oral Report

As required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(6)), within 24 hours from the time the Permittee becomes aware of any noncompliance that may endanger human health or the environment, the Permittee shall report orally to the Secretary the following:

- information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies; and
- any information of a release or discharge of hazardous waste, or of a fire or explosion from the Facility, which could threaten the environment or human health outside the Facility.

1.5.9.d.ii Description of Occurrence

The description of the occurrence and its cause shall include, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(6)(ii)):

- name, address, and telephone number of the Permittee;
- name, address, and telephone number of the Facility;

- date, time, and type of incident;
- name and quantity of materials involved;
- the extent of injuries, if any;
- an assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and
- the estimated quantity and disposition of recovered material that resulted from the incident.

1.5.9.d.iii Written Submission

The Permittee shall provide a written submission within five calendar days from the time the Permittee becomes aware of the noncompliance. The written submission shall contain, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(6)(iii)):

- a description of the noncompliance and its cause;
- the period(s) of the noncompliance, including exact date(s) and time(s), and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The Secretary may extend the time for submission of a written report to 15 days.

1.5.9.e Contingency Plan Implementation

If Permit Attachment C, *Contingency Plan*, is implemented, the Permittee shall comply with the reporting requirements of Permit Condition 2.11.6 and 20.4.1.500 NMAC (incorporating 40 CFR 264.56(j)).

1.5.9.f Other Noncompliance

The Permittee shall report to the Secretary all other instances of noncompliance not otherwise required to be reported in Permit Condition 1.5.9 in the Quarterly Report required at Permit Condition 2.12.2.b. The report shall contain the information

listed at Permit Condition 1.5.9.d. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(10))]

1.5.9.g Other Information

Whenever the Permittee becomes aware that the Permittee failed to submit any relevant facts in the Permit Application, or submitted incorrect information in the Permit Application or in any report to the Secretary, the Permittee shall promptly submit such facts or information in writing to the Secretary. [20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(11))]

1.5.10 Obligation for Corrective Action

Corrective action required pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.101) shall continue under this Permit for any period necessary to comply with the requirements specified at Parts 9 and 10 of this Permit.

1.6 SIGNATORY REQUIREMENT

The Permittee shall sign and certify all applications or reports submitted to or requested by the Secretary, or required by this Permit, in accordance with and using the certification language specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.11 and 270.30(k)).

1.7 REPORTS AND NOTIFICATIONS SUBMITTED TO THE SECRETARY

The Permittee shall submit two copies of all reports and notifications required by this Permit by certified mail, hand delivery, or special delivery service. Submissions shall be sent to:

Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East
Building 1
Santa Fe, New Mexico 87505-6303

Telephone Number: 505/428-2512
Facsimile Number: 505/428-2567

1.8 CONFIDENTIAL INFORMATION

The Permittee may claim confidentiality for any information submitted to or requested by the Secretary or required by this

Permit to the extent authorized by Section 74-4-4.3(D) of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.12).

1.9 DOCUMENTS TO BE MAINTAINED AT THE FACILITY

1.9.1 Documents to be Maintained until Completion of Closure

The Permittee shall maintain at the Facility, until final completion of closure as specified at Permit Part 8 has been approved by the Secretary, the following documents and all current amendments, revisions, and modifications to these documents:

- Permit Attachment B, *Procedures to Prevent Hazards* (Permit Condition 2.10)

- Permit Attachments C, *Contingency Plan*, including summary reports and details of all incidents that require implementation of the Contingency Plan; C1, *Emergency Equipment*; C2, *Emergency Coordinators*; C3, *Cooperating Local* Authorities; and C4, *Evacuation Plans*. [20.4.1.500 NMAC (incorporating 40 CFR 264.53(a)) and Permit Condition 2.11.2]

- Permit Attachments D, *Inspection Procedures*; and D1, *Inspection Schedules and Checklists*. [20.4.1.500 NMAC (incorporating 40 CFR 264.15(b)(2)) and Permit Condition 2.7]

- Permit Attachment E, *Personnel Training*, and personnel training documents and records. [20.4.1.500 NMAC (incorporating 40 CFR 264.16(d) and (e)) and Permit Condition 2.8]

- Permit Attachments F, *Waste Analysis Plan*; F1, *Rationale for Analytical Parameter Selection*; F2, *Waste Profile Form*; and F3, *Chain-of-Custody Form*. [20.4.1.500 NMAC (incorporating 40 CFR 264.13(b)) and Permit Condition 2.5.1]

- The Operating Record. [20.4.1.500 NMAC (incorporating 40 CFR 264.73) and Permit Condition 2.12.1.a]

- Permit Attachment J, *Action Leakage Rate and Response Action Plan*. (Permit Condition 2.10.7)

- Permit Attachment N, *Operations and Maintenance Plan*. (Permit Condition 2.10.8)

- Permit Attachments O, *Closure Plan*; O1, *Compliance Schedules for Closure*; and O2, *Financial Assurance for Closure*. (Permit Conditions 8.1.1 and 8.3.1(d))

1.9.2 Documents to be Maintained until Completion of Post-Closure Care

The Permittee shall maintain at the Facility or other appropriate location approved by the Secretary, until completion of post-closure care as specified at Permit Part 8 has been approved by the Secretary, the following documents and all amendments, revisions, and modifications to these documents:

- Permit Attachments P, *Post-Closure Care Plan*; and P1, *Financial Assurance for Post-Closure Care*. (Permit Conditions 8.2.1 and 8.3.1.d)

1.10 COMPLIANCE SCHEDULE

The Permittee shall submit documents, plans, certifications, and as-built specifications under this Permit to the Secretary for approval in accordance with the schedule provided in Table 1-1, *Compliance Schedule*, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.33). Written notification of compliance or noncompliance with any item identified in the schedule shall be submitted according to the schedule date. Submittal of a required item according to the schedule constitutes notification of compliance.

All plans and schedules required to be submitted by the conditions of this Permit are, upon approval of the Secretary, incorporated into this Schedule of Compliance by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans shall be termed noncompliance with this Permit. Extension of the due dates for submittals may be granted by the Secretary in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.41 and/or 270.42).

TABLE 1-1

COMPLIANCE SCHEDULE

PERMIT CONDITION	DOCUMENT/INFORMATION	DUE DATE
1.5.9.c.i	Submittal of Construction Certification and As-Built Specifications	30 days prior to first receipt of waste
2.10.6	Notification of Agreements with Local Authorities	30 days prior to first receipt of waste
2.11.5	Updated Contingency Plan	15 days prior to first receipt of waste
2.11.5.a	List of Emergency Coordinators	15 days prior to first receipt of waste
2.11.5.c	Evacuation Plan	15 days prior to first receipt of waste
2.18.1.b	Documentation of Liability Coverage for Sudden Accidental Occurrences	60 days prior to first receipt of waste
2.18.2.b	Documentation of Liability Coverage for Nonsudden Accidental Occurrences	60 days prior to first receipt of waste
4.7.3.a	Tank Installation Certification	30 days prior to first receipt of waste
5.7.3.a	Surface Impoundment CQA Certification	30 days prior to the first receipt of waste
7.2.1	Vadose Zone Monitoring Wells	Prior to the first receipt of waste

PERMIT CONDITION	DOCUMENT/INFORMATION	DUE DATE
10.2	Facility Corrective Action Work Plan	Within 180 days of the effective date of this Permit
10.3.2.a	Background Soil Concentrations Work Plan	30 calendar days prior to the first receipt of waste

PERMIT PART 2

GENERAL FACILITY CONDITIONS

HIGHLIGHTS

This Part contains the standards and conditions covering general Facility requirements for the Triassic Park Waste Disposal Facility (the Facility). The Facility is located on approximately 480 acres in Chaves County, New Mexico, T11S, R31E, Sections 17 and 18. By road, it is approximately 43 miles east of Roswell and 36 miles west of Tatum.

The Facility is a commercial Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste treatment, storage, and disposal operation. The Facility is permitted to store hazardous waste in the Drum Handling Unit, the Roll-Off Container Storage Unit, and the Liquid Waste Storage Tanks; treat hazardous waste by evaporation in the Surface Impoundment and by solidification in the Stabilization Bins; and dispose of hazardous waste in the Landfill. Permit Conditions for these permitted units are contained at Permit Parts 3 through 6. Other units at the Facility are operated as 90-day generator storage units or satellite accumulation points. These units are not permitted under this Permit but are regulated under RCRA. These units are identified at Permit Part 10, Table 10-1.

Permit Conditions for vadose zone monitoring in lieu of ground water monitoring are contained at Permit Part 7. Conditions for closure of the Facility and for post-closure care for the Landfill are contained at Permit Part 8. Permit Parts 9 and 10 contain conditions for corrective action.

General information regarding the Facility and Facility operations is contained at Permit Attachments A, *General Facility Description and Process Information*; L, *Engineering Report*, Section 2.1, *General Facility Design Elements*; and L1, *Engineering Drawings*. The Facility layout is provided at Permit Attachment L1, Drawing No. 4.

Hazardous wastes which may be managed, treated, stored, and disposed by the Permittee at this Facility are listed at Permit Part 2, Table 2-1, *Permitted Hazardous Wastes*, by U.S. Environmental Protection Agency (EPA) Hazardous Waste Number as

identified at 20.4.1.200 NMAC (incorporating 40 CFR 261, Subparts C and D). The Facility may also manage certain polychlorinated biphenyl (PCB)-contaminated wastes.

1.1 CONSTRUCTION AND OPERATION

The Permittee shall construct, maintain, and operate the Facility as specified at Permit Attachments A, Section 2.0, *Treatment, Storage, and Disposal*; L; L1; L2, *Specifications for the Landfill, Surface Impoundment and Associated Facilities Liner and Cover System Construction*; M, *Construction Quality Assurance Plan for Landfill, Surface Impoundment and Associated Facilities Construction*; and N, *Operations and Maintenance Plan*; and as required by 20.4.1 NMAC (incorporating 40 CFR 260 through 273) and this Permit. The Permittee shall follow the specifications contained at Permit Attachments L; L1; L2; and M; for construction of the Surface Impoundment and the Landfill, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.19) and this Permit. The Permittee shall ensure that the construction, maintenance, and operation of the Facility minimizes the possibility of a fire, explosion, or any unplanned, sudden, or nonsudden release of hazardous waste to air, soil, ground water, or surface water which could threaten human health or the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31).

1.2 RUN-ON/RUN-OFF CONTROLS

The Permittee shall construct the Stormwater Detention Basin and Facility run-on diversion ditches and run-off collection ditches as specified at Permit Attachments L, Section 2.1.4, *Facility Storm Water Control*; and L1.

1.3 PERMITTED AND PROHIBITED WASTE SOURCES

1.3.1 Hazardous Waste from Sources Located Outside of the United States

The Permittee shall accept hazardous waste from a generator of hazardous waste located outside of the United States of America (i.e., foreign waste) in accordance with Permit Condition 2.3.2, *Hazardous Waste from an Off-site Source,* Permit Condition 2.5.3.e, Waste Acceptance from Foreign Generators, and shall notify both the Regional Administrator of the U.S. Environmental

Protection Agency and the Secretary in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.12(a)(1).

1.3.2 Hazardous Waste from an Off-Site Source

The Permittee shall accept hazardous waste from off-site sources [i.e., generators of hazardous waste located within the United States of America, but outside the boundary of the Facility, as defined at 20.4.1.900 NMAC (incorporating 40 CFR 270.2)], in accordance with Permit Attachment F, *Waste Analysis Plan*, Sections 4.3, *Pre-Acceptance Procedures for Off-Site Waste*, and 4.4, *Procedures for Incoming Waste Acceptance*.

1.3.3 Hazardous Waste Generated at the Facility

The Permittee shall manage hazardous waste generated at the Facility in accordance with Permit Attachments A, Section 2.0; F, Section 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*; and L; and this Permit.

1.4 PERMITTED AND PROHIBITED WASTE

1.4.1 Permitted Waste

1.4.1.a Permit Application, Part A

The Permittee shall accept only the hazardous wastes identified at Permit Attachment K, *Permit Application - Part A*; and listed at Table 2-1 of this Permit Part.

1.4.1.b Other Permitted Waste

1.4.1.b.i Certain PCB-Contaminated Liquids

The Permittee may accept non-ignitable liquids containing PCBs in concentrations of less than 50 parts per million (ppm) in accordance with 20.4.1.800 NMAC (incorporating 40 CFR 268.5(h)(2)(vi) and 268.50(f)).

1.4.1.b.ii Certain PCB-Contaminated Soils

The Permittee may accept soils containing PCBs in concentrations of less than 50 ppm.

1.4.1.b.iii Bulk PCB-Contaminated Remediation waste

The Permittee may accept bulk PCB-contaminated remediation waste subject to concentration limits described in Part Condition 2.4.1.b.ii. PCB-contaminated remediation waste includes, but is not limited to, the following non-liquid PCB-contaminated remediation wastes: soil, sediments, dredged materials, muds, PCB sewage sludge, and industrial sludge. (40 CFR 761.61(a)(4)(i) and 761.3)

1.4.1.c Acceptance of Waste on an Emergency Basis

The Permittee may accept hazardous waste that is not identified at Permit Conditions 2.4.1.a or 2.4.1.b or that is prohibited at Permit Condition 2.4.2 only if the waste has been approved for receipt by the Secretary on an emergency basis and the Facility has obtained an Emergency Permit in accordance with Permit Condition 1.5.1 and as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.61).

1.4.2 Prohibited Waste Streams

1.4.2.a General Prohibition

The Permittee is prohibited from accepting, storing, treating, or disposing the following wastes at the Facility: the wastes not listed in Permit Attachment K, *Permit Application – Part A*; and the wastes specified at Permit Attachment F, Section 4.1.2, *Prohibited Waste*.

Wastes prohibited from acceptance at the Facility include, but are not limited to:

- **certain hazardous debris.** – Hazardous debris means debris that contains a hazardous waste listed in 20.4.1.200 NMAC (incorporating 40 CFR 261, Subpart D), or that exhibits a characteristic of hazardous waste identified in 20.4.1.200 NMAC (incorporating 40 CFR, 261 Subpart C). The Permittee shall not accept hazardous debris that does not meet the LDR treatment standards;

- **certain lab packs.** – Lab packs which contain wastes [identified at 20.4.1.800 NMAC

(incorporating 40 CFR 268, Appendix IV)] excluded from lab packs under the alternative treatment standards contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.42(c));

- **certain liquids containing PCBs.** – Ignitable liquids containing PCBs or liquids with PCB concentrations greater than or equal to 50 ppm;

- **certain soils containing PCBs.** – Soils with PCB concentrations greater than or equal to 50 ppm, except for those soils (and other solids) defined as bulk PCB-contaminated remediation waste;

- **compressed gases.** – Gases stored at pressures higher than atmospheric;

- **dioxin-contaminated waste.** – Dioxin-containing wastes listed at 20.4.1.800 NMAC (incorporating 40 CFR 268.31) (i.e., wastes with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, F027, and F028);

- **explosives.** - Any substance or article, including a device, which is designed to function by explosion (i.e., an extremely rapid release of gas and heat) or which, by chemical reaction within itself, is able to function in a similar manner even if not designed to function by explosion;

- **infectious waste.** - Infectious waste, defined at 20.9.1.105.AL NMAC (Oct. 1995), means a limited class of substances that carry a probable risk of transmitting disease to humans, including but not limited to:

  (1) microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;

(2) pathological wastes, including human or animal tissues, organs, and body parts, removed during surgery, autopsy, or biopsy;

(3) disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases;

(4) human blood and blood products, including waste blood, blood serum, and plasma;

(5) used sharps, including hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and

(6) contaminated animal carcasses, body parts, and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the "in vitro" testing of pharmaceuticals;

- **medical wastes.** – Medical wastes include infectious/biologic/pathogenic solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals;

- **radioactive/nuclear wastes.** - Radioactive/ nuclear wastes mean naturally-occurring radioactive materials (NORM) defined in 20.3.1.14 NMAC; or other naturally-occurring materials which contain radioactivity concentrations, as specified at Permit Attachment F1, *Rationale for Analytical Parameter Selection*, above the concentration levels regulated under 20.3.1.14 NMAC; or materials regulated under the Atomic Energy Act of 1954, as amended (including source, special nuclear materials, and byproduct materials as defined in 10 CFR 1003);

- **uncharacterized wastes.** – Uncharacterized wastes cannot be accepted at the Facility except by special provision and direction from the

Secretary (e.g., emergency clean-up operations) under an Emergency Permit, or until full characterization has been performed.

1.4.2.b Prohibited Waste at Specific Units

1.4.2.b.i 40 CFR, Subparts BB and CC

The Permittee is prohibited from managing, treating, storing, or disposing of hazardous wastes subject to the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subparts BB and CC), in the Liquid Waste Storage Tank Area, the Stabilization Building, and the Surface Impoundment.

The Permittee is prohibited from storing hazardous wastes subject to the Container Level 3 standards contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(e)) in the Container Storage Areas.

1.4.2.b.ii Land Disposal Restrictions

The Permittee is prohibited from treating or disposing any hazardous waste in the Surface Impoundment or the Landfill respectively that does not meet the Land Disposal Restrictions (LDR) treatment standards contained at 20.4.1.800 NMAC (incorporating 40 CFR Part 268).

1.5 WASTE ANALYSIS PLAN

1.5.1 General Waste Analysis Requirements

The Permittee shall keep a copy of Permit Attachments F; F1; F2, *Waste Profile Form*; and F3, *Chain-of-Custody Form*; at the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.13), until the completion of closure has been approved by the Secretary.

The Permittee shall follow the waste analysis procedures required by 20.4.1.500 NMAC (incorporating 40 CFR 264.13) and 20.4.1.800 NMAC (incorporating 40 CFR 268.7), and specified at Permit Attachment F. The Permittee shall use analytical methods contained at Permit Attachment F; or methods contained in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods* (EPA Publication SW-846, latest edition). Alternative SW-846 methods may be approved by the Secretary through permit

modification under 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations.

1.5.2 Specific Waste Analysis Requirements

The Permittee shall perform the following waste analyses as presented at Permit Attachment F, Section 4.5, *Waste Analysis*:

- pre-shipment characterization of a representative sample from each waste stream prior to shipment as described at Permit Condition 2.5.2.a;
- fingerprint analysis of a select portion of waste upon arrival and continued fingerprint analysis of waste as specified at Permit Condition 2.5.2.b;
- annual re-analysis as specified at Permit Condition 2.5.2.c;
- additional analysis as specified at Permit Condition 2.5.2.d; and
- characterization of waste generated on-site as specified at Permit Condition 2.5.2.e.

Analytical parameters for each waste analysis requirement are specified at Permit Conditions 2.5.2.a through 2.5.2.e and shall be selected, as applicable, to meet waste characterization requirements, and to ensure compliance with LDR treatment standards and with regulations and operational limits as specified at Permit Attachment F.

The Permittee shall use analytical methods contained at Permit Attachment F, Tables 4-1 through 4-3; or in EPA publication SW-846. If the Permittee wishes to use an alternative method, the Permittee shall demonstrate to the Secretary that such alternative method is equivalent to the approved method contained in Permit Attachment F or EPA publication SW-846.

1.5.2.a Representative Sample Analysis

Following Permittee approval of the Waste Profile Form and associated characterization information and prior to initial acceptance of a waste stream, the Permittee shall obtain a representative waste stream sample from the generator for each waste stream. The Permittee shall submit the representative sample to a qualified laboratory other than that used by the generator for analysis as described at Permit Attachment F, Sections 4.3.3, *Representative Sample Assessment*, and 4.5.2, *Representative Sample Analysis*. Representative sample analysis shall include, at a minimum, testing for each hazardous waste code contained in the waste stream and parameters listed in Permit Attachment F, Table 4-1, *Parameters and Methods for Pre-Acceptance Representative Sample Analysis*; as well as applicable parameters listed in Tables 4-2, *Tests and Analytical Methods for Fingerprint Samples* and 4-3, *Additional Tests and Analytical Methods*; as required to ensure complete analysis. Additional parameters not listed in Tables 4-2 and 4-3 may also be selected. The Permittee shall assess these data as required at Permit Condition 2.5.3.a.ii.

1.5.2.b Fingerprint Sampling and Analysis

Fingerprint sampling and analysis shall be performed upon acceptance of each waste stream shipment and prior to storage, treatment, or disposal, as specified at Permit Attachment F, Sections 4.4.3.1, *Fingerprint Test Procedure*, and 4.5.4, *Fingerprint Analysis*. All waste, except for debris waste, is subject to fingerprint sampling and analysis upon waste acceptance. Fingerprint analyses shall include, at a minimum, the parameters listed at Permit Attachment F, Table 4-2, and shall be sampled and analyzed following protocols and analytical frequencies specified at Permit Attachment F, Section 4.4.3.1. Reduction in fingerprint sampling and analysis frequency shall occur in accordance with waiver provisions presented at Permit Attachment F, Section 4.4.3.1, or through Permit modification. If discrepancies between fingerprint analysis and waste stream characterization information exist upon completion of discrepancy resolution as presented at Permit Attachment F, Section 4.4.4.1, *Discrepancy Resolution*, the waste shall be rejected by the Permittee. The Permittee shall ensure that the generator re-assumes responsibility for the rejected waste or shall ensure proper disposal of the waste at an appropriate facility within 30 days of the waste rejection.

1.5.2.c Annual Sampling and Analysis

The Permittee shall obtain a representative sample analysis from each off-site generator prior to initial acceptance of a waste stream, in accordance with Permit Condition 2.5.2.a, and annually thereafter, as specified at Permit Attachment F, Section 4.5.3, *Annual Analysis*. The annual analysis shall include, at a minimum, parameters presented at Permit Attachment F, Table 4-1, in addition to any parameters included during analysis of the pre-shipment representative sample of the waste stream and additional parameters identified by the Permittee. If the annual analysis indicates waste stream changes such that the hazardous waste code assignment and/or LDR determination is modified, a new Waste Profile Form shall be obtained from the generator. The annual analysis shall be conducted as part of the Facility quality assurance program, as specified at Permit Attachment F, Section 4.4.3.2, *Annual Analysis Procedure*.

1.5.2.d Additional Sampling and Analysis

Additional sampling and analysis shall be performed to assess chemical characteristics of wastes in specific management units as specified at Permit Attachment F, Section 4.5.5, *Additional Analysis for Specific Management Units*. Sampling and analysis required for specific management units include, but are not limited to, the following:

- **storage units.** - Wastes managed in the Drum Storage Building, Roll-Off Container Storage Area, and the Liquid Waste Storage Tanks shall undergo pre-acceptance representative sample analysis, annual analysis, and initial and on-going fingerprint sample analysis as described at Permit Attachment F, Section 4.5.5.2, *Waste Analysis Requirements Specific to Storage Units*. Ignitability, reactivity, and incompatibility of each waste stream shall be determined using procedures listed at Permit Attachment F, Table 4-2; and as addressed at Permit Attachment F1;

- **Surface Impoundment.** - Wastes placed in the Surface Impoundment shall undergo pre-acceptance representative sample analysis as specified at Permit Attachment F, Section 4.5.5.3, *Waste*

Analysis Requirements Specific to the Surface Impoundment. Compatibility, ignitability, and reactivity determination shall also be performed for wastes placed in the Surface Impoundment, as specified at Permit Attachment F, Section 4.5.5.3; and as addressed at Permit Attachment F1. Waste removed from the Surface Impoundment shall undergo analysis to ensure continued LDR compliance as specified at Permit Attachment F, Section 4.5.5.3.;

- **Stabilization Tanks.** - Wastes placed in the Stabilization Tanks shall be analyzed as specified at Permit Attachment F, Section 4.5.5.4, *Waste Analysis Requirements Specific to the Stabilization Tanks*, and shall be characterized to ensure compatibility with the tank liner and previous wastes placed in the Stabilization Tanks. This may be accomplished through pre-acceptance representative sample analysis for wastes placed directly into the Stabilization Tanks, or through analysis performed on waste removed from the Surface Impoundment.

  A second representative sample of any waste requiring stabilization shall be collected and shall be used for bench-scale testing to determine treatability. Bench-scale tests shall also be conducted as part of the representative sample analysis for incoming waste streams that are directly placed in the Stabilization Tanks. After stabilization, wastes shall be re-tested to ensure LDR requirements are met prior to placement into the Landfill. Compatibility, ignitability, and reactivity determination shall also be performed as specified at Permit Attachment F1; and

- **Landfill.** - Waste analysis for landfilled wastes is specified at Attachment F, Section 4.5.5.5, *Waste Analysis Requirements Specific to the Landfill*. All waste placed directly into the Landfill shall undergo pre-acceptance

representative sample analysis as specified at Permit Condition 2.5.2.a. In addition to fingerprint analysis performed on all incoming waste as required at Permit Condition 2.5.2.b, a minimum of 10 percent of incoming wastes that are to be directly landfilled shall be sampled to verify conformance with LDR requirements, as specified at Permit Attachment F1, Section 4.5.5.5.

1.5.2.e Waste Analysis Requirements for Waste Generated On-Site

The Permittee shall comply with the waste analysis requirements for waste generated on-site specified at Permit Attachment F, Section 4.5.6.

1.5.2.f Compatibility Analysis

The Permittee shall include a compatibility determination on all pre-acceptance representative sample analyses, annual analyses, and additional sampling analyses conducted as required at Permit Conditions 2.5.2.a, 2.5.2.c, and 2.5.2.d; and at Permit Attachment F1; to ensure that potentially incompatible wastes are not stored, treated, or disposed in the same location.

1.5.3 Waste Acceptance Criteria

The Permittee shall ensure that all waste managed at the Facility meets the criteria for acceptance and management specified at Permit Attachment F, Section 4.2, *Criteria for Waste Management at the Facility*; these criteria include characterization to acquire all the information that must be known to treat, store, or dispose of the waste as required by 20.4.1.500 NMAC (incorporating 40 CFR 264) and 20.4.1.800 NMAC (incorporating 40 CFR 268).

1.5.3.a Waste Acceptance from Off-Site Generators

The Permittee shall accept hazardous waste from off-site generators only in accordance with Permit Attachment F, Sections 4.3 and 4.4; and Permit Attachment N, Section 3.0, *Operations*.

1.5.3.a.i Waste Profile Form

The Permittee shall use the Waste Profile Form contained at Permit Attachment F2. The Permittee shall acquire a completed Waste Profile Form and accompanying characterization information from the generator for each new waste stream, as specified at Permit Attachment F, Section 4.3.1, *Waste Characterization Information Provided by the Generator*. The Permittee shall ensure that the generator submits a new Waste Profile Form for each new waste stream and for an existing waste stream if it is significantly modified.

The Permittee shall evaluate information provided by the generator as specified at Permit Attachment F, Sections 4.3, and 4.3.2, *Paperwork Evaluation*. If acceptable knowledge information is used, the information provided must be traceable (e.g., the information provided for a selected drum must be traceable back to the process which produced it) and auditable (i.e., "auditable" records mean those records that are readily available, that can be correlated to specific waste shipments or specific containers of waste, and that verify the characterization of such wastes).

Any revision of the Waste Profile Form and associated characterization information shall be accomplished through Permit modification.

1.5.3.a.ii Representative Sample Evaluation

Following Permittee approval of the Waste Profile Form and associated characterization information, the Permittee shall obtain a representative waste stream sample, which the Permittee shall submit to a qualified laboratory other than that used by the generator for analysis. The Permittee shall assess these data with respect to the Waste Profile Form and characterization information, as specified at Permit Attachment F, Section 4.3.3.

Discrepancy analysis shall include, but not be limited to, items listed at Permit Attachment F, Section 4.3.3.1, *Major Discrepancies*. If a major discrepancy is identified, the Permittee shall require the generator to submit a sampling plan for generator analysis of the waste. The generator's sampling plan must be consistent with EPA guidance, as specified at Permit Attachment F, Section 4.3.3.1, and must address the discrepant information in accordance with Permit Attachment F,

Sections 4.3.3.1, *Major Discrepancies*, and 4.3.3.2, *Minor Discrepancies*. The sampling plan shall be documented in the Facility Operating Record within 15 days after receipt and approval by the Facility. The Permittee shall determine whether additional sampling is necessary to ensure that the elements listed at Permit Attachment F, Section 4.3.3.3, *Additional Waste Acceptance Conditions*, are appropriately addressed.

1.5.3.b Incoming Waste Acceptance

Incoming waste shipments shall be evaluated in accordance with Permit Attachment F, Section 4.4. If manifest discrepancies or discrepancies noted during visual examination are not resolved within 90 days of identifying the discrepancy, waste will not be accepted for storage or disposal, and the waste will either be returned to the sender or disposed at an appropriate permitted Facility by the Permittee.

The Permittee shall ensure that a generator shipping hazardous debris or contaminated soil to the Facility has first complied with the certification requirements identified in the Table contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.7).

1.5.3.c Air Emissions Requirements

The Permittee shall comply with the air emissions testing requirements contained at Permit Conditions 2.15.1.b, 2.15.2.b, and 2.15.2.c.

1.5.3.d Other Waste Management Requirements

The Permittee shall ensure that all waste analyses, reports, documentation, notifications, and certifications required under 20.4.1.800 NMAC (incorporating 40 CFR 268.7) are provided by off-site generators or off-site treatment facilities that ship waste to the Facility, including, where appropriate, the certification requirement for treatment of hazardous debris.

1.5.3.e Waste Acceptance from Foreign Generators

The Permittee shall accept hazardous waste from foreign generators in accordance with, in addition to all of the requirements for off-site generators, Permit Attachment F4, *Waste Characterization Using Acceptable Knowledge*, and Permit Attachment F, Section 4.7.4, *Laboratory Requirements for Foreign*

Generators as required in part by the Final Order from the Secretary dated March 18, 2002, through his authority stipulated at 20.4.1.900 (incorporating 40 CFR 270.32(b)(2)).

1.5.4 Sampling Plan

1.5.4.a Facility Sampling Plan

The Permittee shall follow the procedures specified at Permit Attachment F, Section 4.6, *Sampling Plan*. Modifications to this Sampling Plan are expected to be necessary, and revised sampling methods shall be EPA-approved methodologies included in the EPA publication, SW-846. Alternative SW-846 methods may be approved by the Secretary through permit modification under 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

The modification may also include changes to the individual sampling and analysis protocols specific to individual waste streams presented in Attachment F, Section 4.6, which identify the fingerprint analysis to be used and sampling and analytical requirements prior to acceptance of an individual waste stream, as specified at Permit Attachment F, Section 4.3.4, *Notification and Approval of Waste Shipment*.

1.5.5 Laboratory Quality Assurance/Quality Control Plan

The Permittee shall follow the Laboratory QA/QC Plan described at Permit Attachment F, Section 4.7.2, *Facility Laboratory QA/QC Plan*.

1.5.6 Individual Sampling and Analysis Protocols

The Permittee shall also develop and place into the Operating Record individual sampling and analysis protocols specific to individual waste streams identifying the fingerprint analysis to be used and sampling and analytical requirements prior to acceptance of an individual waste stream, as specified at Permit Attachment F, Section 4.3.4.

1.5.7 Quality Assurance Objectives

The Permittee shall review, validate, and verify all analytical data; reconcile analytical results with data quality objectives; satisfy data reporting requirements; and identify, document, and

report all nonconformances and operational variances to the Secretary.

1.5.8 Quality Control Checks

The Permittee shall take additional samples as quality control checks as specified at Permit Attachment F, Section 4.7.2.3, *Laboratory QA/QC Samples*. Upon request, the Permittee shall split samples with NMED.

1.5.9 Disposal of Laboratory Samples

The Permittee shall dispose of on-site laboratory samples with compatible waste batches.

1.5.10 Contract Laboratory Requirements

The Permittee shall inform each contract laboratory in writing that it shall operate under the waste analysis conditions set forth at Permit Attachment F, Section 4.7.3, *Requirements for Off-Site Laboratories*.

1.6 SECURITY

The Permittee shall comply with the security provisions specified at Permit Attachment B, *Procedures to Prevent Hazards*, Section 5.1, *Security Provisions to Prevent Hazards*. [20.4.1.500 NMAC (incorporating 40 CFR 264.14)]

1.6.1 Means to Control Entry

Access to the Facility shall be only through a controlled access point that is manned by security guards, as specified at Permit Attachment B, Section 5.1.1, *Barrier and Means to Control Entrance*; as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(b)(2)(ii)).

1.6.2 Barriers

In order to prevent unknowing entry and minimize the possibility for unauthorized entry of persons, livestock or wildlife, the Facility shall have the following barrier as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(b)(2)(i)). The active portion of the Facility shall be bounded by a six-foot chain link fence topped with a three strand barbed wire access barrier with two access gates located in the northern portion of

the Facility. The fence shall have metal flashing around its base constructed to protrude a minimum of 18-inches above ground and a minimum of 10-inches below ground. The fence shall be regularly maintained to ensure proper barriers..

1.6.3 Warning Signs

Warning signs in English and Spanish, e.g., "DANGER, NO UNAUTHORIZED PERSONNEL, KEEP OUT", and "PELIGRO, NO PERMITIDA LA ENTRADA SIN AUTORIZACION", shall be posted at the road entry point to the Facility and every 50 feet along the perimeter fence, as specified at Permit Attachment B, Section 5.1.2, *Warning Signs*. These bilingual signs shall be legible from a distance of 25 feet and shall also be visible from any approach to the Facility. In addition, the warning signs shall be posted at each entrance to an active portion of the Facility, and in sufficient numbers to be seen from any approach to each active portion, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(c)).

1.7 GENERAL INSPECTION REQUIREMENTS

The Permittee shall keep Permit Attachments D, *Inspection Procedures*; and D1; at the Facility until final closure of the Facility.

1.7.1 Inspection Frequencies

1.7.1.a Inspection Schedules

The Permittee shall implement the Inspection Schedules contained at Permit Attachment D1, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(b)).

1.7.1.b Additional Inspection Requirements

The Permittee shall inspect areas subject to spills, such as loading and unloading areas, daily when in use, as required by 20.1.500 NMAC (incorporating 40 CFR 264.15(b)(4)).

1.7.1.c Testing and Maintenance of Emergency Equipment

The Permittee shall inspect the monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment identified at Permit Attachment C1,

Emergency Equipment, to detect any malfunctions and deterioration, operator errors, and discharges, as specified at Permit Attachment D, *Inspection Procedures*, Section 5.2.8, *Safety and Emergency Response Equipment Inspection Procedures*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.33); in order to assure proper operation in time of emergency.

1.7.1.d Inspection Logs and Checklists

The Permittee shall use the inspection logs or checklists contained at Permit Attachment D1. The Permittee shall ensure that inspectors record the date and time of the inspection, the status of items inspected (items not inspected shall be marked "NI"), the date and nature of any repairs or other remedial actions needed, and sign the checklist, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d)).

1.7.2 Remedial Action

The Permittee shall remedy any deterioration or malfunction of equipment or structures which an inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard, as specified at Permit Attachment D, Section 5.2.1.2, *Remedial Action*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(c)). When the hazard is imminent or has already occurred, the Permittee shall take remedial action immediately.

1.7.3 Recordkeeping - Inspection Logs

The Permittee shall maintain all inspection logs in the Operating Record required under Permit Condition 2.12.1.a. Inspection logs need be retained only for a period of three years, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d) and 264.73(b)(5)).

1.8 PERSONNEL TRAINING

The Permittee shall keep a copy of Permit Attachment E, *Personnel Training*, at the Facility, and shall maintain a Personnel Training Program as specified at Permit Attachment E, Section 7.0, *Personnel Training*; as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.14(b)(12)) and 20.4.1.500 NMAC (incorporating 40 CFR 264.16).

1.8.1 Personnel Training Requirements

The Permittee shall train all persons involved in the management of hazardous waste in procedures relevant to the positions in which they are employed, as specified at Permit Attachments E and F, Section4.6.5.1, *Training Requirements for Personnel Responsible for Sampling Collection* and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16).

1.8.2 Personnel Training Procedures

The Personnel Training Program shall include the material and procedures outlined at Permit Attachment E, Section 7.2, *Training Content and Frequency*, and shall otherwise comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.16(a)(3)).

The Permittee shall ensure that Facility personnel successfully complete the Personnel Training Program within six months after their employment at the Facility, or to their assignment to a new position at the Facility, whichever is later. Employees shall not work in unsupervised positions until they have successfully completed the training requirements for their positions, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(b)).

Facility personnel shall take part in an annual review of the initial training required for their positions, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(c)).

1.8.3 Recordkeeping - Personnel Training Documents and Records

The Permittee shall maintain training documents and personnel training records, as specified at Permit Attachment E, Section 7.3, *Record Keeping*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(d)). Training documents and personnel training records shall be kept until completion of closure or for at least three years from the date an employee last worked at the Facility, whichever is earlier, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(e)).

1.9 SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

1.9.1 Precautions

The Permittee shall manage ignitable, reactive, or incompatible wastes as specified at Permit Attachment B, Section 5.5, *Precautions to Prevent Ignition or Reaction of Ignitable, Reactive, or Incompatible Wastes*; and shall otherwise comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.17(a) and (b)).

1.9.2 Recordkeeping – Precautions for Ignitable, Reactive, or Incompatible Waste

The Permittee shall document compliance with Permit Condition 2.9.1 in the Operating Record, in accordance with Permit Condition 2.12.1.a; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(3)).

1.10 PREPAREDNESS AND PREVENTION

The Permittee shall maintain Permit Attachment B at the Facilityuntil final completion of closure, as specified by Permit Part 8, has been approved by the Secretary.

1.10.1 Required Equipment

At a minimum, the Permittee shall maintain at the Facility the equipment identified at Permit Attachment C1, *Emergency Equipment*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.32).

1.10.2 Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system as specified at Permit Attachment B, Section 5.3, *Preparedness and Prevention Procedures*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.34).

1.10.3 Roadways

The Permittee shall maintain roadways within the Facility as specified at Permit Attachment L, Section 2.1.3, *Facility Traffic Plan*, to allow the unobstructed movement of personnel,

fire protection equipment, spill control equipment, and decontamination equipment in an emergency.

1.10.4 Arrangements with Local Authorities

The Permittee shall maintain preparedness and prevention arrangements with State and local authorities, contractors, and other governmental agencies, at a minimum as specified at Permit Attachment C, *Contingency Plan*, Sections 6.3.1.1, *Life-Threatening Situations*, and 6.3.4, *Off Site Notification and Evacuation Criteria*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37(a) and 264.52(c)). The Permittee shall maintain these documents at appropriate locations at the Facility.

1.10.5 Notification of Agreements with Local Authorities

The Permittee shall submit signed copies of the preparedness and prevention agreements with local authorities listed at Permit Attachment C3, *Cooperating Local Authorities*, or documentation of refusal to enter into preparedness and prevention agreements, to the Secretary 30 days prior to initiation of operations at the Facility, in accordance with Permit Condition 1.10, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37(b)).

If a local authority with which the Permittee has an agreement terminates the agreement, Permittee shall document the termination in the Operating Record and shall provide a copy of this documentation and alternative emergency response arrangements to the Secretary within 15 days.

1.10.6 Response Action Plan

The Permittee shall keep Permit Attachment J, *Action Leakage Rate and Response Action Plan*, at the Facility until completion of closure for the Facility is approved by the Secretary.

1.10.7 Operations and Maintenance Plan

The Permittee shall keep Permit Attachment N, *Operations and Maintenance Plan*, at the Facility until completion of closure is approved by the Secretary.

1.11 CONTINGENCY PLAN

1.11.1 Implementation of Contingency Plan

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

If the Permittee implements the Contingency Plan as a result of a spill or release to the environment and after 30 calendar days the Permittee has not been able to remove all contaminated soil or water to appropriate action levels, in accordance with Permit Condition 9.2, the Permittee shall comply with the requirements of either Permit Part 9 or 10, as appropriate. The Permittee may submit for the Secretary's approval a one time, 30 day extension to the above 30 calendar days compliance period.

1.11.2 Copies of the Contingency Plan

The Permittee shall maintain copies of the Contingency Plan and all revisions and amendments to the Contingency Plan at all document locations throughout the Facility until the completion of closure for the Facility is approved by the Secretary. The Permittee shall also submit a copy of the Contingency Plan and current revisions and amendments thereto to all federal, State, and local entities that may be called upon to provide emergency services and/or with which the Permittee has preparedness and prevention arrangements, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.53). As a part of the submittal to all federal, State, and local entities, the Permittee shall also submit Permit Attachment A, *General Facility Description and Information*.

1.11.3 Amendments to the Contingency Plan

The Permittee shall review and immediately amend, when necessary, the Contingency Plan as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.54). The Permittee shall submit all revisions and amendments to the Plan to the Secretary through a Permit modification before implementation of such revisions and amendments as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

1.11.4 Emergency Coordinator

A trained Emergency Coordinator (EC) or an alternate EC, as identified at Permit Attachment C, Section 6.1, *General Responsibilities of the Emergency Coordinator*, shall be available 24 hours a day, seven days a week, in case of an emergency. The EC or alternate EC shall be thoroughly familiar with the Contingency Plan and shall have the authority to commit the resources needed to implement the Contingency Plan, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.55).

In the event of an imminent or actual emergency, the EC shall implement the emergency procedures specified at 20.4.1.500 NMAC (incorporating 40 CFR 264.56) and Permit Attachment C.

1.11.5 Updated Contingency Plan

The Permittee shall submit an updated Contingency Plan to the Secretary for approval at the time of Facility certification, as specified at Permit Attachment C and in accordance with Permit Condition 1.10. The updated Contingency Plan shall include, at a minimum, the following.

1.11.5.a List of Emergency Coordinators

The Permittee shall submit to the Secretary an updated list of the names, addresses, and phone numbers of all persons designated to act as ECs 15 days prior to initiation of operations, in accordance with Permit Condition 1.10; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.52(d)).

This updated list of ECs shall be inserted as replacement pages into this Permit at Permit Attachment C2, *Emergency Coordinators*.

The Permittee shall inform the Secretary in writing of changes to the list of ECs and telephone numbers within 15 calendar days from the date of the changes, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.52(d)).

1.11.5.b Emergency Response Team Members

The Permittee shall submit to the Secretary a list of the names and qualifications of all individuals qualified as members of the on-site emergency response team discussed at Permit

Attachment B, *Procedures to Prevent Hazards*, Section 5.4.6. This list shall be provided to the Secretary 15 days prior to initiation of operations at the site.

1.11.5.c Evacuation Plan

The Permittee shall include in the updated Contingency Plan a finalized, building- or unit-specific evacuation plan for Facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe evacuation routes, and alternate evacuation routes in cases where the primary routes could be blocked by releases of hazardous waste or fires. The plan shall include a clear map of the evacuation routes, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.52(f)).

This plan shall be inserted as replacement pages at Permit Attachment C4, *Evacuation Plans*.

1.11.6 Reporting and Recordkeeping - Contingency Plan Implementation

Whenever the Contingency Plan is implemented, the Permittee shall note the time, date, and details of the incident in the Operating Record and submit a written report to the Secretary within 15 calendar days, as specified at Permit Attachment C, Section 6.4.2, *Required Reports and Notification*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.56(j)).

1.12 RECORDKEEPING AND REPORTING

1.12.1 Recordkeeping Requirements

The Permittee shall maintain at the Facility all the records, data, certifications, and other information listed at Table 2-2, *Recordkeeping Requirements*. Records kept shall include, but are not limited to, the following.

1.12.1.a Operating Record

The Permittee shall maintain a written Operating Record at the Facility as required by this Permit and 20.4.1.500 NMAC (incorporating 40 CFR 264.73). The Operating Record shall include all information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)). Information placed in the Operating Record shall be kept until final closure of the

Facility is approved by the Secretary, except as noted elsewhere in this Permit.

1.12.1.b Facility Notification to Off-Site Generators

The Permittee shall keep a copy of the written notice to off-site generators that the Facility has the appropriate permit(s), and will accept the waste the generator is shipping, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.12(b)).

1.12.1.c Generator Notifications and Certifications

The Permittee shall keep copies of the notices, and the certifications and demonstrations if applicable, required of the generator or the Permittee, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(11) through (b)(16)).

1.12.1.d Manifest Records

The Permittee shall retain at the Facility a copy of each manifest received from an off-site generator of hazardous waste accepted at the Facility for a period of at least three years, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.71(b)(5)).

1.12.1.e Waste Analysis for Waste Acceptance

The Permittee shall maintain waste analysis records and copies of all certifications, demonstrations, and other documents relevant to waste analyses required for waste acceptance (including both pertinent Facility records and records from off-site generators) in the Operating Record, as required by 20.4.1.500 NMAC (incorporating CFR 264.73(b)(3)) and 20.4.1.800 NMAC (incorporating 40 CFR 268.4(a) and 268.7).

1.12.1.f Recordkeeping - 40 CFR 264, Subpart BB Exemption

The Permittee shall record in a log, for use in determining exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart BB), all the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(k)). The documentation to determine exemption shall be kept with, or made readily available with, the Operating Record for a period of three years.

1.12.1.g Recordkeeping - 40 CFR 264, Subpart CC Exemption

The Permittee shall record in a log, for use in determining exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), all the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(f)). The documentation to determine exemption shall be kept with or made readily available with the Operating Record for a period of three years.

1.12.1.h Recordkeeping – 40 CFR 264, Subpart CC Compliance

The Permittee shall maintain at the Facility the information required under Permit Condition 3.4.

1.12.1.i Waste Stream Tracking

Information on each hazardous waste stream (including underlying hazardous constituents) managed at the Facility shall be recorded in the Waste Tracking System described at Permit Attachment F1, Section 4.8, *Waste Tracking*, and maintained in the Operating Record or at another location approved by the Secretary until completion of post-closure care has been approved by the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(1)).

The information to be maintained shall describe the waste, the hazard characteristics, the basis for hazard designation, and the date deposited in the Landfill, the grid location within the landfill, and shall include the laboratory report results (if chemical analysis is used) detailing the chemical and physical analysis of the waste. The information provided for each waste stream shall be complete for each movement of the waste from acceptance through storage, treatment, and disposal at the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264, Appendix I);

1.12.1.j Waste Minimization Program

The Permittee shall annually, by December 1 for the previous year ending September 30, enter into the Operating Record a certified statement specifying that the Permittee has a program in place, in accordance with Permit Condition 2.13, 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 is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(9)).

A current description of the program shall also be maintained in the Operating Record;

1.12.1.k Monitoring Records

1.12.1.k.i Monitoring Information

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, for a period of at least three years from the date of the sample, measurement, or record, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2)). This period may be extended by the Secretary at any time.

The Permittee shall retain monitoring records for the Surface Impoundment Leak Detection and Removal System (LDRS) and Vadose Zone Monitoring System (VZMS) and associated water level elevations until the completion of Surface Impoundment closure, or if necessary post-closure, is approved by the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226(d)(1)).

The Permittee shall retain records for the Landfill Leachate Collection and Removal System (LCRS), LDRS, and VZMS until the completion of post-closure care for the Landfill is approved by the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.303(c)(1));

1.12.1.k.ii Record Information

Records for monitoring information shall include, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270(30)(j)(3)):

- the date, exact place, and time of sampling or measurements;
- the name of the individual(s) who perform the sampling or measurements;

- the date(s) analyses are performed;
- the name and address of the laboratory that performed the analyses;
- the name of the individual(s) who perform the analyses;
- the analytical techniques or methods used; and
- the result of such analyses;

1.12.1.l Corrective Action Records

For a unit undergoing corrective action under Permit Parts 9 or 10, the Permittee shall retain, until completion of the corrective action has been approved by the Secretary, records of all monitoring information, waste analyses, and all other pertinent data and information used to prepare the appropriate documents required for the action by this Permit, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2) and 270.31(b)).

1.12.1.m Grid "Cell" Map

The Permittee shall maintain the grid "cell" map of the Landfill and location identification of the waste placed in the Landfill in the Operating Record, in accordance with Permit Conditions 6.7.1.a; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(2) and 264.309).

1.12.1.n Other Records

The Permittee shall retain records of all other data used to prepare documents required by this Permit, copies of all other reports and records required by this Permit, and records of all data used to complete the Permit Application, for a period of three years from the date of the report, record, certification, or application, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2)).

1.12.2 Reporting Requirements

In addition to the documents, certifications, and other information required before the initiation of operations at the

Facility under Permit Condition 1.10, the Permittee shall submit to the Secretary as applicable during the operating life and closure and post-closure care periods of the Facility all the reports, documents, certifications, notifications, and other submittals as applicable, required at Table 2-3, *Reporting/Notification/Certification Requirements*. Reports which shall be submitted include, but are not limited to, the reports identified at Permit Conditions 2.12.2.a through 2.12.2.d.

1.12.2.a Biennial Report

The Permittee shall submit to the Secretary a single copy of the biennial report by March 1 of each even-numbered year. The biennial report shall include the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.75), and shall be submitted on EPA form 8700-13B. The biennial report shall include a copy of the annual certified statement regarding the Waste Minimization Program required at Permit Condition 2.13, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.75(h) through 40 CFR 264.75(j)).

1.12.2.b Quarterly Report

The Permittee shall submit a quarterly report on the status of operations for the previous three months at the Facility to the Secretary. The report shall be due 60 days after the reporting period has ended. The report shall provide an update on activities carried out during the reporting period, including:

- quantities of hazardous wastes stored, treated, and/or disposed in the Landfill (including waste generated on-site), by EPA Hazardous Waste Number;
- a discussion of spills and releases which have occurred during the reporting period, and subsequent actions taken;
- any variances or discrepancies from this Permit;
- monitoring results, including raw data, of the monitoring of the LCRS and LDRS at the Surface Impoundment and Landfill, of the monitoring of

the VZMS, and all other monitoring requirements of this Permit, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(4) and 270.31(c)); and

- a summary of operation and maintenance activities for the VZMS, in accordance with Permit Condition 7.6, and for the LCRS and LDRS, at the Surface Impoundment and Landfill.

The report shall also include a discussion of planned activities for the upcoming three-month period, including any necessary changes or modifications in operating activities approved under this Permit.

1.12.2.c Waste Minimization Program Certification

The Permittee shall submit a copy of the annual certified statement regarding the Waste Minimization Program required at Permit Condition 2.13 to the Secretary by December 1 for the previous year ending September 30, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.75(i)).

1.12.2.d Reporting - Noncompliance with the 40 CFR 264, CC Exemption

The Permittee shall report to the Secretary each occurrence, within 15 calendar days of the time the Permittee becomes aware of the occurrence, whenever hazardous waste is placed in a waste management unit in noncompliance with the exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC) provided at Permit Condition 2.15.2.a; as specified at Permit Attachment G, *Air Quality*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1090(a)).

1.13 WASTE MINIMIZATION PROGRAM

The Permittee shall institute a program, as specified at Permit Attachment A, Section 9.0*, Waste Management*, to reduce the volume and toxicity of hazardous wastes generated at the Facility to the degree determined by the Permittee to be economically feasible. Suggested criteria for the program include:

(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 program designed to identify and implement source reduction and recycling opportunities;

(3) any source reduction and/or recycling measures implemented in the last five years or planned for the near future;

(4) an itemized list of the dollar amounts of capital expenditure (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;

(5) factors that have prevented source reduction and/or recycling;

(6) an investigation of additional waste minimization efforts that could be implemented at the Facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through recycling and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;

(7) a flow chart or matrix detailing all hazardous wastes produced by quantity, type, and building or area;

(8) a demonstration of the need to use those processes which produce a particular hazardous waste due to a lack of alternative processes or available technology which would produce less hazardous waste;

(9) a description of the waste minimization methodology employed for each related process at the Facility which shows whether source reduction or recycling is being employed; and

(10) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years.

1.14 TRANSPORTATION OF HAZARDOUS WASTE

1.14.1 Transportation of Hazardous Waste to the Facility

1.14.1.a Manifest Requirements

The Permittee shall comply with the manifest requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.71).

1.14.1.b Manifest Discrepancies

Upon discovering a significant discrepancy, as identified at Permit Attachment F, Section 4.4, and at 20.4.1.500 NMAC (incorporating 40 CFR 264.72(a)), between the quantity or type of waste designated on the manifest and the quantity or type of waste actually received at the Facility, the Permittee shall attempt to reconcile the discrepancy with the generator or transporter. If the discrepancy is not resolved within 90 days after receiving the waste, the Permittee shall immediately submit to the Secretary a letter describing the discrepancy and attempts to resolve it, and a copy of the manifest, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.72(b)).

1.14.1.c Unmanifested Waste Report

If the Permittee accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, and if the waste is not excluded from the manifest requirements by the conditionally exempt small quantity generator exclusions contained at 20.4.1.500 NMAC (incorporating 40 CFR 261.5), then the Permittee shall prepare and submit to the Secretary a single report within 15 calendar days after receipt of the waste. The unmanifested waste report shall contain the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.76).

1.14.2 Transportation of Hazardous Waste On-Site at the Facility

1.14.2.a Traffic Control Procedures

The Permittee shall transport hazardous waste on-site using the traffic control procedures and traffic patterns specified at Permit Attachment A, Section 1.4, *Traffic Patterns*. All vehicles carrying hazardous waste shall use only the entrance, access, and perimeter roads depicted at Permit Attachment L1, Drawing No. 26 (2 of 2).

1.14.2.b Dust Control Procedures

1.14.2.b.i Dust Suppression

The Permittee shall not use waste or used oil or any other material which is contaminated with dioxins, PCBs, or any other hazardous waste, other than a waste identified solely on the basis of ignitability, for dust suppression or road treatment, as required by 20.4.1.700 NMAC (incorporating 40 CFR 266.23(b)).

1.14.2.b.ii Other Dust Control Procedures

The Permittee shall apply the dust control procedures specified at Permit Attachment A, Section 2.5.1.7, *Wind Dispersal Control Procedures*, to control the dust generated from the surface of the daily landfill soil cover.

1.14.3 Decontamination of Equipment and Vehicles

The Permittee shall ensure that any vehicles or equipment which have come in contact with hazardous waste in any storage or treatment area and/or which have been in contact with hazardous waste in the Landfill are sufficiently decontaminated prior to their further movement to prevent contamination of uncontaminated areas of the Facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31)). Wash water generated from truck or equipment decontamination shall be collected, tested, and treated, and disposed as specified at Permit Attachment F, Section 4.5.6.

1.15 AIR QUALITY PROTECTION

1.15.1 40 CFR, Subpart BB

1.15.1.a Compliance and Exemption

The Permittee shall manage waste with an organic concentration of at least 10 percent by weight in compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.1050(b)(1)). Waste with an organic concentration of less than 10 percent by weight is exempt from the requirement to comply with 20.4.1.500 NMAC (incorporating 40 CFR, Subpart BB).

Alternatively, the Permittee may elect to demonstrate compliance with this Permit Condition through compliance with a New Source Air Emissions Permit, to the extent that the documentation required under the New Source Air Emissions Permit duplicates the documentation required under this Permit Condition, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(m)).

1.15.1.b Waste Determination

The Permittee shall use the test methods contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.1063(d)), to make a determination of compliance with Permit Conditions 2.4.2.b.i and 2.15.1.a for each waste stream managed at the Facility, as specified at Permit Attachment F1, Section 4.5.1.3, *Additional Analysis to Ensure Compliance with Regulatory and Operational Limits*.

1.15.2 40 CFR, Subpart CC

1.15.2.a Compliance and Exemption

The Permittee shall manage waste with an average volatile organic concentration equal to or greater than 500 parts per million by weight (ppmw) at the point of waste origination in compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC). Waste with an average volatile organic concentration less than 500 ppmw at the point of waste origination is exempt from the requirement to comply with 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)).

Alternatively, the Permittee may elect to demonstrate compliance with this Permit Condition by documentation of compliance with a New Source Air Emissions Permit, to the extent that the documentation required under the New Source Air Emissions Permit duplicates the documentation required under this Permit Condition, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(h)).

1.15.2.b Initial Waste Determination

The Permittee shall use the test methods contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.1083) to make an initial determination of compliance with Permit Conditions 2.4.2.b.i and 2.15.2.a for each waste stream managed at the Facility, as specified at Permit Attachment F1, Section 4.5.1.3. The initial determination shall be made before the first time a waste stream is placed in a permitted unit, and thereafter the determination for that waste stream shall be reviewed as necessary once every 12 months following the date of the initial determination, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)).

1.15.2.c Waste Determination after Process Change

The Permittee shall perform a new waste determination of compliance with Permit Conditions 2.4.2.b.i and 2.15.2.a for any waste stream whenever changes to the source generating the waste stream are reasonably likely to cause the average volatile concentration of the waste stream to increase to a level that is equal to or greater than the applicable volatile organic limit, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(b)(1)(ii)).

1.15.2.d Waste Determination by the Secretary

The Secretary may at any time perform or request the Permittee to perform a waste determination for the average volatile organic concentration at the point of waste origination for a hazardous waste that is exempted from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(d)).

1.16 GENERAL CLOSURE REQUIREMENTS

The Permittee shall close the Facility, or any permitted unit at the Facility, as specified at Permit Attachment O, *Closure Plan*; and as required by Permit Part 8 and 20.4.1.500 NMAC (incorporating 40 CFR 264.110 through 264.116).

1.17 GENERAL POST-CLOSURE CARE REQUIREMENTS

The Permittee shall conduct post-closure care for the Landfill, or any other permitted unit that must be closed as a landfill, as specified at Permit Attachment P, *Post-Closure Care*; and as required by Permit Part 8 and 20.4.1.500 NMAC (incorporating 40 CFR 264.117 through 264.120).

1.18 LIABILITY COVERAGE

1.18.1 Sudden Accidental Occurrences

1.18.1.a Liability Coverage Requirements for Sudden Accidental Occurrences

The Permittee shall have and maintain liability coverage for sudden accidental occurrences in the amount of one million dollars ($1,000,000) per occurrence, with an annual aggregate of at least two million dollars ($2,000,000), exclusive of legal defense costs, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.147(a)).

1.18.1.b Documentation of Liability Coverage for Sudden Accidental Occurrences

The Permittee shall demonstrate to the Secretary, for approval, continuous compliance with the liability coverage required under Permit Condition 2.18.1.a, in accordance with Permit Condition 1.10, at least 60 days before receiving hazardous waste for management, treatment, storage, or disposal at the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.147(f)(4)). This liability coverage shall be effective before the first receipt of hazardous waste at the Facility.

1.18.2 Nonsudden Accidental Occurrences

1.18.2.a Liability Coverage Requirements for Nonsudden Accidental Occurrences

The Permittee shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of three million dollars ($3,000,000) per occurrence, with an annual aggregate of at least six million dollars ($6,000,000), exclusive of legal defense costs, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.147(b)).

1.18.2.b Documentation of Liability Coverage for Nonsudden Accidental Occurrences

The Permittee shall demonstrate to the Secretary, for approval, continuous compliance with the liability coverage required under Permit Condition 2.18.2.a, at least 60 days before receiving hazardous waste for management, treatment, storage, or disposal at the Facility, in accordance with Permit Condition 1.10. The liability coverage shall be as required at 20.4.1.500 NMAC (incorporating 40 CFR 264.147(b)).

This liability coverage shall be effective before the first receipt of hazardous waste at the Facility, in accordance with Permit Condition 1.10.

1.19 FINANCIAL INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

1.19.1 Bankruptcy

The Permittee shall notify the Secretary by certified mail of the commencement of bankruptcy, and the name of any guarantor, within ten days after commencement of the proceeding, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.148(a)).

1.19.2 Other Financial Assurance

The Permittee shall establish other financial assurance or liability coverage within 60 days from the date the trustee or institution issuing the surety bond, letter of credit, or insurance policy declares bankruptcy; otherwise the Permittee shall be deemed to be without the required financial assurance,

as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.148(b)).

1.20 FINANCIAL RESPONSIBILITY

The Permittee shall maintain financial assurance for both closure and post-closure costs and comply with all applicable requirements of 20 4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart H), and Permit Condition 8.3.

TABLE 2-1

PERMITTED HAZARDOUS WASTES

D Codes[1]	F Codes[2]	K Codes[3]	P Codes[4]	U Codes[5]
D001 – Ignitability[6]	F001-F012	K001-K011	P001-P018	U001-U012
D002 – Corrosivity[6]	F019	K013-K052	P020-P024	U014-U039
D003 – Reactivity[6]	F024-F025	K060-K062	P026-P031	U041-U053
D004-D043	F032	K064-K066	P33-P034	U055-U064
	F034-F035	K069	P036-P051	U066-U099
	F037-F039	K073	P056-P060	U105-U138
		K083-K088	P062-P078	U140-U174
		K090-K091	P081-P082	U176-U194
		K093-K118	P084-P085	U196-U197
		K123-K126	P087-P089	U200-U211
		K131-K132	P092-P099	U213-U223
		K136	P101-P106	U225-U228
		K141-K145	P108-P116	U234-U240

		K147-K151	P118-P123	U243-U244
				U246-U249
				U328
				U353
				U359

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1 Wastes exhibiting the characteristics of ignitability, reactivity, corrosivity, and/or toxicity

2 Wastes from non-specific sources

3 Wastes from specific sources

4 Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof

5 P Code wastes identified as toxic wastes

6 Only those ignitable, corrosive, or reactive wastes that can be treated by permitted methods at the Facility prior to placement in the Landfill shall be accepted.

TABLE 2-2

RECORDKEEPING REQUIREMENTS

PERMIT NUMBER	PERMIT CONDITION
1.9.1	Documents to be Maintained until Completion of Closure
1.9.2	Documents to be Maintained until Completion of Post-Closure Care
2.5.1	General Waste Analysis Requirements
2.5.3.a.ii	Representative Sample Evaluation
2.5.6	Individual Sampling and Analysis Protocols
2.7.3	Recordkeeping – Inspection Logs
2.8.3	Recordkeeping – Personnel Training Documents and Records
2.9.2	Recordkeeping – Precautions for Ignitable, Reactive, or Incompatible Waste
2.10.5	Arrangements with Local Authorities
2.11.2	Copies of the Contingency Plan
2.11.6	Reporting and Recordkeeping – Contingency Plan Implementation
2.12.1	Recordkeeping Requirements
2.12.1.a	Operating Record
2.12.1.b	Facility Notification to Off-Site Generators
2.12.1.c	Generator Notifications and Certifications

PERMIT NUMBER	PERMIT CONDITION
2.12.1.d	Manifest Records
2.12.1.e	Waste Analysis for Waste Acceptance
2.12.1.f	Recordkeeping – 40 CFR 264, Subpart BB Exemption
2.12.1.g	Recordkeeping – 40 CFR 264, Subpart CC Exemption
2.12.1.h	Recordkeeping – 40 CFR 264, Subpart CC Compliance
2.12.1.i	Waste Stream Tracking
2.12.1.j	Waste Minimization Program
2.12.1.k.i	Monitoring Information
2.12.1.l	Corrective Action Records
2.12.1.m	Grid Map
2.12.1.n	Other Records
	CONTAINERS
3.7.1.a	General Recordkeeping Requirements
3.7.1.b	Ignitable or Reactive Wastes
3.7.1.c	40 CFR Part 264, Subpart BB and CC Exemptions
3.7.1.d	40 CFR 264, Subpart CC Compliance
3.7.1.e	40 CFR 264, Subpart CC
	TANKS
4.2.6	Required Certification
4.7.1.a	Inspection Records
4.7.1.b	Ignitable, Reactive, or Incompatible Wastes

PERMIT NUMBER	PERMIT CONDITION
4.7.1.c	40 CFR 264, Subpart BB Records
4.7.1.d	40 CFR 264, Subpart CC Records
	SURFACE IMPOUNDMENT
5.5.3	Action Leakage Rate
5.7.1	Recordkeeping Requirements
5.7.1.a	Inspection Logs
5.7.1.b	Ignitable, Reactive, or Incompatible Waste
5.7.1.c	LDRS and VZMS Data
5.7.1.d	40 CFR 264, Subpart BB Records
5.7.1.e	40 CFR 264, Subpart CC Records
	LANDFILL
6.7.1	Recordkeeping Requirements
6.7.1.a	Grid "Cell" Location
6.7.1.b	Inspection Logs
6.7.1.c	LDRS, LCRS, and VZMS Monitoring Data
	VADOSE ZONE MONITORING
7.2.4	Well Surveys
7.2.6	Continuous Core
7.2.9	Well Completion Logs
7.3.2	Leachates
7.4.10	Sampling Record

PERMIT NUMBER	PERMIT CONDITION
7.7.1	Recordkeeping - General
	CLOSURE / POST-CLOSURE
8.1.11.d	Landfill VZMS Monitoring
8.3.1.d	Recordkeeping – Cost Estimates for Closure and Post-Closure Care
	CORRECTIVE ACTION FOR REGULATED UNITS
9.5	Recordkeeping - General

TABLE 2-3

REPORTING/CERTIFICATION/NOTIFICATION REQUIREMENTS

PERMIT NUMBER	PERMIT CONDITION
1.2.2	Permit Renewal
1.2.4	Transfer of Permit
1.5.6	Duty to Provide Information
1.5.7	Disclosure Statement
1.5.9.a	Reporting Planned Changes
1.5.9.b	Reporting Anticipated Noncompliance
1.5.9.c.i	Submittal of Construction Certification and As-Built Specifications
1.5.9.d	Twenty-Four Hour and Subsequent Reporting
1.5.9.d.i	Oral Report
1.5.9.d.iii	Written Submission
1.5.9.e	Contingency Plan Implementation
1.5.9.f	Other Noncompliance
1.5.9.g	Other Information
2.3.1	Imported Waste Notification
2.10.5	Notification of Agreements with Local Authorities
2.11.2	Copies of the Contingency Plan
2.11.3	Amendments to the Contingency Plan
2.11.5	Updated Contingency Plan

PERMIT NUMBER	PERMIT CONDITION
2.11.5.a	List of Emergency Coordinators
2.11.5.b	Emergency Response Team Members
2.11.5.c	Evacuation Plan
2.11.5.d	Procedures in Case of Surface Impoundment Failure
2.11.5.e	Decontamination of Personnel and Equipment
2.11.5.f	Loss of Electrical Power in the Stabilization Building
2.11.6	Reporting and Recordkeeping – Contingency Plan Implementation
2.12.2	Reporting Requirements
2.12.2.a	Biennial Report
2.12.2.b	Quarterly Report
2.12.2.c	Waste Minimization Program Certification
2.12.2.d	Reporting – Noncompliance with the 40 CFR 264, Subpart CC Exemption
2.14.1.b	Manifest Discrepancies
2.14.1.c	Unmanifested Waste Report
2.18	Liability Coverage
2.19	Financial Incapacity
	CONTAINERS
3.7.2.a	40 CFR 264, Subpart CC Noncompliance
	TANKS
4.5.1.b	Containment of Visible Releases

PERMIT NUMBER	PERMIT CONDITION
4.7.2.a	Leak or Spill Reporting
4.7.2.a.i	Oral Report
4.7.2.a.ii	Written Report
4.7.2.b	Reporting Noncompliance - 40 CFR 264, Subpart CC
4.7.3.b	Certification Reporting after Major Repairs
	SURFACE IMPOUNDMENT
5.7.2.a	Notification of Sudden Drop in a Pond Liquid Level
5.7.2.a.i	Oral Report
5.7.2.a.ii	Written Report
5.7.2.b	Submittals after ALR Exceedance
5.7.2.b.i	Written Notification of ALR exceedance
5.7.2.b.ii	Preliminary Assessment
5.7.2.b.iii	Data submittal
5.7.2.c	Noncompliance with the 40 CFR 264, Subpart CC Exemption Requirements
5.7.3.b	Dike Recertification
5.7.3.c	Liner Recertification
	LANDFILL
6.2.1.f	Access Ramps
6.2.1.g.i	Landfill Stormwater Collection Basin
6.2.1.g.ii	Landfill Contaminated Water Collection Basin Construction and Removal

PERMIT NUMBER	PERMIT CONDITION
6.7.2.a	Waste Identification and Location within the Landfill
6.7.2.c	Response Actions
	VADOSE ZONE MONITORING
7.1.2	Duty to Initiate Corrective Action
7.1.3	Duty to Remove Non-Leachates
7.3.1.a	Time-Frame for Establishment of a Non-Leachate Indicator Parameter List and Baseline Concentrations
7.3.1.b	Reporting – Baseline Values for Non-Leachates
7.3.2.a	Monthly Sampling
7.3.2.b	Biennial Sampling
7.5	Release Assessment
7.6	VZMS Maintenance
7.7.2.a	First Quarterly Report
7.7.2.b	Quarterly Reports
7.7.2.c	Biennial Report
7.7.2.d	Special Reports
	CLOSURE / POST-CLOSURE
8.1.3.a	Notification of Closure

PERMIT NUMBER	PERMIT CONDITION
8.1.5	Closure Certification
8.1.6	Survey Plat
8.1.7.a	Sampling Records
8.1.7.b	Quarterly Reports
8.1.7.c	Final Closure Report
8.1.10.b	Surface Impoundment Permit Modification
8.1.10.c	Permit Modification for Closure as a Landfill
8.1.11.b	Landfill Permit Modification
8.2.2	Post-Closure Care Plan Modification
8.2.2.a	Amendment When necessary
8.2.2.b	Surface Impoundment Post-Closure Care Plan Modification
8.2.2.c	Tank System post-Closure Care Plan Modification
8.2.8	Annual Reports
8.2.9	Certification of Post-Closure Care Completion
8.2.11	Post-Closure Notices
8.2.11.b.i	Record of Notation
8.2.11.b.ii	Certification of Deed Notification
8.2.12	Removal of Hazardous Materials
8.3.1.a	Latest Closure Cost Estimates
8.3.2	Financial Assurance for Closure and Post-Closure Care

PERMIT NUMBER	PERMIT CONDITION
	CORRECTIVE ACTION FOR REGULATED UNITS
9.3.1	Notification of Release
9.3.2	Verification Sampling Report
9.3.3.a	Immediate Response Action Report
9.3.3.b	Response Action Effectiveness Report
9.3.4	Independent Assessment
9.3.6	Monthly Corrective Action Progress Report
9.3.7	Regulated Unit Investigation Work Plan
9.3.8	Ground Water Monitoring Work Plan
	CORRECTIVE ACTION FOR SWMUs
10.1.2	Notification of Newly Discovered SWMUs and AOCs
10.2	Facility Corrective Action Work Plan
10.3.2	Background Soil Concentrations Work Plan
10.4.1	Notification of Newly Discovered SWMUs and AOCs
10.4.2	Notification of a Release From a SWMU or AOC
10.4.3	SWMU Assessment Report
10.5.1	Notification of a Release
10.6.1	Confirmatory Sampling Work Plan
10.6.4	Confirmatory Sampling Report
10.7.1	RCRA Facility Investigation Work Plan
10.7.3.a	RCRA Facility Investigation Report

PERMIT NUMBER	PERMIT CONDITION
10.7.5	Quarterly Reports
10.8.1	Interim Measures Work Plan
10.8.3.a	Interim Measures Progress Report
10.8.3.b	Interim Measures Final Report
10.9.1	Corrective Measures Study Work Plan
10.9.3	Corrective Measures Study Final Report
10.10.2	Financial Assurance Report
10.10.4	Permit Modification for Completion of Corrective Action
10.11	Ground Water Monitoring Work Plan

PERMIT PART 3

HAZARDOUS WASTE STORAGE IN CONTAINERS

HIGHLIGHTS

This Part contains conditions for storage of hazardous waste in containers at the Triassic Park Waste Disposal Facility (the Facility). Conditions are included for the maximum volumes and kinds of waste that can be stored in containers and for management and closure of the container storage units. Standards for construction and for operation and maintenance of the storage units are also included.

Container storage consists of two permitted areas: the Drum Handling Unit and the Roll-Off Container Storage Area. The location of the container storage units within the Facility is provided at Permit Attachment L1, *Engineering Drawings*, Drawing No. 4. Information on construction and management of hazardous waste in the container storage areas is provided at Permit Attachments A, *General Facility Description and Information*, Section 2.2, *Container Storage Areas*; and L, *Engineering Report*, Sections 5.0, *Truck Roll-Off Area*, and 7.0, *Drum Handling Facility*.

The Drum Handling Unit is an open-sided building with a roof that extends over the entire floor and truck docking area. The 49,265 square feet total floor area contains 7 drum storage cells, with each cell capable of storing 160 55-gallon drums. Ignitable, reactive, or incompatible wastes are segregated in separate cells as specified at Permit Attachment A, Section 2.2. Two of the cells are designated for storage of polychlorinated biphenyl (PCB)-contaminated waste and are isolated from the other drum storage cells by a 6-inch high by 41-inch wide berm that surrounds the PCB cells. The remaining five cells are also separated by berm walkways. The drums are placed in four rows, two drums deep, and two 12-foot wide aisles provide access for the forklift to place and remove drums.

The base of the Drum Handling Unit consists of a compacted subgrade of non-swelling soils, a 60-mil high-density polyethylene (HDPE) geomembrane liner, cushion geotextile, and one foot of foundation sand underlying the building floor. The floor is constructed of steel-reinforced cast-in-place concrete covered by a chemical-resistant epoxy coating. The floor serves as the primary containment system.

The floor of each cell slopes towards a trench covered by steel grating. Each trench leads to a dual sump system for that cell where any spilled liquids can be collected and removed. The trench and sump system incorporates a geomembrane liner, leak detection and removal system (LDRS), and leachate collection and removal system (LCRS). The leachate collection sump and drain system has a total fluid capacity of 2,110 gallons, which exceeds the required ten percent (880 gallons) of allowable container volume (160 55-gallon drums or 8,800 gallons) for each cell.

The Roll-Off Container Storage Area is an uncovered, single-lined system consisting of a prepared subgrade, a geomembrane underliner, a geonet drainage layer, a geotextile filter layer, a soil subbase layer, and a surface gravel layer. The Area is surrounded by a berm with a height ranging from two to eight feet. This berm diverts run-on surface water around the perimeter of the truck roll-off area. The storage areas are accessed by 20-foot-wide compacted soil ramps at the center of each cell. Culverts under each of the access ramps allow surface water flow to the west toward the run-off Stormwater Detention Basin. The Area consists of two cells that are separated by a berm with a minimum interior height of two feet. Each cell is approximately 310 feet long by 180 feet wide and can stage 66 40-cubic yards roll-off containers.

The west cell (the Incoming Waste Cell), approximately one-half of the area, holds tarped, U.S. Department of Transportation (DOT)-approved, lined roll-off containers holding non-stabilized hazardous waste prior to treatment. Each container and its plastic bed liner comprise a double-lined system.

Secondary containment consists of a berm surrounding the Incoming Waste Cell, sloping floor, and sump incorporated into the drainage layer for leak detection and removal. The sump system has a total fluid capacity of 1,406 gallons, which exceeds the required ten percent of allowable container volume. The Roll-Off Storage Area drainage sump is monitored visually to determine whether pumping is required. Precipitation collected in the sump is removed by vacuum truck.

Waste is characterized and screened as part of the waste acceptance procedures. Roll-off containers are inspected for free liquids prior to acceptance at the Incoming Waste Cell. Free liquids detected are removed and stabilized. Roll-Offs containing free liquids are not stored in the Truck Roll-Off Area.

The east cell (the Stabilized Waste Cell) serves as a staging area for roll-off bins containing post-treatment stabilized waste awaiting landfill disposal approval. Construction is identical for the west and east cells.

Waste is transferred to both cells by generator or Facility trucks. After delivery, the trucks are decontaminated, if necessary, at the Truck Wash Area, which is operated as a RCRA 90-day storage area.

Hazardous waste containing volatile organic concentrations equal to or greater than 500 parts per million by weight (ppmw) is permitted for storage in containers, provided that these containers are managed in compliance with the Container Level 1 or Level 2 standards required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086). This waste goes directly from the storage areas to the Landfill for final disposal; therefore, waste containing volatile organics which are permitted to be stored in this area is restricted to waste that, upon acceptance at the Facility, already meets the Land Disposal Restrictions (LDR) treatment standards and that does not contain free liquids. Wastes requiring Container Level 3 management are not permitted for management at the Facility.

1.1 GENERAL REQUIREMENTS FOR CONTAINER STORAGE

1.1.1 Permitted Storage in Drums

The Permittee shall store hazardous waste in drums only in cells at the Drum Handling Unit, as identified at Table 3-1, *Permitted Drum Storage Unit*, and as specified at Permit Attachment A, Section 2.2.1.3, *Storage Limits*. The volume of hazardous waste that may be stored in the Drum Handling Unit is limited to the maximum capacity identified at Table 3-1, and as specified at Permit Attachment A, Section 2.2.1.3.

The Drum Handling Unit, as identified in Table 3-1, is one permitted unit.

1.1.2 Permitted Storage in Roll-Off Containers

The Permittee shall store hazardous waste in roll-off containers or roll-off container equivalents only in the Roll-Off Container Storage Unit, as identified at Table 3-2, *Permitted Roll-Off Container Storage Unit*, and as specified at Permit Attachment A, Section 2.2.2.3, *Storage Limits*. The volume of hazardous waste that may be stored in the Roll-Off Container Storage Unit is

limited to the maximum capacity identified at Table 3-2, and as specified at Permit Attachment A, Section 2.2.2.3.

The Roll-Off Container Storage Unit, as identified in Table 3-2, is one permitted unit.

1.1.3 Permitted Wastes in Containers

The Permittee shall store in containers only those hazardous wastes identified at Table 2-1, *Permitted Hazardous Wastes*, subject to the prohibitions contained at Permit Condition 3.1.4.

1.1.4 Prohibited Wastes in Containers

1.1.4.a General Waste Prohibition

The Permittee is prohibited from storing in containers those wastes identified at Permit Condition 2.4.2 and Permit Attachment F, *Waste Analysis Plan,* Section 4.1.2, *Prohibited Waste*.

1.1.4.b Polychlorinated Biphenyl-Contaminated Waste

The Permittee may store PCB-contaminated waste, as identified at Permit Condition 2.4.1.b, in the Container Storage Areas.

1.2 CONTAINER STORAGE AREAS CONSTRUCTION

1.2.1 Construction Requirements

The Permittee shall construct the Drum Handling Unit and loading dock area, and the Roll-Off Container Storage Area, as specified at Permit Attachments A, Sections 2.2.1, *Drum Handling Unit*, and 2.2.2, *Roll-Off Storage Area*; L, Sections 5.0 and 7.0; L1, Drawings Nos. 37 through 39 and 41 through 43; and L2, *Specifications for Landfill, Surface Impoundment and Associated Facilities Liner and Cover System Construction*.

1.2.2 Secondary Containment

The Permittee shall construct and operate the secondary containment systems for each cell in the Drum Handling Unit, including the LDRSs and LCRSs, and the secondary containment system, including the LDRS, for the Roll-Off Container Storage Unit, as specified at Permit Attachments A, Sections 2.2.1.1, *Containment and Detection of Releases [Drums]*, and 2.2.2.1, *Containment and Detection of Releases [Roll-Off Containers]*; L, Sections 5.0 and 7.0; L1, Drawings Nos. 39 and 43; and L2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.175).

1.2.3 Berms

The Permittee shall construct and maintain the earthen berms surrounding the Truck Roll-Off Storage Area so that there are no cracks or gaps that could adversely impact the integrity of the secondary containment system, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.175). The Permittee shall construct the perimeter berm so that the berm is from 2 to 10 feet high and slopes at 3H:1V to the floor of the Roll-Off Storage Area, as specified at Permit Attachments L, Sections 5.1.1, *General*, and 5.1.2, *Truck Roll-Off Area Layout*; and L1, Drawing No. 41. The Permittee shall construct this berm and the separator berm between the two storage cells as shown at Permit Attachment L1, Drawing No. 41 (1 and 2 of 2), and using the appropriate construction specifications contained at Permit Attachment L2.

1.3 GENERAL OPERATING REQUIREMENTS FOR CONTAINERS

The Permittee shall manage containers as specified at Permit Attachment A, Section 2.2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart I).

1.3.1 DOT Requirements

The Permittee shall use only containers that comply with the requirements for DOT shipping container regulations, 49 CFR Part 173, *Shippers - General Requirements for Shipment and Packaging*, and 49 CFR Part 178, *Specifications for Packagings*, for container storage of hazardous waste.

1.3.2 Acceptable Storage Containers

The Permittee is prohibited from storing hazardous waste in any container other than the following, as specified at Permit Attachment A, Section 2.2.8, *Types of Containers*.

1.3.2.a Drums

The Permittee shall use standard 55-gallon drums with a gross internal volume of 7.3 cubic feet, 35-gallon (4.64 cubic feet) drums, or 10-gallon (1.23 cubic feet) drums. Overpack drums may be used as necessary.

1.3.2.b Roll-Off Boxes

The Permittee shall use only 40 cubic yards or similar roll-off boxes.

1.3.3 Condition of Containers

The Permittee shall manage containers as specified at Permit Attachment A, Section 2.2.10, *Condition of Containers*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.171). If a container holding hazardous waste is not in good condition (e.g., has severe rusting or apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such a container to a container that is in good condition.

1.3.4 Compatibility of Wastes with Containers

The Permittee shall use containers made of, or lined with, materials that shall not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain waste is not impaired, as specified at Permit Attachment A, Section 2.2.11*, Compatibility with the Container*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.172).

1.3.5 Management of Containers

The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste. The Permittee shall not open, handle, or store containers in a manner that may rupture the container or cause it to leak, as specified at Permit Attachment A, Section 2.2.10; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.173).

1.3.6 Placement of Containers

1.3.6.a Drum Handling Facility

The Permittee shall store containers in the Drum Storage Unit in four rows, no more than two drums deep, as specified at Permit Attachments L, Section 7.1.2, *Facility Layout*; and L1, Drawing No. 37.

1.3.6.b Placement Limitations

The Permittee shall ensure that containers are not placed in the Roll-Off Container Storage Area within the limits potentially inundated by the 25-year, 24-hour storm event, or within four feet of the edge of the berm, as specified at Permit Attachment A, Section 2.2.2; and as shown at Permit Attachment L1, Drawing No. 41.

The Permittee shall remove any accumulated water from the Roll-Off Container Storage Area after each rainfall event, as specified at Permit Attachment L, Section 5.1.1.

1.3.7 Minimum Aisle Space

The Permittee shall maintain a minimum 2.5-foot aisle space between the double rows of drums in the Drum Handling Building such that each drum can be visually inspected. Drums shall be stored in single rows if they are placed against a wall or other barrier that prohibits inspection from all sides. The Permittee shall place roll-off containers four feet apart and four feet from the edge of the berm, as specified at Permit Attachment A, Section 2.2.13, *Aisle Space*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.35).

1.3.8 Labeling of Containers

The Permittee shall label each storage container with a hazardous waste label identifying the contents, as specified at Permit Attachment A, Section 2.2.9, *Labels*. The label shall be clearly marked to indicate the date of receipt or accumulation. The label shall not be obscured from view during storage.

1.3.9 Cell Identification

The permitted Facility storage cells shall be clearly identified. At a minimum, storage cell information signs shall be posted to be clearly visible on the storage cells, indicating "RCRA PERMIT CELL X". The Permittee shall ensure that drum storage cells and roll-off containers holding ignitable, reactive, or incompatible wastes, or PCB-contaminated wastes, are clearly identified.

1.3.10 Storage Time Limit

The Permittee shall not store wastes restricted from land disposal in containers for longer than one year unless the Permittee can demonstrate that such storage is solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper treatment or disposal, as specified at Permit Attachment A, Section 2.1.3, *Waste Staging/Storage*; and as required by 20.4.1.800 NMAC (incorporating 40 CFR 268.50(c)).

1.3.11 PCB-Contaminated Wastes

Drums holding wastes contaminated with PCBs shall be stored only in the two cells in the Drum Handling Building designated for that purpose, as specified at Permit Attachment A, Section 2.2.1.3; and as identified at Permit Attachment L1, Drawing No. 37.

1.3.12 40 CFR 264, Subpart CC

1.3.12.a Repair - Containers Using Container Level 1 Standards

If a defect is detected in a container using Container Level 1 standards in accordance with Permit Condition 3.11.2.c, then the Permittee shall repair the defect as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(4)(iii)).

1.3.12.b Repair - Containers Using Container Level 2 Standards

If a defect is detected in a container that is being managed using Container Level 2 standards in accordance with Permit Condition 3.11.2.d, then the Permittee shall repair the defect as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(d)(4)(iii)).

1.4 WASTE ANALYSIS – COMPLIANCE WITH 40 CFR 264, SUBPARTS BB AND CC DETERMINATION

The Permittee shall comply with the requirements of Permit Conditions 2.5 (*Waste Analysis Plan*), 2.15.1.b *(Waste Determination)*, 2.15.2.b *(Initial Waste Determination)*, and 2.15.2.c (*Waste Determination After Process Change)* for each waste stream in each container. This determination may include documentation that the waste is exempt from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subparts BB and CC), as provided at 20.4.1.500 (incorporating 40 CFR 264.1063(d) and 264.1082(c)). When waste testing for average volatile organic concentration has not been performed or has not been completed, the Permittee shall manage the container in accordance with Permit Condition 3.11 until the waste average volatile organic concentration is determined.

1.5 MANAGEMENT OF LEAKS OR SPILLS

Upon detection of a spill or release at the Container Storage Units to either the surface environment or a leak detection

system, the Permittee shall respond as specified at Permit Attachment C, *Contingency Plan*, Section 6.3.5.2, *Spills, Leaks, or Other Releases Control Procedure*, and shall make a determination in accordance with Permit Attachment F, *Waste Analysis Plan*, Sections 4.6, *Sampling Plan*, and 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*, to identify the nature and concentration of all waste constituents. The Permittee shall select an appropriate method of treatment and/or disposal, and shall initiate procedures for removal in a timely manner, as specified at Permit Attachment A, Sections 2.2.1.1 and 2.2.2.1.

1.6 INSPECTION SCHEDULES AND PROCEDURES

1.6.1 Inspection Procedures

The Permittee shall inspect the Container Storage Units and loading dock area to ascertain the condition of containers and secondary containment, safety equipment, and aisle space at least weekly, as specified at Permit Attachments D, *Inspection Procedures*, Section 5.2.4, *Container Storage Area Inspection Procedures*; and D1, *Inspection Schedules and Checklists*; to detect leaking containers and deterioration of the containment system caused by corrosion and other factors, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.174).

1.6.2 LDRS/LCRS at the Drum Handling Unit

The Permittee shall inspect the LDRS and LCRS sumps at the Drum Handling Unit at least weekly for the presence of liquid, and shall otherwise manage any liquids present in the sumps, as specified at Permit Attachments A, Section 2.2.1.1; D, Section 5.2.4; and D1. Pumpable quantities of liquid shall be removed by vacuum truck in a timely manner.

1.6.3 LDRS at the Roll-Off Container Storage Unit

The Permittee shall inspect the LDRS sumps at the Roll-Off Container Storage Unit at least weekly for the presence of liquid, and shall otherwise manage any liquids present in the sumps as specified at Permit Attachments A, Section 2.2.2.1; D, Section 5.2.4; and D1. Pumpable quantities of liquid shall be removed in a timely manner.

1.6.4 Inspection for Compliance with 40 CFR 264, Subpart CC

1.6.4.a Inspection for Containers Using Container Level 1 Standards

The Permittee shall inspect containers that use Container Level 1 controls, and their covers and closure devices, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(4)(i) and (c)(4)(ii). Inspection shall be at first acceptance of containers if the container is not emptied within 24 hours of acceptance. Inspection shall include determination of the existence of any visible cracks, holes, gaps, or other open spaces. Defects shall be repaired by the Permittee in accordance with the requirements of Permit Condition 3.3.12.a.

1.6.4.b Inspection for Containers Using Container Level 2 Standards

The Permittee shall inspect containers that use Container Level 2 controls, and their covers and control devices, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(d)(4)(i) and (d)(4)(ii)). Inspection shall be at first acceptance of containers if the container is not emptied within 24 hours of acceptance. Inspection shall include determination of the existence of any visible cracks, holes, gaps, or other open spaces. Defects shall be repaired by the Permittee in accordance with the requirements of Permit Condition 3.3.12.b.

1.7 RECORDKEEPING AND REPORTING

1.7.1 Recordkeeping

1.7.1.a General Recordkeeping Requirements

The Permittee shall keep inspection records, container storage waste analyses and other documentation pertaining to compliance, and records of maintenance performed, in the Operating Record, as specified at Permit Attachment N, *Operations and Maintenance Plan*, Section 3.8.1, *Records*; and in accordance with Permit Condition 2.7.3.

1.7.1.b Ignitable, Reactive, or Incompatible Wastes

The Permittee shall document and place in the Operating Record evidence of compliance with the requirements for ignitable, reactive, or incompatible wastes contained at Permit Conditions 3.8 and 3.9, including the results of all waste analyses, trial

tests, and any other documentation showing compliance, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(c) and 264.73(b)(3)).

1.7.1.c 40 CFR 264, Subparts BB and CC Exemptions

The Permittee shall maintain in a log kept at the Facility all the information necessary to determine exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subparts BB and CC), in accordance with Permit Conditions 2.12.1.f and 2.12.1.g.

1.7.1.d 40 CFR 264, Subpart CC Compliance

For containers that fall under Container Level 1 standards in accordance with Permit Condition 3.11.2.c.ii that do not meet the applicable DOT regulations on packaging hazardous materials for transportation specified at 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(f)), the Permittee shall maintain at the Facility a copy of the procedures used to determine that these containers are not managing hazardous waste in light material service, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(5).

1.7.1.e 40 CFR 264, Subpart CC

The Permittee shall prepare and maintain in the Operating Record for a minimum of three years the information used for each waste determination required at Permit Condition 2.12.1.g (e.g., test results, measurements, calculations, and other documentation), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(a), (f)(1), and/or (h)).

1.7.2 Reporting

1.7.2.a 40 CFR 264, Subpart CC Noncompliance

The Permittee shall report to the Secretary each occurrence when hazardous waste is stored in a storage area in noncompliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), in accordance with Permit Condition 2.12.2.d.

1.8 SPECIAL PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

1.8.1 Procedures for Ignitable or Reactive Waste

The Permittee shall not store ignitable or reactive waste in a container unless the procedures specified at Permit

Attachments A, Section 2.2.5, *Ignitable/Reactive Wastes*; and B, *Procedures to Prevent Hazards*, Section 5.5, *Precautions to Prevent Ignition or Reaction of Ignitable, Reactive, or Incompatible Wastes*; are followed, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(a) and (b)).

1.8.2 Protective Distances

Ignitable or reactive waste in drums stored in the Drum Handling Unit shall be stored only in a cell clearly marked for ignitable or reactive waste. Containers holding ignitable or reactive waste shall not be located within 50 feet of the Facility's property line, as specified at Permit Attachment A, Section 2.2.5, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.176).

1.9 SPECIAL PROVISIONS FOR INCOMPATIBLE WASTE

1.9.1 Separation of Incompatible Wastes

The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same container, as specified at Permit Attachment B, Section 5.5.3, *Incompatible Waste Handling*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.177(a)).

1.9.2 Unwashed Containers

The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material, as specified at Permit Attachment A, Section 2.2.11; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.177(b)).

1.9.3 Segregation of Containers with Incompatible Wastes

Hazardous waste containers in Container Storage Areas shall be segregated by waste type and compatibility, as specified at Permit Attachment B, Section 5.5.3; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.177(c)).

1.10 HEALTH AND SAFETY

The Permittee shall ensure that supplied air respirator systems are available for use as necessary for Facility personnel involved with drum sampling and decanting activities at the Drum

Handling Unit, as specified at Permit Attachment L, Section 7.1.2.

1.11 40 CFR 264, SUBPARTS BB AND CC

1.11.1 Wastes Containing Concentrations of Organic Compounds Greater than Ten Percent by Weight

The Permittee shall not manage in any equipment such as pumps, compressors, pressure relief devices, sampling equipment, connecting systems, and valves, any hazardous waste with organic concentrations equal to or greater than ten percent by weight, as specified at Permit Attachment G, *Air Quality*, Section 11.2, *40 CFR 264 Subpart BB - Air Emission Standards for Equipment Leaks*; and in accordance with Permit Condition 2.4.2.a.

1.11.2 40 CFR 264, Subpart CC

1.11.2.a Compliance

The Permittee shall manage containers containing hazardous wastes with an average volatile organic concentration at the point of waste origination equal to or greater than 500 ppmw, or with an unknown or undocumented concentration, as required by 4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC).

1.11.2.b Exemptions

1.11.2.b.i Volatile Organic Concentration

Containers containing hazardous waste with an average volatile organic concentration at the point of waste origination of less than 500 ppmw are exempt from compliance with the standards set forth in 20.4.1.500 NMAC (incorporating 40 CFR 264.1084 through 1087), in accordance with 4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)). Hazardous wastes with unknown or undocumented average volatile organic concentration at the point of waste origination are not exempt from compliance under these requirements.

1.11.2.b.ii Compliance with LDR Treatment Standards

Containers containing any of the following waste are exempt from compliance with 4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), in accordance with 4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(4)):

- organic waste that meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified under the Table “Treatment Standards for Hazardous Wastes” contained in 4.1.800 NMAC (incorporating 40 CFR 268.40);

- organic waste that has been treated by the treatment technology established for the waste in 4.1.800 NMAC (incorporating 40 CFR 268.42(a); or

- organic waste that has been treated by an equivalent method approved by the Secretary.

1.11.2.b.iii Design Capacity

Containers that have a design capacity less than or equal to 0.1 cubic meter (approximately 26 gallons) are exempt from compliance with 4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), as set forth in 4.1.500 NMAC (incorporating 40 CFR 264.1080(a) and (b)(2)).

1.11.2.c Container Level 1 standards

1.11.2.c.i Design Capacity Less than or Equal to 0.46 Cubic Meter

Containers having a design capacity greater than 0.1 cubic meter and less than or equal to 0.46 cubic meter (approximately 120 gallons) and containing waste with either undocumented volatile organic concentrations or having a measured average volatile organic concentration at the point of waste origination of equal to or greater than 500 ppmw shall be managed in accordance with the Container Level 1 standards specified at 4.1.500 NMAC (incorporating 40 CFR 264.1086(c)); and as required by 4.1.500 NMAC (incorporating 40 CFR 264.1086(b)(1)(i)).

1.11.2.c.ii Design Capacity Greater than 0.46 Cubic Meter

Containers having a design capacity greater than 0.46 cubic meter that are not in light material service and that contain waste with an average volatile organic concentration at the point of waste origination equal to or greater than 500 ppmw shall be managed in accordance with the Container Level 1 standards specified at 4.1.500 NMAC (incorporating 40 CFR 264.1086(c)); and as required by 4.1.500 NMAC (incorporating 40 CFR 264.1086(b)(1)(ii)).

1.11.2.d 40 CFR Part 264, Subpart CC Level 2 Standards

Containers having a design capacity greater than 0.46 cubic meter that are in light material service and that contain waste with an average volatile organic concentration at the point of waste origination equal to or greater than 500 ppmw shall be managed in accordance with the Container Level 2 standards specified at 4.1.500 NMAC (incorporating 40 CFR 264.1086(d)); and as required by 4.1.500 NMAC (incorporating 40 CFR 264.1086(b)(1)(iii)). Containers having a design capacity greater than 0.46 cubic meter that contain waste for which the condition of light material service is unknown or undocumented shall be managed by the Permittee as though the waste were in light material service, until analysis of the waste demonstrates otherwise.

1.12 CLOSURE

The Permittee shall conduct closure activities for the Drum Handling Unit and/or the Roll-Off Container Storage Unit as specified at Permit Attachment O, *Closure Plan*, Sections 8.1.1, *Drum Handling Unit*, and 8.1.5, *Roll-Off Storage Area*, and other pertinent sections; and in accordance with Permit Part 8; and as required by 20.4.1.500 NMAC, (incorporating 40 CFR 264.178). The Permittee shall follow the time frame for closure specified at Permit Attachment O1, *Compliance Schedules for Closure.*

TABLE 3-1

PERMITTED DRUM STORAGE UNIT

CELL	DIMENSIONS	MAXIMUM ALLOWABLE CAPACITY
Cell 1; secondary containment; sump; Drum Handling Building; loading dock area	52 feet by 63 feet	160 55-gallon drums or equivalent (8,800 gallons)
Cell 2; secondary containment; sump	52 feet by 63 feet	160 55-gallon drums or equivalent (8,800 gallons)
Cell 3; secondary containment; sump	52 feet by 63 feet	160 55-gallon drums or equivalent (8,800 gallons)
Cell 4; secondary containment; sump	52 feet by 63 feet	160 55-gallon drums or equivalent (8,800 gallon)
Cell 5; secondary containment; sump	52 feet by 63 feet	160 55-gallon drums or equivalent (8,800 gallon)
Cell 6; secondary containment; sump	52 feet by 63 feet	160 55-gallon drums or equivalent (8,800 gallon)
Cell 7; secondary containment; sump	52 feet by 63 feet	160 55-gallon drums or equivalent (8,800 gallon)
TOTAL		**1,120 55-gallon drums or equivalent (61,600 gallons)**

TABLE 3-2

PERMITTED ROLL-OFF CONTAINER STORAGE UNIT

CELL	DIMENSIONS	MAXIMUM ALLOWABLE CAPACITY
Incoming Waste Cell; secondary containment; sump, cell base; berms	180 feet by 310 feet (inside dimensions)	66 40-cubic yard roll-off containers or roll-off container equivalent
Stabilized Waste Cell; secondary containment; sump; cell base	180 feet by 310 feet (inside dimensions)	66 40-cubic yard roll-off containers or roll-off container equivalent
TOTAL		**132 40-cubic yard roll-off containers or roll-off container equivalents**

PERMIT PART 4

HAZARDOUS WASTE STORAGE AND TREATMENT IN TANKS

HIGHLIGHTS

This Part contains conditions for storage and treatment of hazardous waste in tanks at the Triassic Park Waste Disposal Facility (the Facility). Permitted waste that can be stored or treated in tanks is identified at Permit Condition 2.4.1 and Table 2-1, *Permitted Waste*. Waste that is prohibited is identified at Permit Condition 2.4.2.

Hazardous waste at the Facility is stored in tanks located in the Liquid Waste Receiving and Storage Tank Area. Hazardous waste is treated in tanks located in the Stabilization Tank Building. The location of these units within the Facility is provided at Permit Attachment L1, *Engineering Drawings*, Drawing No. 4, *Facility Layout*.

Tank storage consists of four aboveground tanks. Only liquids are stored in tanks. Each of the four tanks is double-walled and constructed of high-density polyethylene materials. The outer wall provides secondary containment for the tank. Each outer tank has sufficient capacity to contain 100 percent of the contents of the inner tank in the event of tank failure. The Liquid Waste Tank Storage Area has a coated concrete pad beneath the tanks and has no roof or walls. The concrete floor for each tank slopes to a collection sump. Spill prevention is maintained by hard-plumbed piping, dry disconnect coupling, and/or overfill prevention controls. Storage in tanks is discussed at Permit Attachment A, *General Facility Description and Information*, Section 2.3, *Storage in Tanks*.

Liquids are transferred directly from off-site tanker trucks, or from the Drum Handling Unit or the Roll-Off Container Storage Area (Incoming Waste Cell), to the Storage Tanks. Liquids are transferred by transfer truck from the Liquid Waste Storage Tanks to a Stabilization Tank or the Surface Impoundment for treatment.

The Stabilization Area consists of a building containing four in-ground double-lined steel Stabilization Tanks and a control room. The tanks are double-walled steel tanks contained in a concrete vault for additional support. The outer wall of the vault provides additional containment for the tanks. Corrosion

protection consists of cathodic grounding of the tanks. Outside the building are two dry reagent silos, a water tank, and exhaust air bag house. Air particulates are removed and collected into the bag house prior to venting air emissions from the building. Treatment in tanks is discussed at Permit Attachment A, Section 2.4, *Stabilization*.

Treatment consists of solidification of the waste by mixing with dry or liquid reagents. Wastes are tested prior to stabilization in the tanks to determine the appropriate reagent and compatibility with the tanks. Reagent is added to the tank by a backhoe. Bulk liquids, sludges, and solids that do not meet Land Disposal Restriction (LDR) standards, as well as solids that may contain free liquids, are treated.

Hazardous waste is off-loaded directly from off-site transport trucks, or from trucks coming from the Container Storage Areas or Liquid Waste Storage Tanks, into the Stabilization Tanks. After stabilization, the waste is transferred to a roll-off container and either stored in the Roll-Off Container Storage Area (Stabilized Waste Cell) to cure or transferred directly to the Landfill.

In order to maintain exemption for the Liquid Waste Storage Tanks and Stabilization Tanks from compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart BB), as specified at Permit Attachment G, *Air Quality*, Section 11.2, *40 CFR 264 Subpart BB - Air Emission Standards for Equipment Leaks*, no hazardous waste with an organic concentration equal to or greater than ten percent by weight is permitted to be placed in the Liquid Waste Storage Tanks or Stabilization Tanks.

In order to maintain exemption for the Liquid Waste Storage Tanks and Stabilization Tanks from compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), as specified at Permit Attachment G, Section 11.3, *40 CFR Subpart CC - Air Emissions Standards for Tanks, Surface Impoundments and Containers*, no hazardous waste that has an average volatile concentration at the point of waste origination equal to or greater than 500 parts per million by weight (ppmw) is permitted to be placed in the Liquid Waste Storage Tanks or Stabilization Tanks.

1.1 GENERAL REQUIREMENTS FOR TANKS

1.1.1 Permitted Storage in Tanks

The Permittee shall store liquid hazardous wastes in tanks only in the four Liquid Waste Storage Tanks identified at Table 4-1, *Permitted Liquid Waste Storage Tanks*, as specified at Permit Attachment A, Section 2.3. The volume of liquid hazardous waste stored in each tank is limited to the capacity identified at Table 4-1, as specified at Permit Attachment A, Section 2.3.

Each Liquid Waste Storage Tank is one permitted unit, as identified at Table 4-1.

1.1.2 Permitted Treatment in Tanks

The Permittee shall treat hazardous waste in tanks only in the four Stabilization Tanks, identified at Table 4-2, *Permitted Treatment Tanks*, as specified at Permit Attachment A, Section 2.4. Quantities of hazardous waste treated in each bin are limited to the maximum capacities identified at Table 4-2, as further specified at Permit Attachment A, Section 2.4.

Each Stabilization Tank is one permitted unit, as identified at Table 4-2.

1.1.3 Permitted Wastes in Tanks

The Permittee shall store or treat in tanks only those wastes identified at Permit Condition 2.4.1, subject to the prohibitions contained at Permit Condition 4.1.4.

1.1.4 Prohibited Wastes in Tanks

1.1.4.a General Waste Prohibition

The Permittee is prohibited from storing or treating in tanks those wastes identified at Permit Condition 2.4.2 and Permit Attachment F, *Waste Analysis Plan*, Section 4.1.2, *Prohibited Waste*.

1.1.4.b Wastes Containing Concentrations of Organic Compounds Greater than Ten Percent by Weight (40 CFR 264, Subpart BB)

The Permittee shall not manage in any equipment, tanks, or piping any hazardous waste with organic concentrations equal to

or greater than ten percent by weight, pursuant to 4.1.500 NMAC (incorporating 40 CFR 264.1050(b)).

1.1.4.c Wastes Containing Concentrations of Volatile Organic Compounds Greater than 500 ppmw (40 CFR 264, Subpart CC)

The Permittee shall not manage in tanks hazardous wastes which have an average volatile organic concentration at the point of waste origination equal to or greater than 500 ppmw or with an unknown or undocumented concentration, as required by 4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)), unless the waste is one of the following, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(4)):

- organic waste that meets the numeric concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified at the Table contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.40);

- organic waste that has been treated by the treatment technology established for the waste at 20. 4.1.800 NMAC (incorporating 40 CFR 268.42(a)); or

- organic waste that has been treated by an equivalent method approved by the Secretary pursuant to a Permit modification.

1.2 TANK CONSTRUCTION REQUIREMENTS

1.2.1 Requirements for Storage Tanks

The Permittee shall construct the Liquid Waste Storage Tanks, concrete pad, ancillary equipment, and receiving area, as specified at Permit Attachments A, Section 2.3.1, *Containment and Detection of Releases*; L, *Engineering Report*, Section 8.0, *Liquid Waste Storage Facility*; L1, Drawing No. 40; and L2, *Specifications for Landfill, Surface Impoundment and Associated Facilities Liner and Cover System Construction*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.192). The Permittee shall ensure that the tanks meet the design standards contained at Permit Attachment L3, *Tank Integrity Assessment Certification*, submitted by the Permittee as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.192).

1.2.2 Requirements for Treatment Tanks

The Permittee shall construct the Stabilization Tanks, ancillary equipment, vault, receiving area, and Stabilization Building as specified at Permit Attachments A, Section 2.4.1, *Contaminant and Detection of Releases*; L, Section 6.0, *Stabilization Facility*; L1, Drawings Nos. 33 through 36; and L2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.192). The Permittee shall ensure that the tanks meet the design standards contained at Permit Attachment L3, submitted by the Permittee as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.192).

1.2.3 Secondary Containment for Storage Tanks

The Permittee shall construct and operate the secondary containment system for the Liquid Waste Storage Tanks as specified at Permit Attachments A, Section 2.3.1; L, Section 8.0; and L1, Drawing No. 40; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.193(b) through (f)).

1.2.4 Secondary Containment for Treatment Tanks

The Permittee shall construct and operate the secondary containment systems for the Stabilization Tanks as specified at Permit Attachments A, Section 2.4.1; L, Section 6.0; and L1, Drawings Nos. 33 through 36; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.193(b) through (f)).

1.2.5 Ancillary Equipment

The Permittee shall construct secondary containment for ancillary equipment as specified at Permit Attachments A, Sections 2.3.1, 2.4.1, 2.3.9, *Ancillary Equipment [Liquid Waste Storage Tanks]*, and 2.4.9, *Ancillary Equipment [Stabilization Tanks]*; L, Sections 6.0 and 8.0; and L1, Drawings Nos. 33 through 40; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.193(f)).

1.2.6 Required Certification

The Permittee shall install the Liquid Waste Storage Tank and the Stabilization Tank systems in such a manner as to insure that the systems are not damaged during installation. Prior to placing the tank systems in use, the tank systems shall be inspected and certified by an independent installation inspector or an independent professional engineer registered in New Mexico with the qualifications set forth at 20.4.1.500 NMAC (incorporating 40 CFR 264.192 (b)). The certification shall

state that the tank systems were properly designed and installed as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.192(b) and 264.193(d)); as specified at Permit Attachment A, Sections 2.3.10, *Installation and Tightness Testing [Liquid Waste Storage Tanks]*, and 2.4.10, *Installation Inspection and Tightness Testing [Stabilization Tanks]*; and as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.11(d)).

The Permittee shall keep this certification on file at the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.192(g)).

1.2.7 As-Built Specifications

The Permittee shall submit to the Secretary as-built specifications for the tank systems in accordance with Permit Conditions 1.5.9.c and 1.10.

1.3 GENERAL OPERATING REQUIREMENTS FOR TANKS

1.3.1 Compatibility with Tanks

The Permittee shall not place hazardous wastes or treatment reagents in a tank system if they could cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail, as specified at Permit Attachment A, Section 2.3.2, *Management of Incompatible Wastes [Liquid Waste Storage Tanks]*, and 2.4.2, *Management of Incompatible Wastes [Stabilization Tanks]*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.194(a) and 264.199).

1.3.2 Spill and Overflow Prevention

The Permittee shall use appropriate controls and practices to prevent spills and overflows from tanks or containment systems as specified at Permit Attachment A, Sections 2.3.3, *Spill and Overflow Prevention [Liquid Waste Storage Tanks]*, and 2.4.3, *Spill and Overflow Prevention [Stabilization Tanks]*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.194(b)).

1.3.3 Storage Time Limit

The Permittee shall not store waste in a tank for longer than one year unless the Permittee can demonstrate that such storage is solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper treatment or disposal; as required by 20.4.1.800 NMAC (incorporating 40 CFR 268.50(b) and 268.50(c)).

1.3.4 Necessary Treatment in Tanks

The Permittee shall stabilize all bulk liquids, semi-solids, sludges, solids that may contain free liquids, and solids that do not meet the LDR treatment standards contained at 20.4.1.800 NMAC (incorporating 40 CFR, Part 268), prior to their disposal in the Landfill.

1.4 WASTE ANALYSIS

1.4.1 Waste Characterization

The Permittee shall characterize waste entering and leaving hazardous waste storage and treatment tanks as specified at Permit Attachment F, *Waste Analysis Plan*, Sections 4.4, *Procedures for Incoming Waste Acceptance*, 4.5.5.2, *Waste Analysis Requirements Specific to Storage Units*, and 4.5.5.4, *Waste Analysis Requirements Specific to the Stabilization Tanks*, to ensure that the waste management requirements specified at Permit Attachment F, Section 4.2, *Criteria for Waste Management at the Facility*, are met.

1.4.2 Waste Analysis to Determine 40 CFR 264, Subpart BB Exemption

The Permittee shall make a determination of compliance with Permit Condition 4.1.4.b in accordance with the test methods specified at Permit Condition 2.15.1.b; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1063(d)).

1.4.3 Waste Analysis to Determine 40 CFR 264, Subpart CC Exemption

The Permittee shall make determinations of compliance with Permit Condition 4.1.4.c in accordance with Permit Conditions 2.15.2.b and 2.15.2.c, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(a)).

1.5 MANAGEMENT OF LEAKS OR SPILLS

1.5.1 Removal of Tank System from Use

In the event of a release or spill from a tank system or surrounding area, or if a system becomes unfit for further use, the Permittee shall remove the system from service immediately and complete the actions required at Permit Conditions 4.5.1.a through 4.5.1.c, as specified at Permit Attachments A, Sections

2.3.1, 2.4.1, 2.3.11, *Repair and Certification of Tank Systems [Liquid Waste Storage Tanks]*, and 2.4.11, *Repair and Certification of Tank Systems [Stabilization Tanks]*; and C, *Contingency Plan*, Section 6.3.5.2, *Spills, Leaks, or Other Releases Control Procedure*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196).

1.5.1.a Management of Hazardous Waste

In the event of a release or spill from a tank system, the Permittee shall immediately stop the flow of hazardous waste into the tank system and inspect the system to determine the cause of the release, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196).

1.5.1.b Containment of Visible Releases

In the event of a release or spill from a tank system, the Permittee shall immediately conduct a visual inspection of all releases to the environment, and, based on that inspection, shall (1) prevent further migration of the leak or spill, and (2) remove and properly dispose of any visible contamination from the system within 24 hours of detection to prevent further release and to allow inspection and repairs of the system, as specified at Permit Attachment A, Sections 2.3.11 and 2.4.11. If the Permittee finds that it is not possible to meet this time period, the Permittee shall notify the Secretary and demonstrate that a longer time period is required to select an appropriate method of treatment and/or disposal, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(c)).

1.5.1.c Spill or Release Waste Analysis

Upon detection of a spill or release at the Liquid Waste Storage Tank Area or the Stabilization Building, the Permittee shall conduct a waste analysis as specified at Permit Attachment F, Section 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*, to determine the nature and concentration of any waste constituents.

1.5.2 Conditions in Lieu of Closure

In the event of a spill or release, the Permittee shall close the tank system as specified at Permit Attachment O, *Closure Plan*, unless the appropriate steps required at Permit Condition 4.5.2.a through 4.5.2.d are taken.

1.5.2.a Integrity of System

For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(e)(2)).

1.5.2.b Release from Primary Tank System

For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service, as specified at Permit Attachment A, Sections 2.3.11 and 2.4.11; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(e)(3)).

1.5.2.c Secondary Containment Requirement

For a release to the environment caused by a leak from a component of the tank system that is not fitted with secondary containment, the Permittee shall provide secondary containment for the component that meets the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.193) before the component can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired to satisfy the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.192 and 193) and may be returned to service without secondary containment as long as the repair is certified and the certification submitted to the Secretary as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(f)). If a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection, the entire component must be provided with secondary containment in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.193). [20.4.1.500 NMAC incorporating 40 CFR 264.196(e)(4))]

1.5.3 Certification

For all major repairs to eliminate leaks or restore the integrity of the tank system (e.g., installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment vault), the Permittee shall, before returning the system to service, obtain a certification by an independent professional engineer registered in New Mexico that

the repaired system is capable of handling hazardous wastes without release for the intended life of the system, as specified at Permit Attachment A, Section 2.4.11; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(f)).

1.6 INSPECTION SCHEDULES AND PROCEDURES

1.6.1 Inspection Procedures

The Permittee shall inspect the tank systems (including secondary containment and LDRSs), overfill controls, as specified at Permit Attachment A, Section 2.3.6, *Inspections*, Permit Attachment A, Section 2.4.6, *Inspections*; Permit Attachment D, *Inspection Procedures*, Section 5.2, *Inspection Procedures*; and using the appropriate inspection schedules and checklists contained at Permit Attachment D1, *Inspection Schedules and Checklists*. The inspection shall include, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.195(b)):

- Above ground portions of the tank system, to detect corrosion or releases of waste;
- data gathered from monitoring and leak detection equipment (e.g., level indicators or pressure or temperature gauges), to ensure that the tank system is being operated according to its design; and
- construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the dikes, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(a)).

1.6.2 Overfill Controls

The Permittee shall inspect the overfill controls identified at Permit Attachment A, Sections 2.3.3 and 2.4.3, daily, in accordance with Permit Condition 4.6.1; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.195(b)).

1.6.3 Cathodic Protection Systems

As required by 20.4.1.500 NMAC (incorporating 40 CFR 264.195(c)), the Permittee shall inspect the cathodic protection

systems for the Stabilization Tanks in accordance with the following schedule:

- The proper operation of the cathodic protection system shall be confirmed within six months from initial installation and annually thereafter.

- All sources of impressed current shall be inspected and/or tested, as appropriate, every other month.

1.6.4 Tank Integrity

At least once a month, the Permittee shall inspect the Stabilization Tanks when empty to ensure the integrity of the tanks and welds, and shall annually conduct a sonic test on the Stabilization Tanks to ensure that the thickness of the inner tank and outer shell is maintained, as specified at Permit Attachments A, Section 2.4.6; and N, *Operations and Maintenance Plan*, Section 3.7.4, *Inspection and Monitoring*.

1.6.5 Ancillary Equipment Integrity

The Permittee shall conduct a leak test or other integrity assessment of all tank system ancillary equipment annually, as required by 40.4.1.500 NMAC (incorporating 40 CFR 264.193(i)(3)).

1.7 RECORDKEEPING AND REPORTING

1.7.1 Recordkeeping

1.7.1.a Inspection Records

The Permittee shall record inspections in an inspection log or summary, and shall keep these records in the Operating Record, as specified at Permit Attachment N, Section 3.8.1, *Records*; and as required by Permit Condition 2.7.3 and 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d) and 264.195(d)).

1.7.1.b Ignitable, Reactive, or Incompatible Wastes

The Permittee shall document and place in the Operating Record the evidence of compliance with the requirements for ignitable, reactive, and incompatible waste contained at Permit Condition 4.8.1 and 4.9.1, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(c) and 264.73(b)(3), using data from trial tests,

waste analyses, and/or the results of the treatment of similar wastes by similar treatment processes.

1.7.1.c 40 CFR 264, Subpart BB Records

The Permittee shall record in a log that is kept in the Operating Record the results of the determination of exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart BB), in accordance with Permit Condition 2.12.1.f; and other information required as set forth at 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(k) and/or (m)).

1.7.1.d 40 CFR 264, Subpart CC Records

The Permittee shall prepare and maintain in the Operating Record for a minimum of three years the information used for each waste determination of exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), in accordance with Permit Condition 2.12.1.g (e.g., test results, measurements, calculations, and other documentation); and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(a), (f)(1), and/or (h)).

1.7.2 Reporting

1.7.2.a Leak or Spill Reporting

1.7.2.a.i Oral Report

The Permittee shall report to the Secretary, within 24 hours of detection, any leak or spill of hazardous wastes that occurs from a tank treatment system or secondary containment system to the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(d)(1)).

A leak or spill of one pound or less of hazardous waste that is immediately contained and cleaned up need not be reported, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.196(d)(2)).

1.7.2.a.ii Written Report

Within 30 days of detecting a release to the environment from a tank storage system or tank secondary containment system required to be reported to the Secretary in accordance with Permit Condition 4.7.2.a.i, the Permittee shall submit a written

report to the Secretary. The report shall contain, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(d)(3)):

- the likely route of migration;
- as appropriate, characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate;
- results of any monitoring or sampling conducted in connection with the release. If the Permittee is unable to meet this time period, the Permittee shall provide the Secretary with a schedule of when the results will be available. This schedule shall be provided before the required 30-day submittal period expires;
- as appropriate, proximity of down gradient drinking water, surface water, and populated areas; and
- description of response actions planned or taken.

1.7.2.b 40 CFR 264, Subpart CC Noncompliance

The Permittee shall report to the Secretary each occurrence when the average volatile organic concentration of any hazardous waste placed in a tank is in noncompliance with the requirements of Permit Condition 4.1.4.c; as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1090(a)).

1.7.3 Certification

1.7.3.a Tank Installation Certification

The Permittee shall submit a copy of the tank installation certification required at Permit Condition 4.2.6 to the Secretary 30 days prior to the first receipt of waste at the Facility, in accordance with Permit Condition 1.10.

1.7.3.b Certification Reporting after Major Repairs

The Permittee shall submit to the Secretary, within seven days after returning a tank storage system to use, the certification of major repairs to correct leaks required at Permit Condition 4.5.3, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(f)).

1.8 SPECIAL PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

1.8.1 Procedures for Ignitable and Reactive Waste

The Permittee shall not place ignitable or reactive waste in a tank storage system unless the procedures specified at Permit Attachments A, Sections 2.3.5, *Management of Ignitable or Reactive Wastes [Liquid Waste Storage Tanks]*, and 2.4.5, *Management of Ignitable or Reactive Waste [Stabilization Tanks]*; and B, *Procedures to Prevent Hazards*, Section 5.5.1, *General Requirements*; are followed, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(b) and 264.198(a)).

1.8.2 Protective Distances

The Permittee shall comply with the requirements for the maintenance of protective distances between a tank and any adjoining property line that can be built upon, as specified at Permit Attachment A, and as required at Tables 2-1 through 2-6 of the National Fire Protection Association's *Flammable and Combustible Liquids Code* (latest edition); as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.198(b)).

1.9 SPECIAL PROVISIONS FOR INCOMPATIBLE WASTES

1.9.1 Separation of Incompatible Wastes

The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same tank system, nor allow incompatible wastes to commingle in the same secondary containment system, unless the compatibility of the new waste type with the prior contents of the tank has been determined by testing or process knowledge and documented in the Operating Record, as specified at Permit Attachments A, Sections 2.3.2, *Management of Incompatible Wastes [Liquid Waste Storage Tanks]*, and 2.4.2, *Management of Incompatible Wastes [Stabilization Tanks]*; B, Section 5.5.3, *Incompatible Waste Handling*; and F, Section 4.5.5.4, *Waste Analysis Requirements Specific to the Stabilization Tanks*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(b) and 264.199(a)).

1.9.2 Tank Decontamination

The Permittee shall not place hazardous waste in a tank system that previously held an incompatible waste or material and which has not been decontaminated, unless the requirements of

20.4.1.500 NMAC (incorporating 40 CFR 264.17(b)) are met, as specified at Permit Attachment A, Sections 2.3.2 and 2.4.2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.199(b)).

1.10 CLOSURE

At closure of the Liquid Waste Storage Area, the Stabilization Building or any individual tank system, the Permittee shall remove all hazardous waste and hazardous waste residues from the unit or area being closed and shall follow the procedures for clean closure contained at Permit Attachment O, *Closure Plan*, Sections 8.1.3, *Liquid Waste Receiving and Storage Unit*, and/or 8.1.4, *Stabilization Unit*, as appropriate; and in accordance with Permit Part 8, Sections 8.1.3, *Liquid Waste Storage Facility*, and 8.1.4, *Stabilization Treatment Unit*, and other pertinent sections; and shall otherwise comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.197).

The Permittee shall follow the time schedules for closure specified at Permit Attachment O1, *Compliance Schedules for Closure*.

TABLE 4-1

PERMITTED LIQUID WASTE STORAGE TANKS

UNIT	DIMENSIONS	MAXIMUM ALLOWABLE CAPACITY
Liquid Waste Storage Tank No. 1, including secondary containment; concrete pad and berm; sump; ancillary equipment; and receiving area	10 feet by 16 feet (diameter)	9,000 gallons
Liquid Waste Storage Tank No. 2, including secondary containment; concrete pad; sump; ancillary equipment	10 feet by 16 feet (diameter)	9,000 gallons
Liquid Waste Storage Tank No. 3, including secondary containment; concrete pad; sump; ancillary equipment	10 feet by 16 feet (diameter)	9,000 gallons
Liquid Waste Storage Tank No. 4, including secondary containment; concrete pad; sump; ancillary equipment	10 feet by 16 feet (diameter)	9,000 gallons
TOTAL		**36,000 gallons**

TABLE 4-2

PERMITTED TREATMENT TANKS

UNIT	DIMENSIONS	MAXIMUM ALLOWABLE CAPACITY
Stabilization Building; Stabilization Bin No. 1; ancillary equipment; vault; and receiving area	25 feet by 10 feet by 10 feet	2,500 cubic feet
Stabilization Bin No. 2; secondary containment; ancillary equipment	25 feet by 10 feet by 10 feet	2,500 cubic feet
Stabilization Bin No. 3; secondary containment; ancillary equipment	25 feet by 10 feet by 10 feet	2,500 cubic feet
Stabilization Bin No. 4; secondary containment; ancillary equipment	25 feet by 10 feet by 10 feet	2,500 cubic feet
TOTAL		**10,000 cubic feet**

PERMIT PART 5

TREATMENT IN THE SURFACE IMPOUNDMENT

HIGHLIGHTS

This Part contains conditions for treatment by evaporation of hazardous waste in the Surface Impoundment at the Triassic Park Waste Disposal Facility (the Facility). Evaporation is the only treatment method permitted in the Surface Impoundment (Pond 1). The location of the Surface Impoundment within the Facility is shown at Permit Attachment L1, *Engineering Drawings*, Drawing No. 4. Surface Impoundment operations are described at Permit Attachments A, *General Facility Description and Information*, Section 2.6.4, *Operation of the Evaporation Pond*; and L, *Engineering Report*, Section 4.0, *Evaporation Pond*.

The universe of permitted waste that can be treated in the Surface Impoundment is identified at Table 2-1, *Permitted Hazardous Wastes,* unless specifically excluded below. The Surface Impoundment may treat non-ignitable liquids and solids with polychlorinated biphenyl (PCB) concentrations of less than 50 parts per million (ppm); these wastes are not regulated under the Toxic Substances Control Act (TSCA). The Surface Impoundment may also treat, under certain conditions, bulk PCB-contaminated remediation waste. Waste that is specifically prohibited from treatment in the Surface Impoundment is identified at Permit Condition 5.1.3. Hazardous waste that does not meet Land Disposal Restrictions (LDR) treatment standards will not be placed in the Surface Impoundment. In addition, the Facility will not treat waste in the Surface Impoundment that would require compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subparts BB and CC).

This Permit authorizes only one Surface Impoundment (Pond 1), identified at Permit Attachment L1, Drawing No. 28, for treatment by evaporation. As shown in Table 5-1, Pond 1 is comprised of two cells, cells 1A and 1B, with a combined approximate capacity of 5.2 million gallons and an area of approximately 75,240 square feet. This Surface Impoundment is considered one permitted unit.

Two additional ponds may be constructed in the future to provide additional leachate storage and treatment capacity if demand for pond treatment capacity increases beyond that provided in the initial phase of construction. These two additional ponds are not authorized by this Permit.

The depth of cells 1A and 1B are approximately 12 feet maximum, with a bottom slope of approximately two percent toward a leakage collection sump located in the center of each cell. The two cells are separated by a dike (berm) and can be independently filled or drained. A transfer pump is located on the separator berm, and the contents of one cell can be transferred to the other cell if necessary in order to locate and repair a liner leak. Each cell is equipped with its own discharge station.

The Surface Impoundment receives waste from off-site generators, from on-site leachate collection systems, and from other activities at the Facility that may generate hazardous waste.

The Surface Impoundment liner system consists of a primary geomembrane liner above a geonet layer and a secondary geomembrane liner. A leak detection and removal system (LDRS) for detecting and removing leachate is located in the geonet layer between the two liners. One LDRS sump is located in the center of each cell. Leachate collected in the sump may be pumped to a tanker truck and returned to the Surface Impoundment, stored in a Liquid Waste Storage Tank, or transferred directly to the Stabilization Unit prior to disposal in the Landfill.

The vadose zone monitoring system (VZMS) for the Surface Impoundment consists of the following: Two vadose zone sumps, one for each cell, located below the secondary liner. The sumps contain pressure transducers to measure the presence and volume of fluids and pumping systems capable of removing any fluids. Two deep vadose zone monitoring wells shown at Permit Attachment I, *Vadose Zone Monitoring System Work Plan*, Figure No. 2, are located east of the Surface Impoundment. These wells monitor the accumulations of any escaped fluids down-gradient from the Surface Impoundment. A neutron probe access tube located northwest of the Surface Impoundment and three suction lysimeters located in association with the wells and probe holes. These technologies will monitor unsaturated flow.

The VZMS is described at Permit Part 7. Corrective Action requirements for leachate from the Surface Impoundment to the VZMS are contained at Permit Part 9.

1.1 GENERAL REQUIREMENTS FOR THE SURFACE IMPOUNDMENT

1.1.1 Permitted Treatment in the Surface Impoundment

The Permittee shall treat hazardous waste only by evaporation in the Surface Impoundment, as identified at Table 5-1, *Permitted Surface Impoundment*; and as specified at Permit Attachment A, Sections 2.6, *Treatment in Evaporation Pond*, and 2.6.3, *Nature of Waste*; and subject to the terms of this Permit Part. The volume of hazardous waste that may be treated is limited to the maximum capacity identified at Table 5-1; and as specified at Permit Attachment A, Section 2.6.1, *Design of Evaporation Pond*.

The Surface Impoundment, consisting of cells 1A and 1B, is one permitted unit.

1.1.2 Permitted Wastes in the Surface Impoundment

The Permittee shall treat only those hazardous wastes identified at Permit Condition 2.4.1 in the Surface Impoundment, subject to the prohibitions contained at Permit Condition 5.1.3.

1.1.3 Prohibited Wastes in the Surface Impoundment

1.1.3.a General Waste Prohibition

The Permittee is prohibited from treating in the Surface Impoundment those wastes identified at Permit Condition 2.4.2 and Permit Attachment F, *Waste Analysis Plan*, Section 4.1.2, *Prohibited Waste*.

1.1.3.b Land Disposal Restrictions

The Permittee is prohibited from treating any hazardous waste in the Surface Impoundment that does not meet the LDR treatment standards contained in the Table at 20.4.1.800 NMAC, (incorporating 40 CFRSubpart D), as specified at Permit Attachment A, Section 2.6.3.

1.1.3.c Wastes Containing Concentrations of Organic Compounds Greater than Ten Percent by Weight (40 CFR 264, Subpart BB)

The Permittee shall not place any hazardous waste in the Surface Impoundment that contains or contacts hazardous wastes with an organic concentration greater than or equal to ten percent by weight, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1050(b)).

1.1.3.d Wastes Containing Concentrations of Volatile Organic Compounds Greater than 500 ppmw (40 CFR 264, Subpart CC)

The Permittee shall not place any hazardous waste in the Surface Impoundment that has an average volatile organic concentration at the point of waste origination equal to or greater than 500 parts per million by weight (ppmw), in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)), unless the waste is one of the following, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(4)):

- organic waste that meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified at the Table contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.40);
- organic waste that has been treated by the treatment technology established for the waste at 20.4.1.500 NMAC (incorporating 40 CFR 268.42(a)); or
- organic waste that has been treated by an equivalent method approved by the Secretary pursuant to a Permit modification.

1.2 SURFACE IMPOUNDMENT CONSTRUCTION REQUIREMENTS

1.2.1 Construction Requirements

The Permittee shall construct the Surface Impoundment and liner systems, truck transfer pad, and ancillary equipment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.221(c)); and as follows:

1.2.1.a Liner System

The Permittee shall install and maintain two liners, separated by a geonet layer containing an LDRS, to prevent releases from the Surface Impoundment, as specified at Permit Attachments A, Sections 2.6.1, *Design of Evaporation Pond*, and 2.6.2, *Construction;* L, Section 4.0; L1, Drawings Nos. 28 through 32; L2, *Specifications for Landfill, Surface Impoundment and Associated Facilities Liner and Cover System Construction*; and M, *Construction Quality Assurance Plan*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.221(c)(1)).

The Surface Impoundment liners shall include the following components, from top to bottom, constructed to prevent migration of hazardous constituents outside of the liner system:

- a 60-mil thick high density polyethylene (HDPE) geomembrane primary top liner, as specified at Permit Attachment L2, Section 02775, *Geomembrane Liners*;
- a geonet leak detection and removal layer with transmissivity greater than or equal to 5×10^{-3} m^2/sec, as specified at Permit Attachment L2, Section 02712, *Geonet*;
- a 60-mil thick HDPE secondary geomembrane liner as specified at Permit Attachment L2, Section 02775, *Geomembrane Liners*; and
- a minimum 3-foot thick compacted clay liner with a hydraulic conductivity, as constructed, of less than or equal to 1×10^{-7} cm/sec, as specified at Permit Attachment L2, Section 02221, *Clay Liner*.

1.2.1.b Leak Detection and Removal System (LDRS)

The Permittee shall install and maintain an LDRS in the geonet layer to detect and remove leakage through all areas of the primary liner, as specified at Permit Attachments A, Sections 2.6.1.2, *Leak Detection and Removal System/Vadose Monitoring System*, and 2.6.2.4, *Liner, LDRS, and Vadose System Installation*; L, Section 4.1.3, *Subgrade Excavation, Liner System, LDS Sump Design and Vadose Monitoring Sump Design*; L1, Drawing No. 32; L2; and M; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.221(c)(2)).

The LDRS shall include, for each Surface Impoundment cell, a centrally located sump positioned in the geonet layer between the primary and secondary geomembrane layers. The sumps shall consist of gravel with 12 inch piping and a 50 gallons per minute (gpm) pump with sufficient capacity to maintain less than 12 inches of head on the secondary liner, as specified at Permit Attachments A, Section 2.6.1.2; L, Section 4.1.3; and L1, Drawing No. 32.

1.2.1.c Dikes

The Permittee shall construct the perimeter dikes and earthen separator dike with sufficient structural integrity to prevent

massive failure, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.221(h)). The Permittee shall construct all dikes so that the dike height will allow at least two feet of freeboard above the design water elevation of 4,121 feet above sea level.

1.2.1.c.i Separator Dike

The Permittee shall construct the separator dike with sideslopes of 2H:1V, as specified at Permit Attachments L, Section 4.1.2, *Evaporation Pond Layout and Phasing*; and L1, Drawing No. 28. The separator dike shall be constructed as specified at Permit Attachment L2, Section No. 02110*, Site Preparation and Earthwork*, and Section 02119, *Prepared Subgrade*.

1.2.1.c.ii Perimeter Dike

The Permittee shall construct the perimeter dikes with sideslopes of 3H:1V and shall be of height and width as specified at Permit Attachment L1, Drawing No. 30. They shall be constructed in accordance with appropriate specifications contained at Permit Attachment L2.

1.2.1.d Discharge Pads

The Permittee shall construct the Surface Impoundment discharge pads as specified at Permit Attachments A, Section 2.6.4.2*, Placement of Wastewater into the Evaporation Pond*; L, Section 4.1.4, *Evaporation Pond Discharge Pad Arrangement*; L1, Drawing No. 31; and L2.

1.2.1.e Vadose Zone Monitoring System Sumps

The Permittee shall install and maintain sumps below the Surface Impoundment liners to detect and remove leakage through all areas of the secondary liner, in accordance with Permit Condition 7.2.1.c; and as specified at Permit Attachments A, Section 2.6.2.4; I, Section 2.0, *Vadose Zone Monitoring System Installation*; L, Section 4.1.3; and L1, Drawing No. 32.

1.2.1.f Vadose Zone Monitoring Wells

The Permittee shall construct the Vadose Zone Monitoring Wells in accordance with Permit Conditions 7.2.1.a and 7.2.1.b; and as specified at Permit Attachment I, Section 2.2.2, *Vadose Zone Monitoring Well Construction*.

1.2.1.g Neutron Probe Access Probe Holes

The Permittee shall construct the neutron probe access probe holes in accordance with Permit Conditions 7.2.1.d.

1.2.1.h Suction Lysimeters

The Permittee shall construct the suction lysimeters in accordance with Permit Conditions 7.2.1.e.

1.2.1.i Run-On/Run-Off Control

The Permittee shall construct and maintain run-on/run-off controls for the Surface Impoundment as specified at Permit Attachments B, *Procedures to Prevent Hazards*, Section 5.4.2.2*, The Landfill and Evaporation Pond*; L, Section 2.1.4*, Facility Storm Water Control*; L1, Drawing No. 25; and N, *Operations and Maintenance Plan*, Section 2.2*, Evaporation Pond*.

1.2.2 Construction Quality Assurance Plan

The Permittee shall implement Permit Attachment M under the direction of a Construction Quality Assurance (CQA) officer who is a professional engineer registered in New Mexico to ensure that all construction required under Permit Condition 5.2.1 meets or exceeds all design criteria and specifications of this Permit, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.19(a) through 264.19(d)).

1.2.3 As-Built Specifications

The Permittee shall submit to the Secretary as-built specifications for the Surface Impoundment in accordance with Permit Conditions 1.5.9.c and 1.10.

1.3 GENERAL OPERATING REQUIREMENTS FOR THE SURFACE IMPOUNDMENT

The Permittee shall operate and maintain the Surface Impoundment as specified at Permit Attachments A, Section 2.6.4.3, *Inspections, Monitoring, and Repairs*; L, Section 4.1.2; and N, Section 3.5*, Evaporation Pond Operation.* Operation and maintenance shall comply with 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart K), and the conditions set forth in this Permit.

1.3.1 Overtopping Prevention

The Permittee shall operate and maintain the Surface Impoundment to prevent overtopping, as specified at Permit Attachments A, Section 2.6.4.3; and L, Section 4.1.2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.221(g)).

1.3.2 Dike Maintenance

The Permittee shall maintain the separator dike and the area around the Surface Impoundment, including the perimeter dikes, as specified at Permit Attachments A, Section 2.6.4.3; and N, Section 3.5.5, *Inspection and Monitoring*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.221(h)).

1.3.3 Protective Netting

The Permittee shall ensure that protective netting in good condition is maintained over the Surface Impoundment to protect the bird life of the area, as specified at Permit Attachment A, Section 1.2, *Site Environment and Climate*; and as shown at Permit Attachment L1, Drawing No. 30.

1.3.4 Waste Placement and Removal

The Permittee shall ensure that waste is placed in and removed from the Surface Impoundment as specified at Permit Attachments L, Section 4.1.4; and N, Section 3.5.3, *Waste Placement*.

1.3.5 Leachate Management

Leachate collected from the leak detection systems at the Surface Impoundment may be retreated in the Surface Impoundment. Collected leachate that does not meet LDR treatment standards shall receive additional treatment by stabilization before it can be placed in the surface impoundment. If, after treatment by stabilization, the leachate cannot meet LDR standards, the Permittee shall ship the leachate off-site to an appropriate permitted hazardous waste management facility in compliance with all applicable regulations for generation and transport of hazardous waste.

1.4 WASTE ANALYSIS

1.4.1 Waste Characterization

The Permittee shall characterize waste entering and leaving the Surface Impoundment as specified at Permit Attachment F, *Waste Analysis Plan*, Sections 4.4, *Procedures for Incoming Waste*

Acceptance, and 4.5.5.3, *Waste Analysis Requirements Specific to the Evaporation Pond*, to ensure that the waste management requirements specified at Permit Attachment F, Section 4.2, *Criteria for Waste Management at the Facility*, are met.

1.4.2 Waste Analysis to Determine 40 CFR 264, Subpart BB Exemption

The Permittee shall make a determination of compliance with Permit Condition 5.1.3.c in accordance with the test methods specified at Permit Condition 2.15.1.b; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1063(d)).

1.4.3 Waste Analysis to Determine 40 CFR 264, Subpart CC Exemption

The Permittee shall make a determination of compliance with Permit Condition 5.1.3.d in accordance with the test methods specified at Permit Conditions 2.15.2.b and 2.15.2.c; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(a)(2)).

1.4.4 Leachate

1.4.4.a LDRS and VZMS Sumps Sampling and Analysis

The Permittee shall sample and analyze the leachate collected from the Surface Impoundment LDRS and VZMS sumps in accordance with Permit Attachment F, Section 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*, for all the multi-source leachate (EPA Hazardous Waste Number F039) constituents listed in the Table contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.40).

1.4.4.b VZMS Sampling and Analysis

The Permittee shall sample and analyze any fluid collected from the VZMS in accordance with the appropriate conditions within Permit Part 7.

1.5 MANAGEMENT OF LEAKS OR SPILLS

1.5.1 Spills and Releases to the Land Surface

The Permittee shall ensure that spills and releases to the land surface are contained and remediated in a timely manner. Upon detection of a spill or release from the Surface Impoundment to the land surface, the Permittee shall determine the appropriate response in accordance with Permit Attachments A, Section

2.6.4.3; and C, *Contingency Plan*, Section 6.3.5.2, *Spills, Leaks, or Other Releases Control Procedure.*

If, in responding to a spill or release, the Permittee determines that the Contingency Plan should be implemented, implementation shall be conducted as specified at Permit Attachment C, Section 6.3, *Implementation Procedures*.

All analyses to determine the nature and concentration of the spilled or released waste constituents shall be performed as specified at Permit Attachment F, Section 4.5.6. All recovered spilled or released material along with other hazardous wastes generated in addressing the release shall be managed as specified at Permit Attachment C, Section 6.3.7, *Storage and Treatment of Released Hazardous Waste*.

1.5.2 Leachate Management

The Permittee shall completely remove all fluids from each sump in the LDRS and from the VZMS sump in a timely manner, as specified at Permit Attachments I, Section 4.0, *Monitoring Procedures*; and N, Section 3.5.4, *Operation of Leachate Detection and Vadose Zone Monitoring Systems*. The Permittee shall conduct a waste analysis of the removed fluids as specified at Permit Condition 5.4.4.a.

1.5.3 Action Leakage Rate

The Action Leakage Rate (ALR) for the Surface Impoundment, as approved by the Secretary in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.222(a)), is 1,000 gallons per acre per day (gpad) as measured in the LDRS sumps for both cells; and as specified at Permit Attachments A, Section2.6.4.7, *Action Leakage Rate*; and J, *Action Leakage Rate and Response Action Plan*, Section 5.3.4, *Discussion of Proposed Action Leakage Rates*.

To determine if the ALR has been exceeded, the Permittee shall calculate and record the average daily flow rate to each LDRS sump on a weekly basis during the active life and closure period of the Surface Impoundment, as specified at Permit Attachments A, Section 2.6.4.7, *Action Leakage Rate*; and J, Section 5.4, *Determination If the Action Leakage Rate Is Exceeded*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.222(b)).

1.5.4 Flow Rates Less than or Equal to the ALR

The Permittee shall respond to leakage less than or equal to the ALR as specified at Permit Attachment A, Section 2.6.4.8, *Response Action Plan*.

1.5.5 Flow Rates Greater than the ALR

The Permittee shall respond to leakage greater than the ALR as specified at Permit Attachments A, Section 2.6.4.8; and J, Section 7.0, *Response Actions*; and shall meet all requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.223(b)(3) through (b)(5) and (c)). In addition, the Permittee shall respond to leakage greater than the ALR by complying with the following conditions, as specified at Permit Attachment I, Section 4.2:

1.5.5.a Removal of Cell from Service

The Permittee shall immediately remove from use the cell that is leaking in exceedance of the ALR; and

1.5.5.b VZMS Sampling

The Permittee shall immediately inspect each monitoring point in the VZMS for fluids in accordance with Permit Condition 7.4.1.b.

In addition, the Permittee shall increase the frequency of inspection of the VZMS wells from monthly to weekly in accordance with Permit Condition 7.4.1.b.

1.5.6 Response to Sudden Drop of Liquid Level

In the event of a sudden drop in the liquid level of one of the Surface Impoundment cells that is not known to be caused by changes in the flow into or out of that cell, expected evaporation rates, or dike leaks, the Permittee shall remove the leaking (or impacted) cell from service immediately and complete the following actions, as specified at Permit Attachment C, *Contingency Plan*, Section 6.3.5.3*, Evaporation Pond Failure Control Procedure*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.227(a) and (b)):

- immediately shut off the flow or stop the addition of wastes into the leaking (or impacted) cell;
- immediately contain any surface leakage which has occurred or is occurring;

- immediately stop the leak;
- take any necessary steps to stop or prevent catastrophic failure; and
- if a leak cannot be stopped by any other means, empty the leaking (or impacted) cell.

1.5.7 Return of Surface Impoundment to Service

If one of the Surface Impoundment cells has been removed from service pursuant to Permit Conditions 5.5.5.a or 5.5.6, it may be returned to service only if the portion of the cell that was failing has been repaired and the repair recertified in accordance with Permit Condition 5.7.3.c.

1.5.8 Closure in Lieu of Repair

If one of the Surface Impoundment cells has been removed from service in accordance with Permit Condition 5.5.6 and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.227), and is not being repaired, the Surface Impoundment shall be closed as specified at Permit Attachment O, *Closure Plan*, Section 8.1.2, *Evaporation Pond,* and other applicable sections. Closure shall be in accordance with Permit Condition 5.10; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.228).

1.6 INSPECTION SCHEDULES AND PROCEDURES

1.6.1 Inspection Requirements

1.6.1.a General Inspection Requirements

The Permittee shall inspect the Surface Impoundment, liner and leachate systems, and ancillary equipment as specified at Permit Attachments D, *Inspection Procedures,* Section 5.2.3, *Evaporation Pond Inspection Procedures*; and D1, *Inspection Schedules and Checklists*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226).

1.6.1.b Inspection during Construction

The Permittee shall inspect the Surface Impoundment liners and cover systems during construction and installation for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226(a)).

1.6.1.c Inspection after Construction

The Permittee shall inspect the Surface Impoundment immediately after construction. This inspection shall include the following, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226(a)):

- synthetic liners and cover systems (e.g., membranes, sheets or coatings) to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

- soil-based and admixed liners and cover systems for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover system.

1.6.1.d Inspections during Facility Operation

The Permittee shall inspect the Surface Impoundment, discharge pads, dikes, and ancillary equipment weekly and after storms, as specified at Permit Attachments A, Section 2.6.4.3; D, Section 5.2.3; D1; and N, Section 3.5.5; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226(b)).

1.6.2 LDRS and VZMS Monitoring Requirements

The Permittee shall monitor each sump in the LDRS and VZMS daily and the vadose zone wells monthly for the presence of liquids during the active life and closure period of the Surface Impoundment, as specified at Permit Attachments A, Section 2.6.1.2; I, Sections 4.1, *Monitoring Frequency,* and 4.3, *Monitoring Method*, and Table 2; and N, Section 3.5.4.

The Permittee shall probe or inspect the neutron probe access tube for the presence of liquids twice annually during the active life and closure period of the Surface Impoundment as specified at Permit Part 7.4.1.b. The Permittee shall sample the appropriate suction lysimeters for the presence of liquids as specified at Permit Part 7.4.1.b during the active life and closure period of the Surface Impoundment.

The vadose zone wells shall continue to be monitored semi-annually for the presence of liquids during the post-closure care period, as specified at Permit Attachment P, *Post-Closure Care*, Section 8.2.5, *Vadose Zone Monitoring System*; and in accordance with Permit Condition 7.4.

If liquids are present, the Permittee shall sample and analyze the liquids as specified at Permit Attachment F, Section 4.5.6. The Permittee shall remove and properly dispose of all remaining liquids, as specified at Permit Attachment I, Section 4.2, *Response Actions*.

1.7 RECORDKEEPING AND REPORTING

1.7.1 Recordkeeping Requirements

The Permittee shall follow the recordkeeping requirements for the Surface Impoundment specified at Permit Attachment N, Section 3.5.1, *Records*. Records kept shall include, but are not limited to:

1.7.1.a Inspection Logs

In accordance with Permit Condition 2.7.3, the Permittee shall keep in the Operating Record for a minimum of three years the inspection logs and other records for the inspections conducted in accordance with Permit Condition 5.6.1; as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d) and 40 CFR 264.73(b)(5)).

1.7.1.b Ignitable, Reactive, or Incompatible Waste

The Permittee shall document and place in the Operating Record the evidence of compliance with the requirements for ignitable, reactive, and incompatible waste contained at Permit Conditions 5.8 and 5.9; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(c) and 264.73(b)(3)), making references to published scientific or engineering literature, using data from trial tests, waste analyses, and/or the results of the treatment of similar wastes by similar treatment processes.

1.7.1.c LDRS and VZMS Data

The Permittee shall keep records for the LDRS and VZMS monitoring conducted in accordance with Permit Condition 5.6.2, including a record of the amount of liquids removed during the active life and closure period of the Surface Impoundment, in

accordance with Permit Condition 2.12.1.k.i; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226(d)(1)).

1.7.1.d 40 CFR 264, Subpart BB Records

The Permittee shall record in a log that is kept in the Operating Record the results of the determination of exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264,Subpart BB), conducted in accordance with Permit Condition 5.4.2, and other information required under 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(k) and (m)).

1.7.1.e 40 CFR 264, Subpart CC Records

The Permittee shall prepare and maintain in the Operating Record for a minimum of three years the information used for each waste determination required in accordance with Permit Condition 5.4.3 (e.g., test results, measurements, calculations, and other documentation).

1.7.2 Reporting and Notification Requirements

1.7.2.a Notification of Sudden Drop in a Cell Liquid Level

The Permittee shall submit the following information to the Secretary upon determination of a sudden drop in the liquid level of a Surface Impoundment cell that is not caused by changes in intentional flows into and out of the surface impoundment or expected evaporation rates:

1.7.2.a.i Oral Report

The Permittee shall make an oral report to the Secretary within 24 hours of becoming aware of a sudden drop in the liquid level of a Surface Impoundment cell, as specified at Permit Attachment C, *Contingency Plan, Section* 6.3.5.3; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 270.30(l)(6)(i) and (ii)); and

1.7.2.a.ii Written Report

The Permittee shall notify the Secretary in writing, within seven days of detecting either a leak in the Surface Impoundment dikes or a sudden drop in the liquid level, if the drop is not caused by changes in the flows into or out of the Surface Impoundment or expected evaporation rates, as specified at Permit Attachment C, Section 6.3.5.3; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.227(b)(6)).

1.7.2.b Submittals after ALR Exceedance

The Permittee shall submit the following information to the Secretary after becoming aware of an exceedance of the ALR for the Surface Impoundment:

1.7.2.b.i Written Notification of ALR Exceedance

The Permittee shall notify the Secretary in writing of an exceedance of the ALR at the Surface Impoundment within seven days of determination of the exceedance, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.223(b)(1));

1.7.2.b.ii Preliminary Assessment

The Permittee shall submit a preliminary written assessment to the Secretary within 14 days after determination of the exceedance, as to the amount of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.223(b)(2)); and

1.7.2.b.iii Data Submittal

The Permittee shall submit to the Secretary the results of analyses required under 20.4.1.500 NMAC (incorporating 40 CFR 264.223(b)(6)), the results of actions taken, and actions planned, within 30 days after the written notification required in accordance with Permit Condition 5.7.2.b.i. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the Permittee shall submit to the Secretary a report summarizing the results of any remedial actions taken and actions planned.

1.7.2.c Noncompliance with the 40 CFR 264, Subpart CC Exemption Requirements

The Permittee shall report to the Secretary each occurrence, within 15 calendar days of the time that the Permittee becomes aware of the occurrence, of the placement of hazardous waste in the Surface Impoundment that does not comply with the exemption contained at Permit Condition 5.1.3.d from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC); as specified at Permit Attachment G, *Air Quality*, Section 11.3.7.2, *Reporting*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1090(a)).

1.7.3 Certifications

1.7.3.a Surface Impoundment CQA Certification

As required by 20.4.1.500 NMAC (incorporating 40 CFR 264.19(d)), the Permittee shall submit a certification to the Secretary at least 60 days prior to the initiation of operations at the Facility in accordance with Permit Condition 1.10. The certification shall show that the approved CQA Plan has been successfully carried out and that the Surface Impoundment meets all regulatory requirements in accordance with Permit Condition 1.5.9.c.i. The certification shall be signed by the CQA officer and shall also attest that the Secretary's inspection, provided for at Permit Condition 1.5.9.c.ii, has been either completed or waived. The Permittee shall furnish documentation supporting this certification to the Secretary upon request.

1.7.3.b Dike Recertification

If one of the Surface Impoundment cells is removed from service for more than six months, the Permittee shall, prior to returning the cell to service, obtain a certification from a qualified, professional engineer registered in New Mexico that the Surface Impoundment dikes, including that portion of the dikes that provides freeboard, has structural integrity, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226(c)). The Permittee shall submit the certification to the Secretary.

The certification shall establish that the dike:

- shall withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in that cell; and

- shall not fail due to scouring or piping, without dependence on any liner system included in the Surface Impoundment construction.

1.7.3.c Liner Recertification

If one of the Surface Impoundment cells is removed from service as the result of a sudden drop in the liquid level due to liner failure and the liner has been repaired, the Permittee shall not return that cell to service until the repaired liner system has been recertified by a qualified, professional engineer registered in New Mexico, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.227(d)(2)), and the recertification has been submitted to the Secretary.

1.8 SPECIAL PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

The Permittee shall not place ignitable and reactive waste in the Surface Impoundment at the same time, as specified at Permit Attachments A, Section 2.6.4.4, *Specific Requirements for Ignitable, Reactive, and/or Incompatible Wastes*, and B, *Procedures to Prevent Hazards*, Section 5.5, *Procedures to Prevent Ignition or Reaction of Ignitable, Reactive, or Incompatible Waste*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17 and 40 CFR 264.229).

1.9 SPECIAL PROVISIONS FOR INCOMPATIBLE WASTES

The Permittee shall ensure that incompatible wastes, or incompatible wastes and materials, are not placed in the Surface Impoundment at the same time, as specified at Permit Attachments A, Section 2.6.4.4, and B, Section 5.5; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(b) and (c) and 264.230).

1.10 CLOSURE

The Permittee shall follow the procedures for clean closure specified at Permit Attachment O, Section 8.1.2, *Evaporation Pond*, and other pertinent sections; and shall conduct closure activities in accordance with pertinent sections of Permit Part 8; and shall otherwise comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.228). The Permittee shall follow the time frame for closure specified at Permit Attachment O1, *Compliance Schedules for Closure*.

TABLE 5-1

PERMITTED SURFACE IMPOUNDMENT

CELL	DIMENSIONS	TOTAL CAPACITY
IA	285 feet long by 132 feet wide by 12 feet deep	2.6 million gallons
IB	285 feet long by 132 feet wide by 12 feet deep	2.6 million gallons
TOTAL		**5.2 million gallons**

PERMIT PART 6

HAZARDOUS WASTE DISPOSAL IN THE LANDFILL

HIGHLIGHTS

This Part contains conditions for disposal of hazardous waste in the Landfill at the Triassic Park Waste Disposal Facility (the Facility). Conditions include requirements for the kinds of hazardous waste that can be placed in the Landfill, Landfill capacity, liner systems, and leak detection systems. Requirements for engineering designs, Landfill operation, and response to leaks from the Landfill are also included.

The location of the Landfill is shown at Permit Attachment L1, *Engineering Drawings*, Drawing No. 4. Landfill operations and design are discussed at Permit Attachments A, *General Facility Description and Information*, Section 2.5, *Landfill*; and L, *Engineering Report*, Section 3.0, *Landfill*.

This Permit authorizes only Phase IA of the Landfill, shown at Permit Attachment L1, Drawing No. 8. Phase IA includes approximately 47 acres (outside dimensions) with a fill area of 35 acres, and a capacity of approximately 553,200 cubic yards.

Phase IB, Phase II and Phase III of the Landfill, shown at Permit Attachment L1, Drawing No. 25 or described in Permit Attachment L, Section 3.1.4, are planned for future development. Reference to the Landfill in this Permit means Phase IA only. The Landfill Phase IA is considered one permitted unit. This permit does not authorize Phase IB, Phase II and Phase III of the Landfill.

The Landfill is permitted to receive all hazardous waste accepted at the Facility; however, all waste placed in the Landfill must meet the Land Disposal Restrictions (LDR) treatment standards contained at 20.4.1.800 NMAC (incorporating 40 CFR, Subpart 268). Waste may be received from off-site generators, from the on-site leachate and leak collection systems, and from other activities at the Facility that generate hazardous waste.

A lined Contaminated Water Collection Basin and a lined Stormwater Collection Basin are located immediately south of the Landfill floor, as shown at Permit Attachment L1, Drawing No.

10, to collect run-off from slope areas. Both basins are considered part of the permitted Landfill unit.

The Landfill liner systems cover the entire north slope of the Landfill, the slopes below the access ramps, and most of the Landfill floor. The liners shall be installed in stages as the Landfill expands to cover all surrounding earth that may contact waste or leachate.

The Landfill liner consists of primary and secondary systems. The primary system consists of, from top to bottom, a two-foot layer of protective soil, a geocomposite drainage layer, and a high-density polyethylene (HDPE) geomembrane liner. The geocomposite drainage layer drains to a sump consisting of a pump and leachate collection piping in drainage gravel, providing a Leachate Collection and Removal System (LCRS) to remove leachate from the Landfill. The sump is located in the floor of the geocomposite layer near the center of the Landfill.

The secondary system consists of, from top to bottom, a geocomposite drainage layer, an HDPE geomembrane liner, a geosynthetic clay liner, and six inches of prepared subgrade. A Leak Detection and Removal System (LDRS), similar in design to the LCRS, is located below the primary geomembrane and is designed to detect and remove leachate that passes through the primary liner system. The LDRS sump lies under the LCRS sump.

A vadose zone monitoring system (VZMS) includes a sump located on a geomembrane liner. It is located below the secondary liner and under the LDRS sump. All of the sumps contain pressure transducers to measure the presence and volume of fluids. The LCRS, LDRS, and VZMS are shown at Permit Attachment L1, Drawing No. 17.

Leachate collected in the sumps is pumped to the Leachate Storage Tank, shown at Permit Attachment L1, Drawing No. 19, analyzed, and treated as necessary prior to being disposed in the Landfill.

The VZMS also includes four vadose zone monitoring wells and two neutron probe access tubes, shown at Permit Attachment I, *Vadose Zone Monitoring System Work Plan*, Figure No. 2. The wells are located east of the Landfill and monitor the accumulations of any escaped fluids down gradient from the Landfill. Neutron probe access tubes are located on both the north and west boundaries of the Landfill and monitor releases migrating as unsaturated flow.

The VZMS is described at Permit Part 7. Corrective Action requirements for leakage from the Landfill to the VZMS are described at Permit Part 9.

1.1 GENERAL REQUIREMENTS FOR THE LANDFILL

1.1.1 Permitted Disposal in the Landfill

1.1.1.a Hazardous Waste Disposal

The Permittee shall dispose of hazardous waste only in the Landfill, as identified at Table 6-1, *Permitted Landfill Unit*, and as specified at Permit Attachment A, *General Facility Description and Information*, Section 2.5. The volume of hazardous waste that may be disposed in the Landfill is limited to the maximum capacity identified at Table 6-1, and as specified in Permit Attachment A, Section 2.5.1.1, *Nature and Quantity of Waste*.

1.1.1.b Polychlorinated Biphenyls

The Permittee may dispose of non-ignitable liquids with polychlorinated biphenyl (PCB) concentrations of less than 50 parts per million (ppm), soils with PCB concentrations of less than 50 ppm, and bulk PCB-contaminated remediation waste in the Landfill.

1.1.2 Prohibited Wastes in the Landfill

The Permittee is prohibited from placing in the Landfill any hazardous waste that does not meet the LDR treatment standards contained at 20.4.1.800 NMAC (incorporating 40 Subpart D).

1.2 LANDFILL CONSTRUCTION

1.2.1 Construction Requirements

The Permittee shall construct, operate, and maintain the Landfill, including liner systems, water collection basins and ditches, access ramps, and ancillary equipment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301) and this Permit, and as follows:

1.2.1.a Landfill Excavation

The Permittee shall excavate and prepare the Landfill floor and subsurface sides as specified at Permit Attachment A, Section

2.5.2.2, *Excavation and Preparation of Landfill Bottom and Subsurface Sides*; and Permit Attachment L1, Drawings 7 and 8.

1.2.1.b Liner Systems

The Permittee shall install and maintain two liners, constructed to prevent any migration of wastes out of the Landfill to the adjacent subsurface soil or ground water, as specified at Permit Attachments A, Section 2.5.1.2, *Liner Systems*; L, Section 3.0; L1, Drawings No. 5 through 12 and 15 through 20; L2, *Specifications for Landfill, Surface Impoundment and Associated Facilities Liner and Cover System Construction*; and M, *Construction Quality Assurance Plan for Landfill, Surface Impoundment and Associated Facilities Construction*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(c)(1) and 264.301(d)(1)).

The Landfill liner systems shall include the following components, from top to bottom:

- a two foot layer of protective soil;
- a geocomposite drainage layer;
- a 60-mil HDPE geomembrane liner;
- a geocomposite drainage layer;
- a 60-mil HDPE geomembrane liner;
- a geosynthetic clay liner, consisting of at least three feet of compacted clay having a permeability not greater than 10^{-7} cm/sec; and
- six inches of prepared subgrade.

The Permittee shall stage construction of the Landfill liner as specified at Permit Attachment L, Section 3.1.4, *Waste Filling Sequence*.

1.2.1.c LCRS

The Permittee shall install and maintain an LCRS above the primary system HDPE geomembrane liner, to consist of the geocomposite LCRS drainage layer and sump, pump, and piping, to collect and remove leachate, as specified at Permit Attachments A, Section 2.5.1.3, *Leachate Collection and Removal System*

(LCRS); L, Sections 3.1.3, *Subgrade Excavation, Liner System, LCRS, LDRS, and Vadose Sump Design*, and 3.2, *Landfill Design Analyses*; L1, Drawings Nos. 12 and 15 through 20; L2; and M; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(c)(2)).

The sump, sump piping, slope riser pipes, crest riser pad, and vertical riser shall be constructed as specified at Permit Attachment L, Sections 3.1.3 and 3.2. The sump and pump shall have the capacity identified at Permit Attachment L, Section 3.1.3, Table 2, *Landfill Sump Arrangement Summary*.

1.2.1.d LDRS

The Permittee shall install and maintain an LDRS between the primary and secondary HDPE geomembrane liners, to consist of the geocomposite LDRS drainage layer and sump, pump, and piping, to detect and remove leachate that may pass through all areas of the primary liner, as specified at Permit Attachments A, Section 2.5.1.4, *Leak Detection and Removal System (LDRS)*; L, Sections 3.1.3 and 3.2; L1, Drawings Nos. 12 and 15 through 20; L2; and M; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(c)(3)). The sump and pump shall have the capacity identified at Permit Attachment L, Section 3.1.3, Table 2.

1.2.1.e VZMS Sump

The Permittee shall install and maintain a vadose zone sump system below the Landfill liners to serve as a detection system for leakage of the LDRS, as specified at Permit Attachments A, Section 2.5.1.5, *Vadose Zone Monitoring System (VZMS)*; L, Sections 3.1.3 and 3.2; L1, Drawings Nos. 16 through 18; and M. The sump and pump shall have the capacity identified at Permit Attachment L, Section 3.1.3, Table 2.

1.2.1.f Access Ramps

The Permittee shall construct two 30 feet wide, 10 percent grade, access ramps on the east and west sides of the Landfill to the floor surface as specified at Permit Attachments L, Sections 2.1.3, *Facility Traffic Plan*, 3.1.2, *Landfill Layout and Phasing*, 3.2, and 3.2.6, *Access Ramp Design*; and L1, Drawings Nos. 10 and 14.

The Permittee shall construct an access ramp in the south slope, in accordance with Permit Attachment L, Section 3.1.4, *Waste Filling Sequence*; and as shown at Permit Attachment L1, Drawing

No. 8; with the approximate same dimensions and slope as the access ramps constructed on the east and west slopes, when needed to provide access to the south end of the Landfill Phase IA (i.e., when lining of the south end of the Landfill Phase IA begins).

The Permittee shall notify the Secretary in writing 60 days prior to initiating construction of the south access ramp.

1.2.1.g Run-On/Run-Off Controls

1.2.1.g.i Landfill Stormwater Collection Basin

The Permittee shall construct a Stormwater Collection Basin near the toe of the cut slope of the Landfill floor, as specified at Permit Attachments A, Section 2.5.1.6, *Run-On/Run-Off Control*; L, Sections 3.1.6, *Landfill Storm Water Control Features*, and 3.2.10, *Surface Water Drainage Analysis*; and L1, Drawings Nos. 13, 14, and 25; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(g)). The Stormwater Collection Basin shall be lined with an HDPE liner, as shown at Permit Attachment L1, Drawing No. 13.

The Permittee shall provide the Secretary with 60 days prior written notice if the Stormwater Collection Basin is removed preparatory to the disposal of waste in the southern part of the Landfill during Phase IA of Facility operations.

1.2.1.g.ii Landfill Contaminated Water Collection Basin

The Permittee shall construct a Contaminated Water Collection Basin north of the Stormwater Collection Basin on the floor of the Landfill, as discussed at Permit Attachments A, Section 2.5.1.6; and L, Section 3.2.10; and as shown at Permit Attachment L1, Drawing No. 10; to collect possible contaminated run-off from the Landfill. The Contaminated Water Collection Basin shall be located on the Landfill liner systems.

The Permittee shall provide the Secretary with 60 days prior written notice if the Contaminated Water Collection Basin is removed preparatory to the disposal of waste in the southern part of the Landfill during Phase 1A of Facility operations.

1.2.1.g.iii Stormwater Collection Basin Berms

The Permittee shall construct the berm separating the Stormwater Collection Basin and the Contaminated Water Collection Basin,

and the berm on the south slope of the Landfill, as shown at Permit Attachment L1, Drawings Nos. 9 and 13, with sufficient structural integrity to prevent failure, and using the construction specifications contained at Permit Attachment L2.

1.2.1.g.iv Perimeter Ditches

The Permittee shall construct perimeter ditches located on either side of the Landfill perimeter road to intercept run-off from areas outside of the Landfill and to divert this water to the Facility Stormwater Detention Basin located west of the Surface Impoundment (see Permit Attachment L1, Drawing No. 4), as specified at Permit Attachment L, Section 3.1.6; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(h)). The perimeter ditches shall be constructed as specified at Permit Attachment L1, Drawing No. 25 (2 of 2).

1.2.1.g.v Run-On Diversion

The Permittee shall construct HDPE-lined ditches on the side of the access ramps to divert run-off from the slope areas above the access ramps and from the cut slope area to the Stormwater Collection Basin, as described at Permit Attachments A, Section 2.5.1.6; and L, Section 3.1.6; and as shown at Permit Attachment L1, Drawings 10 and 14. The ditches shall be constructed as shown at Permit Attachment L1, Drawings 13, 14, and 25 (2 of 2). The Permittee shall operate the Landfill so that any runoff from the active waste filling area will drain to the Contaminated Water Collection Basin located within the Landfill as shown at Permit Attachment L1, Drawing 10.

1.2.1.h Vadose Zone Monitoring Wells

The Permittee shall construct four deep and two neutron probe access tubes to monitor fluids released from the Landfill in accordance with Permit Condition 7.2.1.a and 7.2.1.d; and as specified at Permit Attachment I, Section 2.2.2, *Vadose Zone Monitoring Well Construction*.

1.2.2 CQA Program

The Permittee shall implement the Construction Quality Assurance Plan contained at Permit Attachment M under the direction of a Construction Quality Assurance (CQA) officer who is a professional engineer registered in New Mexico to ensure that all construction required under Permit Condition 6.2 meets or

exceeds all design criteria and specifications of this Permit, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.19(a)).

1.3 GENERAL LANDFILL OPERATING REQUIREMENTS

1.3.1 Operation and Maintenance of the Landfill

The Permittee shall operate and maintain the Landfill as specified at Permit Attachments A, Section 2.5.3, *Operation*; L, Sections 3.1.4 and 3.1.5, *Final Cover*; and N, *Operations and Maintenance Plan*, Sections 3.4, *Landfill Operation*, and 4.1, *Landfill*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart N) and this Permit.

1.3.2 Placement of Waste in the Landfill

The Permittee shall manage the Landfill waste placement operation based on a series of grids along the north end of the Landfill and along both the east and west sides of the Landfill, as specified at Permit Attachment A, Section 2.5.3.7, *Procedures for Protecting Wastes*. This two-dimensional grid system, together with a vertical waste tracking system that counts the number of lifts between potentially incompatible wastes, and the thickness of those lifts, shall be used to ensure that the minimum spacing of incompatible waste is at least the 50 feet required by Permit Condition 6.9.

1.3.3 Daily Cover

The Permittee shall ensure that a daily soil cover with a minimum thickness of 0.5 foot is placed on the active waste placement area of the Landfill to control wind dispersal of particulate matter, as specified at Permit Attachments A, Section 2.5.1.7, *Wind Dispersal Control Procedures*; and N, *Operations and Maintenance Plan*, Section 3.4.3, *Waste Placement*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(j)).

1.3.4 Management of Run-On/Run-Off

1.3.4.a Collection Basins

The Permittee shall ensure that run-on and run-off is pumped out of the Stormwater Collection Basin and the Contaminated Water Collection Basin within 24 hours after a storm event, or otherwise manage these basins to maintain the design capacity of the systems, as specified at Permit Attachment A, Section

2.5.1.6, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(i)).

1.3.4.b Standing Water

The Permittee shall ensure that standing water that collects on the Landfill floor is pumped out within 24 hours after a storm event, as specified at Permit Attachment A, Section 2.5.1.6; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(g)).

1.3.5 Leachate

If leachate collected from the Landfill leak detection systems, which includes the LCRS, the LDRS, and possibly the VZMS, meets LDR treatment standards, then the Permittee shall treat the leachate in the Surface Impoundment or Stabilization Tank to remove all free liquids, as appropriate, and, if the leachate residue continues to meet LDR treatment standards, dispose of the treated leachate residue in the Landfill. If the leachate does not meet LDR treatment standards, the Permittee shall either treat the leachate in the Stabilization Tank to remove all free liquids and attain the LDR Treatment Standards as specified in Permit Part 4, or shall ship the leachate off-site to an appropriate permitted hazardous waste management facility, in compliance with all applicable regulations for generation and transport of hazardous waste.

1.4 WASTE ANALYSIS

1.4.1 Waste Characterization

The Permittee shall ensure that all waste placed in the Landfill meets the waste analysis requirements specified at Permit Attachment F, *Waste Analysis Plan*, Section 4.5.5.5, *Waste Analysis Requirements Specific to the Landfill*; and Permit Conditions 6.8 through 6.10.

1.4.2 Annual Analysis

At least annually, the Permittee shall randomly sample and analyze a minimum of 10 percent of incoming waste streams that are to be directly landfilled to verify compliance with the LDR treatment standards, as specified at Permit Attachment F, Section 4.5.5.5.

1.4.3 Leachate

1.4.3.a Leak Detection Systems Sampling and Analysis

The Permittee shall sample and analyze the leachate collected from the Landfill LDRS, LCRS, and VZMS sump in accordance with Permit Conditions 6.5.2.d and Permit Attachment F, Section 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*, for all the multisource leachate (EPA Hazardous Waste Number F039) constituents listed in the Table contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.40).

1.4.3.b VZMS Well Sampling and Analysis

The Permittee shall sample and analyze any fluid collected from the VZMS monitoring wells in accordance with Permit Conditions 6.6.2, 7.3.2.a, and 7.3.2.b. Sampling and analysis shall be performed over the time period specified at Permit Condition 7.1.4.

1.5 LEAKS, SPILLS, AND LEACHATE MANAGEMENT

1.5.1 Spills and Releases

The Permittee shall ensure that spills and releases to the surface environment are contained and remediated in a timely manner.

1.5.2 Leachate Removal

1.5.2.a Removal of Leachate from the LCRS and LDRS

The Permittee shall remove pumpable liquids from the LCRS and LDRS sumps whenever monitoring indicates the presence of liquid to prevent the hydraulic head on the bottom liner from exceeding 12 inches, as specified at Permit Attachment N, Section 3.4.4, *Operation of Leachate Collection and Detection Systems*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.301(c)(4)).

1.5.2.b Removal of Leachate from the VZMS Sump

The Permittee shall remove pumpable quantities of leachate (if any) from the VZMS sump as specified at Permit Attachment I, Section 4.0, *Monitoring Procedures*.

1.5.2.c Leachate Storage

Leachate removed from the Landfill LCRS, LDRS, and VZMS sump shall be stored in the Leachate Storage Tank, as specified at Permit Attachment F, Section 4.5.6, *Waste Analysis Requirements for Waste Generated On-site*.

1.5.2.d Leachate Sampling

The Permittee shall ensure that sampling and analysis of leachates removed from the LCRS, LDRS, and the VZMS sump at the base of the Landfill occurs before this leachate is commingled with fluids from any other unit, including VZMS wells and the Surface Impoundment, to ensure representative samples for the purpose of establishing the indicator parameters required at Permit Condition 7.3.2. Leachate from the Landfill LDRS, LCRS, and the VZMS sump at the base of the Landfill may be commingled before sampling and analysis, unless it is necessary to identify the location of the source of the fluids entering the LDRS and the VZMS sump.

1.5.3 Action Leakage Rate

The Action Leakage Rate (ALR) for the Landfill, as approved by the Secretary in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.302(a)), is 900 gallons per acre per day (gpad) as measured in the LDRS sump, as specified at Permit Attachment A, Section 2.5.3.8, *Action Leakage Rate*; Permit Attachment J, *Action Leakage Rate and Response Action Plan*, Section 5.2, *Determination of Action Leakage Rate: Landfill*.

To determine if the ALR has been exceeded, the Permittee shall determine the average daily flow rate on a weekly basis during the active life and closure period of the Landfill, and monthly during the post-closure care period, as specified at Permit Attachment J, Section 5.4, *Determination If the Action Leakage Rate Is Exceeded*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.302(b)).

1.5.4 Flow Rates Less than or Equal to the ALR

The Permittee shall respond to leakage less than or equal to the ALR as specified at Permit Attachment A, Section 2.5.3.9, *Response Action Plan*.

1.5.5 Flow Rates Greater than the ALR

The Permittee shall respond to leakage greater than the ALR as specified at Permit Attachment J, Section 7.0, *Response Actions*; and as required by 20.4.1.500 NMAC, (incorporating 40 CFR 264.304(b)(3) through (b)(5) and (c)). The Permittee shall also immediately inspect each monitoring point in the VZMS for fluids in accordance with Permit Condition 7.4.1.b, as specified at Permit Attachment I, Section 4.2, *Response Actions*, and shall increase the frequency of inspection of the VZMS wells from monthly to weekly in accordance with Permit Condition 7.4.1.b.

1.6 INSPECTION AND MONITORING PROCEDURES

1.6.1 Inspection Requirements

1.6.1.a General Inspection Requirements

The Permittee shall inspect the Landfill, including the liner and leachate collection systems, and ancillary equipment, as specified at Permit Attachments D, Section 5.2.2, *Landfill Inspection Procedures*; and D1, *Inspection Schedules and Checklists*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.303).

1.6.1.b Inspections during Construction

The Permittee shall inspect the liners and cover systems of the Landfill during construction and installation for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.303(a)).

1.6.1.c Inspections after Construction

The Permittee shall inspect the liners and cover systems of the Landfill immediately after installation or construction as required by 20.4.1.500 NMAC, (incorporating 40 CFR 264.303(a)(1) and (2)), as follows:

- the Permittee shall inspect all synthetic liners and covers to ensure tight seams and joints and the absence of tears, punctures, or blisters; and
- the Permittee shall inspect soil-based and admixed liners and covers for imperfections including lenses, cracks, channels, root holes,

or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

1.6.1.d Inspections during Operation

The Permittee shall inspect the Landfill weekly and after storms, as specified at Permit Attachment D1, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.303(b)), to detect evidence of any of the following:

- deterioration, malfunctions, or improper operation of run-on and run-off systems; and
- improper functioning of wind dispersal control systems.

1.6.2 Monitoring Requirements

The Permittee shall monitor the Landfill LCRS, LDRS, and VZMS daily, the Landfill vadose zone monitoring wells monthly, and the Landfill neutron probe access tubes twice annually for the presence of liquids and to detect evidence of deterioration or malfunction of the systems during the active life of the Landfill in accordance with Permit Condition 7.4.1. The Permittee shall monitor and record the Landfill sumps during the post-closure care period according to the schedule specified at Permit Attachment J, Section 6.0, *Leak Detection and Removal System Monitoring*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.303(c)(2)); and shall monitor the vadose zone monitoring wells and neutron probe access probes semi-annually, as specified at Permit Attachment I, Section 4.1, Table 2, *Monitoring Frequency*.

If liquids are present, the Permittee shall implement Permit Condition 7.4.2 and sample and analyze the liquids as specified at Permit Attachments F, Section 4.5.6; and I, Section 4.4, *Sample Collection*. The Permittee shall remove and properly dispose of all liquids collected, as specified at Permit Attachment I, Section 4.2.

1.7 RECORDKEEPING AND REPORTING

1.7.1 Recordkeeping Requirements

The Permittee shall follow the recordkeeping requirements for the Landfill specified at Permit Attachment N, Section 3.4.1, *Records*. Records kept shall include, but are not limited to:

1.7.1.a Grid "Cell" Location

The Permittee shall maintain the following items in the Operating Record, in accordance with Permit Condition 2.12.1.m; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(2) and 40 CFR 264.309):

- a map with the exact location and dimensions including depth, of each grid "cell" in the three-dimensional grid system required under Permit Condition 6.3.2, with respect to permanently surveyed benchmarks; and

- the contents in each grid "cell" and the approximate location of each hazardous waste type within each grid "cell".

1.7.1.b Inspection Logs

The Permittee shall keep in the Operating Record the inspection logs and other records for the inspections conducted in accordance with Permit Condition 6.6.1 for a minimum of three years, in accordance with Permit Condition 2.7.3, and as required by 20.4.1.500 NMAC, (incorporating 40 CFR 264.15(d) and 264.73(b)(5)).

1.7.1.c LDRS, LCRS, and VZMS Monitoring Data

The Permittee shall keep records for the LDRS, LCRS, and VZMS monitoring conducted in accordance with Permit Condition 6.6.2, including a record of the amount of liquids removed during the active life, closure, and post-closure care periods of the Landfill, in accordance with Permit Condition 2.12.1.k.i; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.303(c)(1)). These records shall be retained until the Secretary has approved the completion of post-closure care for the Landfill.

1.7.2 Reporting Requirements

1.7.2.a Waste Identification and Location within the Landfill

The Permittee shall submit current information on the grid "cell" map, required under Permit Condition 6.7.1.a, to the Secretary quarterly. The Permittee shall submit the identification of waste placed in each cell in terms of the grid coordinates, to the Secretary. This information shall be included in the Quarterly Report required under Permit Condition 2.12.2.b.

1.7.2.b Ignitable, Reactive, or Incompatible Waste

The Permittee shall document and place in the Operating Record the evidence of compliance with the requirements for ignitable, reactive, and incompatible waste contained at Permit Conditions 6.8 and 6.9; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17(c) and 264.73(b)(3)), using references to published scientific or engineering literature, using data for trial tests, waste analyses, and/or the results of the treatment of similar wastes by similar treatment processes.

1.7.2.c Response Actions

If the flow rate into any leak detection system exceeds the ALR, the Permittee shall, as specified at Permit Attachment J, Section 7.0, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.304(b)(1), (b)(2), and (b)(6)):

- notify the Secretary in writing of the exceedance within seven calendar days of the determination;
- submit a preliminary written assessment to the Secretary within 14 calendar days of the determination as to the amount of liquids, likely source of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned; and
- submit to the Secretary the results of the analysis required under Permit Condition 6.5.5, the results of actions taken, and actions planned within 45 calendar days of the determination. Monthly thereafter, the Permittee shall, as long as the flow rate in the LDRS exceeds the ALR,

submit to the Secretary a report summarizing the results of any remedial actions taken and actions planned.

1.7.3 Landfill CQA Certification

Prior to the initiation of operations at the Facility, the Permittee shall submit a certification to the Secretary signed by the CQA officer that the approved CQA Plan has been successfully carried out and that the Landfill meets all regulatory requirements, in accordance with Permit Conditions 1.5.9.c.i and 1.10; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.19(d)). The certification shall also attest that the Secretary's inspection, provided for at Permit Condition 1.5.9.c.ii, has been either completed or waived. The Permittee shall furnish documentation supporting this certification to the Secretary upon request.

1.8 SPECIAL LANDFILL PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

The Permittee shall not place ignitable or reactive waste in the Landfill, unless the waste meets all applicable requirements contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.17(b)) and 20.4.1.800 NMAC (incorporating 40 CFR Part 268), and the ignitable or reactive waste has been treated so that it no longer meets the definition of ignitable or reactive waste contained at 20.4.1.200 NMAC (incorporating 40 CFR 261.21 or 261.23), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.312). The Permittee shall also comply with the procedures for managing ignitable or reactive waste contained at Permit Attachment A, Section 2.5.3.6, *Specific Requirements for Ignitable/Reactive Wastes*.

1.9 SPECIAL LANDFILL PROVISIONS FOR INCOMPATIBLE WASTES

The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same Landfill grid "cell", in accordance with the procedures specified at Permit Attachment A, Section 2.5.3.7, *Procedures for Protecting Wastes*, and at 20.4.1.500 NMAC (incorporating 40 CFR 264.17(b)), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.313). Incompatible waste shall be placed with a minimum of one grid distance (50 feet) horizontally, vertically, and diagonally between the wastes, as specified at Permit Attachment A, Section 2.5.3.7.

1.10 DISPOSAL REQUIREMENTS FOR SPECIFIC WASTE TYPES

1.10.1 Free Liquids

1.10.1.a Bulk or Non-Containerized Free Liquids

The Permittee shall not place bulk or non-containerized free liquids or waste containing free liquids (e.g., Leachate) in the Landfill, as specified at Permit Attachment F, Section 4.5.5.5, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.314(b)).

1.10.1.b Containers Holding Free Liquids

The Permittee shall not place containers holding free liquid in the Landfill, unless one of the following conditions is met, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.314(d)):

- all free-standing liquid: (i) has been removed by decanting or other methods; (ii) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or (iii) has been otherwise eliminated;
- the container is no larger than an ampule;
- the container is designed to hold free liquids for use other than storage (e.g., a battery or capacitor); or
- the container is a lab pack as defined at 20.4.1.500 NMAC (incorporating 40 CFR 264.316), and is disposed in accordance with Permit Condition 6.10.2.

1.10.2 Lab Packs

The Permittee shall ensure that small containers of hazardous waste in overpacked drums (lab packs) are disposed in the Landfill as specified at Permit Attachment A, Section 2.5.3.7, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.316).

1.10.3 Hazardous Debris

The Permittee shall not place hazardous debris in the Landfill unless it has been treated by the generator and the generator

has certified that the debris meets the LDR treatment standards specified at 20.4.1.800 NMAC (incorporating 40 CFR 268.45), as specified at Permit Attachment F, Section 4.5.5.5.

1.10.4 Contaminated Soil

The Permittee shall place contaminated soil in the Landfill only in accordance with all the requirements of 20.4.1.800 NMAC (incorporating 40 CFR 268.49).

1.11 SPECIFIC PROVISIONS FOR EMPTY CONTAINERS

The Permittee shall not dispose of any containers that are larger than ampules in the Landfill unless they are at least 90 percent full when placed in the Landfill or they are crushed, shredded, or similarly reduced in volume to the maximum practical extent before placement in the Landfill, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.315).

1.12 CLOSURE

The Permittee shall conduct closure activities for the Landfill as specified at Permit Attachment O, *Closure Plan*, Section 8.1.6, *Landfill*, and other pertinent sections; and in accordance with Permit Part 8; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.310). The Permittee shall follow the time frame for closure specified at Permit Attachment O1, *Compliance Schedules for Closure*.

1.13 POST-CLOSURE CARE PLAN

The Permittee shall conduct post-closure care activities for the Landfill as specified at Permit Attachment P, *Post-Closure Care*, Section 8.2, *Post-Closure Activities*, and other applicable sections; and in accordance with Permit Part 8; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart G and 40 CFR 264.310).

TABLE 6-1

PERMITTED LANDFILL UNIT

Unit	Dimensions (feet)	Capacity (Cubic Yards)	Surface Area (Acres)
Landfill Phase IA	1,050 long x 1,050 wide x 100 deep	553,200	35

PERMIT PART 7

VADOSE ZONE MONITORING

HIGHLIGHTS

Introduction

This Part contains conditions to ensure the earliest possible detection of contaminant leakage from the Landfill and the Surface Impoundment. Permit Conditions include the location, design, construction, operation, and maintenance of the Vadose Zone Monitoring System (VZMS); the methodology for sampling and characterizing the fluids that may accumulate in the system; a methodology for distinguishing between leachates and non-leachates; monitoring frequency; laboratory analysis; and data reporting and recording requirements.

The Landfill and Surface Impoundment are referred to as “regulated units” in this Part. The VZMS consists of sumps located directly below both regulated units, and a total of eleven monitoring wells located immediately adjacent to the regulated units, six monitoring wells on the periphery of the facility, three suction lysimeters associated with the Surface Impoundment, and three neutron probe access tubes adjacent to the regulated units. The VZMS monitors the accumulation and migration of fluids below the ground surface and above the uppermost aquifer. Together with the Leachate Detection and Removal System (LDRS) and Leak Collection and Removal System (LCRS) sumps (see Permit Parts 5 and 6), the VZMS distinguishes between leachates originating within the regulated units and non-leachate fluids that may originate outside the units.

Regulatory Background

The New Mexico Hazardous Waste Act and Regulations under 20.4.1.500 NMAC (incorporating 40 CFR 264.90 through 264.99) and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)) require owners and operators of facilities that treat, store and dispose of hazardous waste to monitor the ground water of the uppermost aquifer for possible contaminant releases and to operate under the necessary permit conditions to be protective of human health and the environment. The Secretary has approved a waiver of the requirements for ground water monitoring at the facility in accordance with 20.4.1.500 (incorporating 40 CFR 264.90(b)(4)). In lieu of ground water monitoring, and as a part of a Final Order dated March 18, 2002, the Secretary is requiring vadose

Zone monitoring. The Secretary has determined that vadose zone monitoring is more appropriate, and more protective of health and the environment, than ground water monitoring at this Facility, given the depth to ground water and the distance that hazardous constituents would have to travel to contaminate ground water. The upper zone of ground water is approximately 700 feet beneath the Facility. The Ogallala Aquifer is a minimum of 3600 feet east of the Facility. Moreover, contaminant flow modeling, based on conservative assumptions, predicts that any contaminants released from the Facility would not reach ground water within 800 years. The vadose zone monitoring system is designed to detect contaminants released from the Facility long before they reach ground water. Once detected, any contamination in the vadose zone will be addressed under the corrective action conditions of this Permit, or under other authority. The bases for the ground water monitoring waiver are specified in greater detail in Permit Attachment H, *Ground Water Monitoring Request and Approval.*

A ground water monitoring waiver for the Facility has been approved by the Secretary for reasons specified at Permit Attachment H, *Ground Water Monitoring Waiver Request and Approval,* in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.90(b)(4)). Those reasons include contaminant flow model predictions that conservatively demonstrate that fluids will not migrate from a Regulated Unit to either the first zone of saturation approximately 700 feet below the facility, or to saturation associated with the Ogallala Aquifer a minimum of 3600 feet east of the facility, within 800 years. It is pursuant to the above regulations, and as a condition of the waiver approval, that vadose zone monitoring is required in lieu of groundwater monitoring under this Permit.

Other Monitoring Requirements

Monitoring requirements for regulated units contained in this Part are in addition to the LDRS monitoring requirements specified at Permit Conditions 5.6.2 and 6.6.2.

Regulated Units

Regulated units are defined at 20.4.1.500 NMAC (incorporating 40 CFR 264.90(a)(2)) as those land-based units that receive hazardous wastes after July 26, 1982. The Facility has two regulated units, the Landfill and the Surface Impoundment. The Landfill is described at Permit Part 6, *Highlights*. The Landfill is a disposal unit where wastes will remain indefinitely and will therefore be subject to vadose zone

monitoring Permit Conditions established in this Part that will extend through the Post-Closure Care Period (see Permit Part 8).

Potential releases from the Landfill are anticipated to be in the form of liquids escaping through a breach in the liner system. Though no free liquids will be placed in the Landfill, fluids will enter the Landfill in the form of precipitation, which will invariably leach hazardous constituents and accumulate in the Landfill sumps. Engineered controls to address the accumulated fluids and to preclude a release outside the Landfill liner system include an LCRS and an LDRS. The LCRS and LDRS are not considered part of the VZMS, but LCRS and LDRS fluid samples are used to establish indicator parameters indicative of Landfill leachate against which VZMS sample analyses are compared to determine whether a release to the vadose zone has occurred.

The Surface Impoundment is described at Permit Part 5, *Highlights*. Although the Surface Impoundment is a treatment unit that will undergo clean closure, its associated vadose zone monitoring wells will continue to be monitored through the post-closure care period due to their proximity to the Landfill (see Permit Part 8). Potential releases from the Surface Impoundment are anticipated to be in the form of liquids escaping through a breach in the liner system. Fluids that escape through the primary liner will be detected and removed by the Surface Impoundment LDRS.

1.1 GENERAL REQUIREMENTS

1.1.1 Duty to Monitor

The Permittee shall conduct vadose zone monitoring in accordance with the requirements of this Permit Part and as specified at Permit Attachment I, *Vadose Zone Monitoring System Work Plan*, and as required by 20.4.1.500 (incorporating 40 CFR 264.91, 264.97, and 264.98)).

1.1.2 Duty to Initiate Corrective Action

If at any time a release, generally in the form of a leachate escaping through a liner system, is detected from a regulated unit through the release assessment required at Permit Condition 7.5, the Permittee shall notify the Secretary within 24 hours and shall initiate corrective action in accordance with Permit Part 9.

1.1.3 Duty to Remove Non-Leachates

If the VZMS contains non-leachate fluids as identified at Permit Condition 7.3.1, the Permittee shall identify and remove, where possible, both the source and the non-leachate fluids as required by 20.4.1.500 (incorporating 40 CFR 264.97(a)(2)). If removal is implemented, the Permittee shall report the progress of that removal to the Secretary monthly.

1.1.4 Duration of Monitoring

The Permittee shall conduct vadose zone monitoring through the active life, including the closure period, of both the Landfill and the Surface Impoundment, and through the post-closure care period of the Landfill, in accordance with this Permit Part as required by 20.4.1.500 (incorporating 40 CFR 264.90(c)).

1.2 VZMS LOCATION AND CONSTRUCTION

1.2.1 VZMS Construction and Locations

The VZMS shall consist of three vadose zone sumps, seventeen vadose zone monitoring wells, three neutron probe access tubes, and three suction lysimeters installed at locations and depths as required at Permit Conditions 7.2.1.a, 7.2.1.b, 7.2.1.c, 7.2.1.d, and 7.2.1.e; and as specified at Permit Attachment I, Section 2.0, *Vadose Zone Monitoring System Installation.* The vadose zone monitoring wells shall be capable of yielding fluid samples from the vadose zone below the Landfill and Surface Impoundment where fluids are likely to accumulate in the future. The Permittee shall construct and maintain these monitoring points to yield sufficient fluid samples that are representative of the various fluid sources, as required by 20.4.1.500 (incorporating 40 CFR 264.95(a) and 40 CFR 264.97(a)(2)). The vadose zone monitoring system shall be installed prior to the initial acceptance of waste at the Facility, in accordance with the schedule presented at Table 1-1, *Compliance Schedule*, of this Permit. See a map of the VZMS at Permit Attachment I, Figure 2.

1.2.1.a Deep Vadose Zone Monitoring Wells

The Permittee shall install and maintain a total of eleven deep vadose zone monitoring wells as required by 20.4.1.500 (incorporating 40 CFR 264.95(a) and 264.97(a)(2)).

Ten deep vadose zone wells capable of collecting representative samples of any fluid that may accumulate at or above the

stratigraphic boundary between the Upper and Lower Dockum stratigraphic units, and below the stratigraphic boundary between the alluvium and the Upper Dockum, shall be constructed. The specific location of six of the ten deep vadose zone monitoring wells is specified at Permit Attachment I, Section 2.2, *Vadose Zone Monitoring Wells*. These wells shall be installed at the locations specified as Nos. VZMW-D1, D2, D3, D4, D5, and D6 in Permit Attachment I, Figure 2, *Location of Sumps and Monitoring Wells*.

One deep monitoring well (VZMW-D9) shall be located within fifteen feet of borehole location WW-1. The purpose of this deep vadose zone monitoring well is to measure potential changes in fluid chemistry and water level for a location where shallow groundwater is currently known to exist.

Two of the ten deep vadose zone monitoring wells will be located northeast of the regulated units. One well will be located at the northeast corner of the facility boundary, and another one-half the distance from the northeast corner of the facility boundary to the northeast corner of the landfill on a line that intersects the two points. The purpose of these two wells is to identify the lateral extent of Upper Dockum saturation, and to monitor any possible contaminants that may potentially migrate toward the saturated zone.

Also, one of the ten deep vadose zone monitoring wells will be located west of the facility boundary within fifteen feet of borehole location PB-14. This well will measure changes in fluid chemistry and water level at a location where shallow groundwater is currently known to exist.

One deep vadose zone monitoring well shall be installed and operated to determine the presence and quality of groundwater within the Lower Dockum Unit above the lower sandstone formation (Santa Rosa Sandstone). This well shall be constructed at the southeast corner of the stormwater detention basin. This well shall be screened from fifty feet below the top of the Lower Dockum Unit, down to one hundred feet above the top of the Santa Rosa Sandstone. The well shall be properly constructed to prevent fluid migration and infiltration between different stratigraphic units or zones.

These wells shall be constructed as specified in Permit Attachment I, Section 2.2.2, *Vadose Zone Monitoring Well Construction*; and as required by 20.4.1.500 (incorporating 40 CFR 264.97(c)).

1.2.1.b Shallow Vadose Zone Monitoring Wells

The Permittee shall install and maintain a total of six shallow vadose zone monitoring wells that are capable of collecting a representative sample of fluids that may accumulate at or above the stratigraphic boundary between the alluvial material and the Upper Dockum stratigraphic units, and below the ground surface as required by 20.4.1.500 (incorporating 40 CFR 264.95(a) and 264.97(a)(2)). Four shallow vadose zone monitoring wells shall be constructed and operated in the alluvial sediments west of the waste management units and east of the Stormwater Detention Basin. These wells shall be constructed on a north-south line spaced at approximately 330-foot intervals. The purpose of these wells is to monitor the possible near surface migration of regulated fluids toward the western boundary of the facility.

One shallow vadose zone monitoring well shall be constructed and operated within fifteen feet of the deep vadose zone monitoring well located near borehole WW-1. A second shallow vadose zone monitoring well shall be constructed and operated within fifteen feet of the deep vadose zone monitoring well located near borehole PB-14. The purpose of the two monitoring wells is to monitor the accumulation of fluids in the alluvial materials.

1.2.1.c Vadose Zone Monitoring Sumps

The Permittee shall install three vadose zone monitoring sumps, two below the Surface Impoundment and one below the Landfill, that are capable of collecting a representative sample of any fluids that may accumulate below the Surface Impoundment and the Landfill, respectively, in accordance with Permit Conditions 5.2.1.e and 6.2.1.e.

Vadose Zone Sumps shall be designed and constructed in accordance with the following engineering design drawings contained at Permit Attachment L1, *Engineering Drawings*:

Drawing 15: Sump Plan View – Phase 1a

Drawing 16: Sump Cross-Sections – Phase 1a

Drawing 17: Typical Sump Detail Cross-Section

Drawing 18: Vadose, LDRS, LCRS Cross-Sections and Details

Drawing 28: Evaporation Pond Subgrade Contours – Phase 1

Drawing 29: Evaporation Pond Clay Liner Contours – Phase 1

Drawing 30: Evaporation Pond Cross-Sections

Drawing 32: Evaporation Pond LDRS and Vadose Plan and Details

Drawing 39: Drum Handling Unit Sump Details (sheet 1 and sheet 2)

Drawing 41: Truck Roll Off Area Drainage Surface Contours (plan)

Drawing 43: Truck Roll Off Area Liner Details (section and details)

Drawing 44: Truck Wash Layout and Details (sheet 1 and sheet 2)

1.2.1.d Neutron Probe Access Tubes

The Permittee shall install and maintain a total of three deep neutron probe access tubes capable of detecting a release from the regulated units migrating in the subsurface as unsaturated flow. The neutron probe access tubes shall also be constructed to enable collection of a representative sample of any fluid that may accumulate at or above the stratigraphic boundary between the Upper and Lower Dockum stratigraphic units, and below the stratigraphic boundary between the alluvium and the Upper Dockum. Installation of neutron probe access tubes designed to detect unsaturated flow partially fulfills the Final Order from the Secretary dated March 18, 2002, through his authority stipulated at 20.4.1.900 (incorporating 40 CFR 270.32(b)(2)).

One neutron probe access tube shall be located at the center of the north boundary of the Phase I Landfill. Another access tube shall be located at the center of the west boundary of the Phase IA Landfill. The third access tube shall be located at the northwest corner of the North Surface Impoundment.Suction

1.2.1.e Lysimeters

The Permittee shall install and maintain a total of three shallow suction lysimeters capable of detecting a release from the Surface Impoundment migrating in the subsurface as unsaturated flow. Installation of suction lysimeters designed to detect unsaturated flow partially fulfills the Final Order from the Secretary dated March 18, 2002, through his authority stipulated at 20.4.1.900 (incorporating 40 CFR 270.32(b)(2)).

The lysimeters shall be placed in vertical boreholes at a depth of five feet below the Surface Impoundment vadose zone monitoring sumps. The lysimeters shall be located at the surface a distance of fifteen feet away from VZMW 1, VZMW 2, and the neutron probe access tube at the northwest corner of the North Surface Impoundment.

1.2.2 Additional Vadose Zone Monitoring Points

If, after Permit issuance, the Secretary's or the Permittee's knowledge of subsurface conditions indicate that the VZMS Permit Conditions are insufficient to detect a release from a regulated unit, the Secretary may require the Permittee to install additional vadose zone monitoring points in accordance with Permit Condition 7.2.1. Such changes may include, but are not limited to, detection of fluid in previously dry locations, or the discovery of previously unknown permeable strata during Facility construction or operation. The Permittee shall initiate a Permit modification to incorporate required additional monitoring point(s), in accordance with 20.4.1.900 (incorporating 40 CFR 270.42).

1.2.3 Location of Replacement Wells

Should existing monitoring wells fail or otherwise cease to perform their intended function, replacement wells shall be installed as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.95(a) and 264.97(a)(2)). Replacement vadose zone monitoring wells shall be located within 15 feet of an original well.

1.2.4 Well Surveys

All vadose zone monitoring points shall be surveyed for both vertical and horizontal coordinates by a professional land surveyor registered in New Mexico. Horizontal coordinates shall be to plus or minus 0.1 foot with respect to the State Plane Coordinate System (NMSA 47-1-49 to 56) (Repl. Pamp. 1993) and a Facility benchmark. Vertical coordinates shall be to the top of the well casing (marked), the top of the concrete apron (marked), and the ground surface to plus or minus 0.01 foot with respect to mean sea level and a benchmark. This survey information shall be entered into and maintained in the Operating Record in accordance with Permit Condition 7.7.1.

1.2.5 Supervision of Construction

An experienced professional geologist or engineer shall supervise and document all VZMS construction.

1.2.6 Continuous Core

Well bores VZMW-1, VZMS-5, and VZMS-6, as identified in Permit Attachment I, Table 2, shall be drilled so as to provide continuous core so as to substantially be in accordance with 20.45.1.900 NMAC (incorporating 40 CFR 270.14(c)(2)). One deep borehole required in Permit Condition 7.2.1.a shall be continuously cored from 15 feet below the Upper/Lower Dockum contact to the total depth. The primary purpose of the coring is to evaluate the possible existence of paleofractures or faults beneath the facility. Should these well bores yield insufficient core to accurately determine the lithology and geologic structure of the locations, the Secretary may require additional attempts to obtain the required core from proximal locations. All geologic core shall be labeled as to depth, photographed, boxed, stored, and made available for inspection for the operating life of the Facility. Selected samples shall be sealed and stored for future inspection. These samples shall be considered part of the Operating Record and maintained in accordance with Permit Condition 7.7.1.

1.2.7 Compatibility of Well Construction Materials

The Permittee shall ensure that vadose zone fluids are not adversely affected by well construction materials, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.97(a)). A compatibility demonstration shall be provided within six months of well construction, provided that sufficient vadose zone fluids are available to perform said assessment.

1.2.8 Drilling Equipment Air Supply

Borings shall be drilled using air rotary drilling methods as specified at Permit Attachment I, Section 2.2.2, and the air supply shall be filtered or provided with an efficient separator to minimize the introduction of water or compressor oil into the well bore, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.97(a)).

1.2.9 Well Completion Logs

Well completion logs for each VZMS well shall include, in addition to those items listed at Permit Attachment I, Section 2.2.2.3, *Well Construction Information*, the following information:

- date(s) of drilling, completion, and any well development that may be necessary;

- explanation for any introduced water and a reference to its source and its chemical analysis;
- well location horizontal and vertical coordinates;
- total boring depth to within 0.1 foot with respect to ground surface, and well depth to within 0.01 foot with respect to top of casing (marked);
- boring and well casing(s) diameters;
- drilling and lithologic logs;
- well casing material specifications and size, and reference material certifications;
- well screen slot size and depth to both top and bottom of screen interval;
- casing and screen joint type;
- filter pack material source and grain size analysis;
- filter pack placement methodology;
- sealant material sources, types and mix design;
- surface seal design;
- reference to any non-anthropogenic fluids encountered during construction;
- well development procedures, should they be required, including equipment and methods used, total daily amounts of fluids removed, recovery rates, turbidity, and static fluid surface elevation measurements, if applicable;
- description of protective cap;

- detailed well construction drawing presenting depth of well construction material emplacement and well dimensions; and

- aquifer test results, including hydraulic conductivity, for any well containing groundwater at construction.

Well Completion Logs shall be entered into and maintained in the Operating Record in accordance with Permit Condition 7.7.1. The Well Completion Logs shall be submitted to the Secretary in the first Quarterly Report after completion of well construction, in accordance with Permit Condition 7.7.2.

1.2.10 Decontamination of Material Introduced into the Well Bore

All materials (except filter pack and sealants) introduced into the well bore shall be steam cleaned or washed with hot water and anionic detergent (e.g., Alconox or equivalent) and thoroughly rinsed with distilled water prior to introduction, unless the material is supplied from the manufacturer certified clean and has remained sealed in a protective wrapping, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.97(a)). Wash/ decontamination water shall be collected in 55-gallon drums, labeled, and stored on site for later disposal in accordance with applicable regulations.

1.2.11 Decontamination of Drilling Equipment

Drilling equipment shall be decontaminated as specified at Permit Attachment I, Section 2.2.3, *Decontamination*; and in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.97(a)).

1.3 INDICATOR PARAMETERS

The Permittee shall create and maintain a list of chemical constituents and other parameters for use in monitoring the VZMS as specified below and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(a)). Monitored constituents are hereafter referred to as indicator parameters. Permit Attachments U2, *Background Values for Non-Leachates*, and V, *Vadose Zone Monitoring Indicator Parameters*; shall be developed, against which VZMS sample analysis shall be compared to assess potential releases to the vadose zone, in accordance with Permit Condition 7.

Potential sources of vadose zone fluids include two major categories: leachates originating from within the regulated units and containing the contaminants of concern; and non-leachates that originate outside the regulated units which are generally considered to not be contaminated. The non-leachate chemical constituents will be combined with the chemicals measured in leachates to establish the complete list of indicator parameters.

1.3.1 Non-Leachate Fluids

The Permittee shall establish and maintain a list of indicator parameters and their "baseline" chemical concentrations for the following non-leachate fluids according to the procedures specified at Permit Attachment I, Section 3.0, *Baseline Liquid Characterization*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(a)):

- precipitation;
- consolidation water from prepared regulated unit subgrade or geosynthetic clay liner;
- Facility water supply; and
- Stormwater Detention Pond fluids.

Non-leachate fluids are anticipated to contain only major ions and metals, but shall also be analyzed for those parameters identified at Permit Attachment I, Table 1, *Baseline Chemical Analyses*, including sulfides and sulfates, radionuclides, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs), perchlorate, and total petroleum hydrocarbons (TPH). Non-leachate water samples from the four sources listed above and drill cuttings from three representative Dockum lithologies (i.e. mudstone, siltstone, and sandy siltstone) will be used in the Meteoric Water Mobility Procedure to determine non-leachate water quality (see Permit Attachment I, Appendix A, *Meteoric Water Mobility Procedure*). The result of this procedure and the non-leachate water quality analysis, as described at Attachment I, Section 3.0, shall be used to determine the non-leachate indicator parameter list at Permit Attachment V and the baseline chemical concentrations at Attachment U2.

A tolerance interval statistical procedure, as described at Permit Attachment Q, *Statistics for Release Determination*, shall

be used to determine statistically significant changes from non-leachate baseline concentrations, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)).

1.3.1.a Time Frame for Establishing Non-leachate Fluid Indicator Parameter List and Baseline Concentrations

Both parameters on the indicator parameter list and their chemical constituent baseline concentrations for non-leachate fluids, excluding data acquired from Stormwater Detention Pond fluids, shall be established within three months of activating the Facility water supply and before acceptance of waste, in accordance with the procedures specified in Permit Attachment I, Section 3.0; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(a)).

Fluids in the Stormwater Detention Pond shall be measured annually for the constituents listed at 20.4.1.500 NMAC (incorporating 40 CFR 264, Appendix IX) and reported to the Secretary. A list of these constituents shall be maintained in both the Operating Record and at Permit Attachment V.

1.3.1.b Reporting – Baseline Values for Non-Leachate Fluids

The indicator parameter list and the baseline chemical concentration values for non-leachate fluids, tolerance intervals required at Permit Condition 7.3.1, and the computations necessary to determine these parameters, shall be submitted by the Permittee in a separate report to the Secretary for approval in accordance with Permit Condition 7.7.2.a; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(a)).

1.3.1.c Additional Non-Leachate Fluids

The Permittee shall establish and record a list of indicator parameters and their chemical constituent baseline for any new sources of non-leachate fluid in a manner consistent with the procedure identified in Permit Condition 7.3.1; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(a)).

1.3.2 Leachates

The Permittee shall establish indicator parameters for leachates generated at both the Landfill and the Surface Impoundment as specified below; and as required by 20.4.1.500 (incorporating 40 CFR 264.98(a)). These lists shall be maintained in both the

Operating Record and at Permit Attachment V. The leachate indicator parameters determined through monthly and biennial sampling shall be combined into a single leachate indicator parameter list maintained at Attachment V, which presents those parameters detected and which shall be updated as new indicator parameters are detected in subsequent sampling rounds. Parameters shall not be removed from the listing if subsequent sampling events do not detect a parameter present in previous sampling events.

1.3.2.a Monthly Sampling

The Permittee shall analyze both the Landfill and Surface Impoundment leachate (i.e., samples from the LCRS and LDRS) monthly, as specified at Permit Attachment F, *Waste Analysis Plan*, Section 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*, for the underlying hazardous constituents listed at the Table referenced at 20.4.1.800 NMAC (incorporating 40 CFR 268.40), for EPA Hazardous Waste Number F039 listed wastes (leachates); and as required by 20.4.1.500 (incorporating 40 CFR 264.98(a)). The results of these analyses shall be reported to the Secretary in the Quarterly Report, in accordance with Permit Conditions 2.12.2.b and 7.7.2.

1.3.2.b Biennial Sampling

The Permittee shall analyze both the Landfill and Surface Impoundment leachate biennially for the hazardous constituents referenced at 20.4.1.500 NMAC (incorporating 40 CFR 264, Appendix IX), as specified at Permit Attachment F, Section 4.5.6; and as required by 20.4.1.500 (incorporating 40 CFR 264.98(a)). The results of the test shall be reported to the Secretary in the Biennial Report and the samples shall be collected no sooner than 45 calendar days prior to the Biennial Report due date. Constituents previously undetected in the Appendix IX analysis shall be identified and reported. Constituents detected but not previously reported in accordance with Permit Condition 7.3.2.a and this Permit Condition shall also be reported.

1.4 MONITORING PROGRAM

The Permittee shall inspect and sample the VZMS at each monitoring point during the active life and closure period of the Facility, as specified at Permit Condition 7.1.4, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98). The Permittee shall inspect and sample vadose zone monitoring wells 3, 4, 5, and 6 at the Landfill, and vadose zone monitoring wells

1 and 2 at the surface Impoundment during the post-closure care period of the Facility. The Permittee shall use the following techniques and procedures when inspecting and sampling the vadose zone monitoring points required under Permit Condition 7.2.1. This information shall be recorded and reported in accordance with Permit Condition 7.7. Investigation-derived waste (IDW) generated during monitoring shall be managed as specified at Permit Attachment F, Section 4.5.6.1, *Overview of Wastes Generated On-site*.

1.4.1 Requirement to Inspect

1.4.1.a Inspection Schedule for Vadose Zone Fluids

The Permittee shall inspect each VZMS sump daily and each VZMS well monthly for the presence of vadose zone fluids. Inspection of Landfill VZMS sumps and Landfill and Surface Impoundment wells shall occur semi-annually during the post-closure period, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(d)).

1.4.1.b Inspection Schedule for Neutron Probe Access Tubes

The Permittee shall inspect each neutron probe access tube, plus Vadose Zone Monitoring Wells 1, 2 and 3, every six months. The Permittee shall probe the above inspection locations with a neutron geophysical logging tool calibrated to optimally distinguish between dry and partially saturated lithologies at the Facility. Baseline neutron logs shall be established in both open and cased holes for the above inspection locations. Subsequent inspections will produce logs that will be compared to the baselines. If a neutron log shows a 0.25 change over established baseline API readings over a two-foot interval anywhere in the column, the Permittee shall immediately inspect the appropriate monitoring point for the presence of vadose zone fluids. If a neutron log shows a 0.25 change over established baseline API readings over a two-foot interval within a depth range of five feet above or below the depth of the suction lysimeters, the Permittee shall immediately inspect the appropriate suction lysimeter for the presence of vadose zone fluids. If vadose zone fluids are detected during any of the above inspections, the Permittee shall implement Permit Condition 7.4.2.

1.4.1.c Inspection Due to Exceedance of the ALR

If the Action Leakage Rate (ALR) is exceeded, the Permittee shall inspect each VZMS monitoring point associated with the

impacted regulated unit immediately, and the Permittee shall increase the frequency of inspection of the monitoring wells from monthly to weekly at the impacted regulated unit; as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(d), 264.223, and 264.304). The inspection frequency shall remain weekly as long as the ALR continues to be exceeded.

1.4.2 Requirement to Sample

If fluids are detected in a VZMS monitoring well, sump, neutron probe access tube, or lysimeter upon the inspection required in Permit Condition 7.4.1., the Permittee shall collect a sample of vadose zone fluid monthly at each monitoring point containing fluid, as detailed at Attachment I, Sections 4.1 *Monitoring Frequency*, and 4.3, *Monitoring Method*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)). A sample shall be collected immediately when fluids are first detected at each monitoring point.

1.4.3 Fluid Elevation Measurement

The Permittee shall determine fluid elevation at each well and VZMS sump, referenced to mean sea level, each time fluid is detected, as specified at Permit Attachment I, Section 4.4, *Sample Collection*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(e)).

1.4.4 Fluid Purging

The Permittee shall evacuate fluids in the monitoring points to the surface, as specified at Permit Attachment I, Section 4.4; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)).

1.4.5 Decontamination

The Permittee shall ensure that reusable sampling equipment is decontaminated as specified at Permit Attachment I, Section 4.9, *Decontamination*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)).

1.4.6 Equipment Calibration

The Permittee shall ensure that field measuring instruments are calibrated as specified at Permit Attachment I, Section 4.8, *Field Equipment*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)).

1.4.7 Sample Containerization

The Permittee shall place fluid samples in containers as specified at Permit Attachment I, Section 4.4; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)).

1.4.8 Quality Assurance Samples

The Permittee shall assure sample quality as specified at Permit Attachment I, Section 4.6, *Quality Assurance Samples*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)).

1.4.9 Sample Preservation

The Permittee shall preserve samples as specified at Permit Attachment I, Section 4.5, *Sample Preservation and Transportation*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)).

1.4.10 Sampling Record

The Permittee shall ensure that sampling activities as specified at Permit Attachment I, Section 6.1, *Field Documentation*, are recorded in the Operating Record, in accordance with Permit Condition 7.7.1; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)). The sampling record shall include the Quarterly Well Inspection Logs (containing information required under Permit Condition 7.4.1) and Monitoring Field Logs (containing information required under Permit Conditions 7.4.2 through 7.4.9).

1.5 RELEASE ASSESSMENT

The Permittee shall conduct a release assessment on all fluid samples collected in accordance with Permit Condition 7.4.2 and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)) to determine whether fluids may have originated from within a regulated unit. If the data analysis specified at Permit Condition 7.5.1.a indicates that a release has occurred, the Permittee shall notify the Secretary within 24 hours of detection, as specified in Permit Attachment C (*Contingency Plan*), Section 6.5.3.2, and initiate the corrective action requirements of Permit Part 9, including the verification sampling requirements of Permit Condition 9.3.2. The fluid constituent concentrations indicative of a release shall be referred to as “action levels”. The release assessment shall be performed using the following techniques and procedures:

1.5.1 VZMS Sample Analysis

The Permittee shall analyze VZMS samples in accordance with all conditions of this Permit Part for all indicator parameters specified at Permit Attachment V and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)). It is presumed that the number of VZMS analytes will increase as additional waste streams are placed into the regulated unit.

1.5.1.a Release Determination

The Permittee shall determine whether a VZMS release has occurred, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)), by evaluating monitoring data for two criteria: 1) a significant change in non-leachate indicator parameter chemical concentrations, and 2) the detection of any leachate indicator parameters. The Permittee shall measure leachate constituents using the detection limits specified in Permit Condition 7.5.4.

The Permittee shall use trilinear diagrams to graphically determine any significant changes in the following non-leachate parameters: bicarbonate, chloride, dissolved major cations (Na, K, Mg, Ca, Fe), total dissolved solids (TDS), and sulfate. Trilinear diagrams will be compared after consecutive sampling events and over time. A tolerance interval statistical procedure, as described at Permit Attachment Q, shall be used to determine statistically significant changes in the following non-leachate parameters: dissolved and total metals (Sb, As, Ba, Be, Cd, Cr, Cu, Pb, Hg, Ni, Se, Ag, Ti, Zn) and radionuclides (gross alpha, gross beta, gamma emitters, total uranium, radium 226/228, radon). TDS, sulfates and all detected leachate indicator parameters shall be presented in a tabular format and will be compared after consecutive sampling events and over time.

The Permittee shall initiate corrective action under Permit Part 9 and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(g)) for any release defined as (a) any significant change in the shape of the trilinear diagram (i.e., a change in major ion ratio); (b) any statistically significant change in non-leachate dissolved or total metals or radionuclides; or (c) any detection of an anthropogenic hazardous constituent in VZMS samples.

1.5.1.b Analytical Methods

The Permittee shall utilize the appropriate analytical methods for baseline constituents as specified at Permit Attachment I, Table 1. Analytical methods for leachate constituents shall be

chosen from *Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods* (EPA publication SW-846, most current edition).

1.5.2 Evaluation Frequency

The release assessment shall be conducted each time fluid samples are collected, in accordance with Permit Condition 7.4.2 and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(d)), at each monitoring point required under Permit Condition 7.2.1, and as specified at Permit Attachment I, Section 6.4, *Data Analysis*.

1.5.3 Evaluation Schedule

The Permittee shall perform the evaluations specified at Permit Condition 7.5.1, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)(2)), within 30 calendar days after completion of sampling. The 30-day evaluation period includes the time required to perform laboratory analysis. The Permittee may petition the Secretary in writing for an extension to the 30-day evaluation period. The reasons for extending the 30-day evaluation period shall be presented in the petition. The Secretary will approve or disapprove the extension petition in writing within ten calendar days of receipt of the petition.

1.5.4 Detection Limits

Analytical detection limits shall in all cases be below the most stringent of the following three criteria, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)):

- applicable State or federal drinking water standards;
- the universal treatment standards (UTS) contained at 20.4.1.800 NMAC (incorporating 40 CFR 268,Subpart D); or
- the lowest detection limits specified at EPA publication SW-846, Third Edition, 1986.

1.5.5 Laboratory Quality Assurance/Quality Control

The Permittee shall ensure that waste analyses are performed using the laboratory quality assurance/quality control (QA/QC) measures specified at Permit Attachment I, Section 5.2,

Laboratory Quality Assurance/Quality Control; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)).

1.5.6 Data Validation

The Permittee shall ensure that all laboratory analytical data is presented in accordance with the most current version of EPA publication SW-846, Third Edition, documentation packages. Data validation shall be conducted as specified at Permit Attachment I, Section 5.3, *Data Review, Validation, and Verification Requirements*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(f)).

1.5.7 Data Reporting

The Permittee shall report the VZMS analytical data to the Secretary within 15 calendar days of sample evaluation schedule specified in Permit Condition 7.5.3. Data shall be reported in a form that is conducive to determining the presence of a release. The analytical information shall be presented as specified at Permit Condition 7.5.1.a and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.97(j) and 264.98(c)).

1.5.8 Alternate Indicator Parameters

The Permittee may propose to the Secretary an alternate list of indicator parameters that could be used to analyze vadose zone fluids and that shows contamination by leachates through a Permit modification pursuant to 20.4.1.900 (incorporating 40 CFR 270.42).

1.6 VZMS MAINTENANCE

The Permittee shall maintain the VZMS as specified at Permit Attachment N, *Operations and Maintenance Plan*, Sections 3.4.4, *Operation of Leachate Collection and Detection Systems*, and 3.5.4, *Operation of Leachate Detection and Vadose Zone Monitoring Systems*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.96). A summary of operation and maintenance activities shall be reported to the Secretary in the Quarterly Report in accordance with Permit Conditions 2.12.2.b and 7.7.2.

1.7 RECORDKEEPING AND REPORTING

1.7.1 Recordkeeping

The Permittee shall enter, at a minimum, the following VZMS information into the Operating Record in accordance with Permit Condition 2.12.1; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.98(c)):

- well survey information (Permit Condition 7.2.4);
- geologic core (Permit Condition 7.2.6);
- Well Completion and Lithologic Logs (Permit Condition 7.2.9);
- leachate chemistry (Permit Condition 7.3.2);
- Appendix IX analysis (Permit Condition 7.3.2.b);
- sampling activities (Permit Condition 7.4.2);
- fluid elevation measurements (Permit Condition 7.4.3);
- VZMS inspection reports (Permit Condition 7.4.1.a);
- VZMS analytical results (Permit Condition 7.5.1);
- sample collection and preservation (Permit Condition 7.4);
- data evaluation (Permit Condition 7.5); and
- non-leachate removal (Permit Condition 7.1.3).

1.7.2 Reporting

The Permittee shall report the following information to the Secretary, as specified at Permit Attachment I, Section 6.5, *Data Reporting*; and as required by 20.4.1.500 (incorporating 40 CFR 264.98(c)):

1.7.2.a First Quarterly Report

The following information shall be submitted in the first Quarterly Report:

- Well Completion and Lithologic Logs (Permit Condition 7.2.9);
- A list of indicator parameters for non-leachate fluids and associated computations (Permit Condition 7.3.1.b);
- A list of indicator parameter for initial leachates (Permit Condition 7.3.2) based on F-039 and the first Appendix IX analysis; and
- VZMS analytical results collected during the first quarter, and associated Well Inspection Logs and Monitoring Field Logs sampling information (Permit Conditions 7.4.1, 7.4.10, and 7.5.3).

1.7.2.b Quarterly Reports

The following information shall be submitted in all Quarterly Reports:

- leachate chemistry (Permit Condition 7.3.2.a);
- fluid elevation data for each well (Permit Condition 7.4.3);
- vadose zone system inspection reports (Permit Condition 7.4);
- vadose zone system analytical results (Permit Condition 7.5.1);
- sample collection and preservation procedures (Permit Conditions 7.4.3, 7.4.4, 7.4.5, 7.4.6, 7.4.7, 7.4.8, and 7.4.9);
- release assessment information in the form of a summary of the data reports (Permit Condition 7.5);

- operation and maintenance report (Permit Condition 7.6);

- non-leachate fluid removal summary (Permit Condition 7.1.3);

- Indicator Parameter List, including non-leachate parameters and leachate parameters, revisions to the list based on quarterly/biennial leachate sampling results, and evaluations used to derive this list (Permit Condition 7.3);

- monthly leachate sampling results for that quarter (Permit Condition 7.3.2.a); and

- summary of Appendix IX results included in the previous biennial sampling event (Permit Condition 7.3.2.b)

1.7.2.c Biennial Report

The following information shall be submitted in the Biennial Report required under Permit Condition 2.12.2.a:

- Appendix IX analysis (Permit Condition 7.3.2.b); and

- Indicator Parameter List modification based on Appendix IX analysis, and evaluations used to derive this list (Permit Condition 7.3)

1.7.2.d Special Reports

The following information shall be submitted in special reports:

- release information (Permit Condition 7.1.2);

- monthly reports as long as there are fluids in the VZMS; and

- non-leachate parameter list and computations necessary to determine non-leachate parameter list (Permit Condition 7.3.1.b)

1.7.3 VZMS Report Supervision

A professional geologist or engineer shall supervise all VZMS report preparation.

PERMIT PART 8

CLOSURE AND POST-CLOSURE CARE

HIGHLIGHTS

This Permit Part contains closure and post-closure care conditions for each permitted unit at the Facility. Also included are financial responsibility requirements for the Permittee for closure and post-closure care.

The Permittee may close the entire Facility (final closure) or any permitted unit at the Facility (partial closure) after notification to the Secretary. The Permittee will update Permit Attachment O, *Closure Plan*, for the Surface Impoundment and the Landfill through Permit modification prior to closure of these units to more accurately reflect unit conditions existing at the time of closure. The Permit modification may also include modification of Permit Attachment P, *Post-Closure Care Plan*.

All permitted units except the Landfill are expected to clean close. The term “clean closure” is defined as a closure performance standard requiring removal of hazardous waste and/or hazardous constituents to statistically-based background concentrations, rather than to health-based risk concentrations. Any unit that cannot be clean closed must be closed as a landfill through Permit modification of Permit Attachments O and P. Remediation activities that may be necessary at any permitted unit will be regulated under Permit Parts 9 and 10.

Post-closure care requirements at the completion of closure include maintenance and monitoring of the Landfill Phase 1A cap, the storm water collection system, leak and leachate detection and collection systems, and Vadose Zone Monitoring System (VZMS); site inspections and security; and, if necessary, a ground water monitoring system. The Permittee must modify the Permit to include post-closure care requirements, including maintenance, monitoring, reporting, and, if necessary, corrective action, at any other permitted unit(s) at the Facility that cannot be clean closed by removal and decontamination in accordance with Permit Attachment O.

1.1 CLOSURE

1.1.1 Performance Standards for Closure

The Permittee shall close the Facility, or any permitted unit at the Facility, as specified at Permit Attachment O; and as required by this Permit Part and 20.4.1.500 NMAC (incorporating 40 CFR 264.110 through 264.116); and in accordance with the time schedules contained at Permit Attachment O1, *Compliance Schedules for Closure.* The Permittee shall keep Permit Attachments O; O1, *Compliance Schedules for Closure*; and O2, *Financial Assurance for Closure*; at the Facility or at another location approved by the Secretary until the completion of Facility closure has been approved by the Secretary.

1.1.1.a General Performance Standard

At closure of the Facility or any unit at the Facility, the Permittee shall, as required by the performance standard contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.111):

- minimize the need for further maintenance; and
- control, minimize, or eliminate, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to surface or subsurface soils, ground or surface waters, or the atmosphere.

1.1.1.b Clean Closure Performance Standard

At closure, the Permittee shall ensure that all permitted units, with the exception of the Landfill, shall close in accordance with the clean closure performance standard specified at Permit Attachment O, Section 8.3, *Closure Performance Standard*.

Clean closure is achieved for a permitted unit when chemical analysis of potentially contaminated materials, soils, or leachate does not detect the presence of hazardous waste or hazardous constituents, or when any hazardous waste or hazardous constituent contained in soils or fluids removed from, below, or adjacent to a permitted unit is not above background concentrations identified at Permit Attachment U, *Action Levels for Corrective Action*; Appendix U1, *Background Concentrations for Soil*; and Appendix U3, Background Concentrations for Ground

Water; in statistically significant concentrations, as determined using the methodology contained at Permit Attachment Q, *Statistics for Release Determination*, or as determined by the Secretary.

1.1.2 Closure Plan Modification

1.1.2.a Amendment When Necessary

The Permittee shall amend the Closure Plan through Permit modification, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.112(c)(2)), whenever:

- changes in operating plans or Facility design affect the Closure Plan;
- there is a change in the expected year of closure;
- unexpected events during partial or final closure require a modification of the approved Closure Plan;
- changes in statutory or regulatory requirements; or
- changes in available technology.

The modified Closure Plan shall identify the steps necessary to perform closure of a permitted unit or the Facility at any point during its active life, in accordance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.112(b)).

The modified Closure Plan shall be approved by the Secretary, in writing, prior to implementation. If the Secretary does not approve the modified Closure Plan submitted by the Permittee, the Secretary will notify the Permittee, in writing, of Closure Plan deficiencies and will specify a due date for submission of a revised Closure Plan. Upon approval by the Secretary, the modified Closure Plan, including revised schedules of implementations and revised cost estimates, shall be incorporated into this Permit by replacement or modification, as appropriate, of Permit Attachments O and O1 and made an enforceable part of this Permit.

1.1.2.b Landfill and Surface Impoundment Closure Plan Modification Prior to Closure

The Permittee shall amend the Closure Plan for the Landfill and, if necessary, the Surface Impoundment through Permit modification, and shall submit the amended Plan to the Secretary for approval 60 calendar days prior to the commencement of partial or final closure activities. The Permit modification must provide revised implementation schedules and cost estimates, a discussion of closure activities in accordance with appropriate parts of Permit Conditions 8.1.10, 8.1.11, and 8.3, and detailed plans and specifications for the Landfill cover and, if necessary, the Surface Impoundment cover, and revegetation of the Landfill and Surface Impoundment areas. In its submittal on the re-vegetation of the Landfill and Surface Impoundment areas, Permittee shall address soil quality, the seed mix planned in order to establish native grasses, the maintenance of the vegetation, and plans for re-seeding in the event the original vegetation planted fails.

1.1.2.c Storage and Treatment Units, Closure Plan Modification

If, at closure, the Permittee determines that the clean closure performance standard contained at Permit Condition 8.1.1.b cannot be met at any of the hazardous waste storage or treatment units, the Permittee shall prepare and submit to the Secretary for approval a Permit modification request to amend Permit Attachment O, as it pertains to the affected area or unit, in accordance with all the closure, post-closure, and financial responsibility requirements that apply to landfills, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.310), pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.112(c)(3) and 264.197(b)).

This Permit modification request shall be submitted no later than 60 calendar days after the Permittee or Secretary has determined that the affected unit must close as a landfill, or no later than 30 calendar days if the determination is made during partial or final closure of the affected unit.

1.1.2.d Receipt of Non-Hazardous Waste

The Permittee may request a modification to receive nonhazardous waste for disposal in the Landfill or the Surface Impoundment after the final receipt of hazardous waste at either unit, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.113(d)).

1.1.2.e Modification Required by the Secretary

The Secretary may require Closure Plan modification under the conditions described at Permit Condition 8.1.2.a, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.112(c)(4)).

1.1.3 Closure Schedule

1.1.3.a Notification of Closure

The Permittee shall notify the Secretary of the start of Closure Plan implementation at least 60 calendar days prior to the date on which the Permittee expects to commence closure of any facility unit as specified at Permit Attachment O, Section 8.1, *Closure Activities*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.112(d)(1)).

1.1.3.b Time Schedule for Closure

Within 90 calendar days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes if receipt of non-hazardous wastes is approved by the Secretary in accordance with Permit Condition 8.1.2.d, the Permittee shall remove all hazardous wastes from the unit to be clean closed and shall meet the conditions for closure contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.113). Such removed hazardous wastes shall be treated, if appropriate, and properly disposed of in the Landfill or at an off-site permitted hazardous waste disposal facility.

The Secretary may approve a longer closure period if the Permittee complies with all applicable requirements for requesting a Permit modification for this purpose and submits the demonstrations to justify a time extension required at 20.4.1.500 NMAC (incorporating 40 CFR 264.113(a)(1) and 264.113(a)(2)).

1.1.4 Closure Activities

1.1.4.a Proper Disposal of Equipment, Structures, and Soils

During the partial and/or final closure periods, the Permittee shall properly dispose of or decontaminate all contaminated equipment, structures, and soils as specified at Permit Attachment O, Section 8.1; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.114).

By removing any hazardous wastes or hazardous constituents during closure activities, the Permittee may become a generator of hazardous waste, and shall handle that waste in accordance with all applicable requirements of 20.4.1.300 NMAC (incorporating 40 CFR Part 262). Closure of Facility units by removal or decontamination shall include removal of all hazardous waste and contaminated media.

The soil performance standard for closure shall be based upon background analyte soil concentrations.

1.1.4.b Clean Closure Confirmation

The Permittee shall confirm that contamination is no longer present at, beneath, or outside the boundaries of any permitted unit(s) undergoing clean closure in accordance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264.115). Confirmation of the removal of all waste and contaminated media shall include sampling of surface water, ground water, and other fluids beneath or outside the boundaries of the Facility or unit(s) being closed; and collecting surface soil samples within the unit(s) at intervals of one per every 500 square feet and one per every 20 linear feet and/or at unit-specific intervals, depths, and locations specified by the Secretary. Sampling shall be conducted at the locations specified at Permit Attachment O and at any additional locations that may be required under Permit Parts 9 and 10.

1.1.4.c Updated Sampling Plan

Ninety days prior to implementation of the Closure Plan for the Facility or for any permitted unit at the Facility undergoing closure, the Permittee shall submit to the Secretary for approval, as part of the Closure Plan, an updated Sampling and Analysis Plan, as specified at Permit Attachment O, Section 8.1.1.2, *Decontamination of equipment and Dismantling of Building Structure*. The Sampling Plan shall meet the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.112(b)(4)).

1.1.5 Closure Certification

Within 60 calendar days following completion of closure of the Facility or of any permitted unit at the Facility, the Permittee shall submit to the Secretary, by registered mail, hand delivery, or special delivery service, a certification that the Facility or the permitted unit undergoing closure has been closed in accordance with the specifications contained in Permit

Attachment O, this Permit Part, and 20.4.1.500 NMAC (incorporating 40 CFR 264.110 through 116). The certification shall be signed by the Permittee and by an independent professional engineer registered in New Mexico, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.115). Documentation supporting the independent registered professional engineer's certification, in the form of a Final Closure Report specified at Permit Condition 8.1.7.c, must be furnished to the Secretary concurrent with the certification. The closure certification and the Final Closure Report must be delivered to the Secretary, and the Secretary must verify the closure certification before he releases the Permittee from the financial assurance requirements for closure under 20.4.1.500 NMAC (incorporating 40 CFR 264.143(i)).

1.1.6 Survey Plat

No later than the date of submission of the closure certification of each permitted unit that has not attained clean closure, the Permittee shall submit a survey plat of the closed permitted unit to the local zoning authority or the authority with jurisdiction over local land use, and to the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.116). The survey plat shall indicate the location and dimensions of Landfill cells or any other waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a New Mexico registered, professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use, must contain a note, prominently displayed, which states the Permittee's obligation to restrict disturbance of any hazardous waste disposal unit which is not clean closed, in accordance with the applicable regulations found at 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart G).

1.1.7 Recordkeeping and Reporting Requirements

1.1.7.a Sampling Records

The Permittee shall ensure that the records for sampling and analysis activities of all media required in accordance with Permit Conditions 8.1.4.b and 8.1.4.c are maintained by the Facility. This documentation must include records for sampling of soil, surface water, and groundwater (including vadose zone). Vadose zone monitoring records shall be maintained as specified at Permit Attachment I, *Vadose Zone Monitoring System Work Plan*, Section 6.1, *Field Documentation*. The sampling record shall

include the monthly Well Inspection Logs and Monitoring Field Logs.

1.1.7.b Quarterly Reports

During the partial and final closure periods, the Permittee shall submit Quarterly Status Reports on closure activities for the Facility or a permitted unit undergoing closure until closure certification for the Facility or the permitted unit undergoing closure is submitted to the Secretary in accordance with Permit Condition 8.1.5. These reports are in addition to the applicable Quarterly Reports requirements at Permit Condition 2.12.2.b. The reports must summarize:

- closure activities during the previous quarter;
- activities planned for the next quarter; and
- any variance from the approved Closure Plan and the reason for the variance.

1.1.7.c Final Closure Report

Within 60 calendar days following completion of closure of the Facility or any permitted unit at the facility, the Permittee shall submit a Final Closure Report to the Secretary, with submittal of the closure certification required under Permit Condition 8.1.5, as required by 20.4.1.500 NMAC, (incorporating 40 CFR 264.115). The Report must contain, at a minimum:

- a summary of activities conducted under closure;
- a summary of variances from the approved Closure Plan;
- laboratory sample analysis sheets for all analysis conducted during closure, including raw data;
- laboratory analysis summary tables;
- site plans displaying the locations where all media samples were obtained during closure activities;
- sampling and analysis quality assurance/quality control (QA/QC) documentation; and

- types, amounts, and disposal locations of all hazardous wastes placed in the Landfill.

1.1.8 Closure Requirements for Containers

The Permittee shall conduct closure activities for the Drum Handling Unit and the Roll-Off Container Storage Unit as specified at Permit Attachment O, Sections 8.1.1, *Drum Handling Unit*, and 8.1.5, *Roll-Off Storage Area*, and other pertinent sections; and as required by this Permit Part and 20.4.1.500 NMAC (incorporating 40 CFR 264.111 through 264.116 and 264.178). The Drum Handling Unit and the Roll-Off Storage Area shall be clean closed as specified at Permit Attachment O, Section 8.3 through removal, decontamination, and proper disposal of remaining containers, liners, bases, buildings, ancillary equipment and soil, in accordance with Permit Condition 8.1.1.b.

1.1.9 Closure Requirements for Tanks

The Permittee shall conduct closure activities for the hazardous waste storage and treatment units, as specified at Permit Attachment O, Sections 8.1.3, *Liquid Waste Receiving and Storage Unit*, and 8.1.4, *Stabilization Unit*, and other pertinent sections; and as required by this Permit Part and 20.4.1.500 NMAC (incorporating 40 CFR 264.111 through 264.116 and 264.197).

The Permittee shall achieve the clean closure performance standard specified at Permit Attachment O, Section 8.3, for all tank areas or tank units, in accordance with Permit Condition 8.1.1.b, through removal or decontamination of all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste. If a tank storage or treatment area or a tank system cannot be clean closed, the Permittee shall submit a request for Permit modification to the Secretary to close the unit as a landfill, in accordance with Permit Condition 8.1.2.c. The Permit modification must contain plans and specifications for a final cover, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.310(a)).

1.1.10 Closure Requirements for the Surface Impoundment

1.1.10.a Surface Impoundment Closure Activities

The Permittee shall conduct closure activities for the Surface Impoundment in compliance with Permit Attachment O, Section 8.1.2, *Evaporation Pond*, and other pertinent sections; and the

modified Closure Plan required at Permit Condition 8.1.10.b; and as required by this Permit Part and 20.4.1.500 NMAC, (incorporating 40 CFR 264.111 through 264.116 and 264.228). The Permittee shall achieve the clean closure performance standard identified at Permit Condition 8.1.1.b.

1.1.10.b Surface Impoundment Permit Modification

Prior to closure, the Permittee shall submit a request for Permit modification of the Closure Plan as it pertains to the Surface Impoundment to the Secretary in accordance with Permit Condition 8.1.2.b. The Permit modification must describe closure activities to meet the clean closure standard specified at Permit Condition 8.1.1.b.

1.1.10.c Permit Modification for Closure as a Landfill

If the Surface Impoundment cannot be clean closed, the Permit modification required in accordance with Permit Condition 8.1.10.b must include closure and post-closure care activities and financial responsibility requirements to close the Surface Impoundment as a Landfill, in accordance with Permit Condition 8.1.2.c. This Permit modification request shall be submitted no later than 90 days after the Permittee or Secretary has determined that the Surface Impoundment must close as a landfill.

1.1.10.d Removal of Hazardous Waste

At clean closure of the Surface Impoundment, the Permittee shall eliminate free liquids by evaporation of the liquid wastes and solidification of all remaining hazardous wastes and hazardous waste residues, as specified at Permit Attachment O, Section 8.1.2, *Evaporation Pond*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.228(a)).

1.1.10.e Decontamination

At closure of the Surface Impoundment, the Permittee shall remove or decontaminate all waste residue, contaminated containment systems and LDRS and VZMS sump components, contaminated subsoils, and any contaminated structures and equipment at the Surface Impoundment, as specified at Permit Attachment O, Section 8.1.2.3, *Removal and Disposal of Liner and Leachate Collection System*; and in accordance with Permit Condition 8.1.4.a; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.228(a)). Liners and sump systems may be disposed of as hazardous debris.

1.1.10.f Restoration

At closure, the Permittee shall ensure that the Surface Impoundment area is restored to the approximate original grade, and revegetated, as specified at Permit Attachment O, Section 8.1.2.5, *Filling and Revegetating*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.228).

1.1.10.g Surface Impoundment Well Monitoring

The Permittee shall continue the Surface Impoundment vadose zone well monitoring required at Permit Condition 5.6.2 on a monthly basis during the closure period, as specified at Permit Attachment I, Section 4.1, *Monitoring Frequency*. The Permittee shall sample at each monitoring point containing fluid, and shall otherwise comply with the requirements of Permit Conditions 7.4.3 through 7.4.9. If a release has occurred, the Permittee shall comply with all the release assessment requirements contained at Permit Condition 7.5.

1.1.11 Closure Requirements for the Landfill

1.1.11.a Landfill Closure Activities

The Permittee shall conduct closure activities as specified at Permit Attachment O, Section 8.1.6, *Landfill*, and other pertinent sections; and the modified Closure Plan required at Permit Condition 8.1.11.b; and as required by this Permit Part and 20.4.1.500 NMAC (incorporating 40 CFR 264.111 through 264.116 and 264.310).

1.1.11.b Landfill Permit Modification

Prior to closure, the Permittee shall submit a request for Permit modification of the Closure Plan as it pertains to the Landfill to the Secretary, in accordance with Permit Condition 8.1.2.b. The Permit modification shall provide details on a final Landfill cover and revegetation that meet all the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.310(a)).

1.1.11.c Landfill Cover

The Permittee shall cover the Landfill at closure with a final cover as specified at Permit Attachments L, *Engineering Report*, Section 3.1.5, *Final Cover*; and O, Section 8.1.6; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.310(a)).

1.1.11.d Landfill VZMS Monitoring

The Permittee shall continue the vadose zone monitoring required at Permit Condition 6.6.2 on a monthly basis during the closure period, as specified at Permit Attachment I, Section 4.0, *Monitoring Procedures*. The Permittee shall sample at each monitoring point containing fluid, and shall otherwise comply with the requirements of Permit Conditions 7.4.2. If waste analysis shows that a release has occurred, the Permittee shall comply with the release assessment requirements contained at Permit Condition 7.5. Recordkeeping shall be performed in accordance with Permit Condition 2.12.1.k.i.

1.2 POST-CLOSURE CARE

1.2.1 General Post-Closure Care Requirements

1.2.1.a Landfill

The Permittee shall ensure that post-closure care activities at the Landfill are conducted as specified at Permit Attachment P, *Post-Closure Care Plan*, Section 8.2, *Post-closure Activities*; and as required by this Permit Part and 20.4.1.500 NMAC (incorporating 40 CFR 264.117 through 264.120). The Permittee shall keep Permit Attachments P, and P1, *Financial Assurance for Post-Closure Care*, at the Facility or at a location approved by the Secretary until the completion of post-closure care has been approved by the Secretary.

1.2.1.b Other Permitted Units Which Cannot Clean Close

The Permittee shall provide post-closure care through Permit modification, in accordance with Permit Condition 8.2.2, for any permitted unit where clean closure of the units by decontamination and removal is not accomplished.

1.2.2 Post-Closure Care Plan Modification

1.2.2.a Amendment When Necessary

The Permittee shall submit an updated or amended Post-Closure Care Plan to the Secretary for approval, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.118(d)), whenever:

- changes in operating plans or Facility design affect the Post-Closure Care Plan;

- there is a change in the expected year of final closure;
- events that occur during the active life of the Facility, including partial and final closures, affect the approved Post-Closure Care Plan;
- changes in statutory or regulatory requirements; or
- changes in available technology.

The Permittee shall submit a written request for a Permit modification at least 60 calendar days prior to the proposed change in Facility design or operation, or no later than 60 calendar days after an unexpected event has occurred which has affected the Post-Closure Care Plan, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.118(d)(3)).

The updated Post-Closure Care Plan shall be approved by the Secretary, in writing, prior to implementation, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.118(d)(3)). If the Secretary does not approve the updated Post-Closure Care Plan, the Secretary will notify the Permittee, in writing, of the Post-Closure Care Plan deficiencies, and will specify a due date for submittal of a revised Post-Closure Care Plan. Upon approval by the Secretary, the updated or amended Post-Closure Care Plan will be incorporated into this Permit by modification or replacement of Permit Attachment P, and made an enforceable part of this Permit.

1.2.2.b Surface Impoundment Post-Closure Care Plan Modification

If the Permittee or the Secretary determines that the Surface Impoundment must be closed as a landfill, the Permittee shall, within 90 days of such determination, submit to the Secretary for approval a revised Post-Closure Care Plan detailing post-closure care requirements for the Surface Impoundment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117 through 264.120, 264.228(b), and 264.310); and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.118(a)).

1.2.2.c Tank System Post-Closure Care Plan Modification

If the Permittee determines that any hazardous waste tank treatment or storage units cannot clean close in accordance with Permit Condition 8.1.1.a, the Permittee shall submit to the

Secretary for approval a revised Post-Closure Care Plan detailing post-closure care requirements, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117 through 264.120, 264.197, and 264.310), for the affected tank area or unit, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.197(b)). The Permittee shall initiate the Permit modification process required by Permit Condition 8.2.1.b.

1.2.2.d Modification Requested by the Secretary

The Secretary may request Post-Closure Care Plan modification under the conditions described at Permit Condition 8.2.2.a, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.118(d)(4)).

1.2.3 Post-Closure Care Time Schedules

The Permittee shall implement post-closure care requirements for 30 years after completion of closure of the Landfill or any permitted unit(s) closed with contamination in place, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117(a)(1)).

At any time, the Secretary may, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.117(a)(2)):

- shorten the post-closure period if the Secretary finds that human health and the environment are protected sufficiently (e.g., leachate or ground water monitoring results, characteristics of the hazardous wastes, application of advanced technology, or alternative disposal, treatment or re-use techniques indicate that the unit or Facility is secure); or

- extend the post-closure care period if the Secretary determines that this is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health or the environment).

1.2.4 Post-Closure Care Requirements for the Landfill

The Permittee shall comply with the post-closure care requirements for the Landfill specified at Permit Attachment P, Section 8.2.2, *Landfill Final Cover*, and 20.4.1.500 NMAC

(incorporating 40 CFR 264.310(b)). The Permittee shall maintain and monitor the leachate and vadose zone monitoring systems (and ground water monitoring system, if one is required by the Secretary), the Landfill cover, and the storm water collection system, and shall comply with all other applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart F and 264.310(b)), during the post-closure care period, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117(a)(1)).

1.2.4.a Cover Maintenance

The Permittee shall maintain the integrity and effectiveness of the final Landfill cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.310(b)(1)).

1.2.4.b Leak Detection Systems Monitoring

The Permittee shall continue to operate the LDRS and LCRS until leachate is no longer detected, as determined by the Secretary, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.310(b)(2)).

1.2.4.c Landfill VZMS Monitoring

The Permittee shall maintain and monitor the Landfill VZMS sump and wells semi-annually throughout the post-closure period, as specified at Permit Attachment I, Section 4.1, *Monitoring Frequency*, and comply with all other applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart F and 264.310(b)).

1.2.4.d Run-On/Run-Off Control

Surface water diversions or surface drainage ditches shall be installed as necessary to prevent gullies from forming. The Permittee shall maintain the run-on and run-off control system for the Landfill to prevent erosion or other damage to the final cover, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.310(b)(4)).

1.2.4.e Surveyed Benchmarks

The Permittee shall protect and maintain surveyed benchmarks used in complying with the surveying and recordkeeping requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.309),

and pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.310(b)(6)).

1.2.5 Surface Impoundment VZMS Monitoring

The Permittee shall maintain and monitor the Surface Impoundment VZMS sump and wells semi-annually throughout the post-closure care period, as specified at Permit Attachment I, Section 4.1.

1.2.6 Security

1.2.6.a Security Requirements

The Permittee shall comply with all security requirements during the post-closure care period specified at Permit Attachment P, Section 8.2.1, *Security Systems*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117(b)).

1.2.6.b Property Use

The Permittee shall not allow any use of the Facility property that 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, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117(c)).

1.2.7 Inspections

The Permittee shall inspect the Landfill cover, run-on/run-off controls, the LDRS, LCRS, and VZMS sumps at the Landfill, and the Landfill and Surface Impoundment monitoring wells during the post-closure care period in accordance with the inspection schedules contained at Permit Attachments D, *Inspection Procedures*; D1, *Inspection Schedules and Checklists*; O, Section 8.1.6,; and P, Sections 8.2.1, *Security Systems*, 8.2.4.3, *Leak Detection System*, and 8.2.5.2, *Inspection and Maintenance*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.117(a)(1)).

1.2.8 Reporting

The Permittee shall submit annual reports to the Secretary throughout the post-closure care period that summarize inspection and maintenance activities and monitoring results, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.31(b)).

1.2.9 Certification of Post-Closure Care Completion

No later than 60 calendar days after completion of the established post-closure care period for the Facility or any unit undergoing post-closure care, the Permittee shall submit to the Secretary, by registered mail, hand delivery, or special delivery service, a certification that the post-closure care for the hazardous waste unit was performed in accordance with the specifications contained in the approved Post-closure Plan. The certification shall be signed by the Permittee and an independent, professional engineer registered in New Mexico. Documentation supporting the engineer's certification shall be furnished to the Secretary upon request, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.120), until the Secretary releases the Permittee from the financial assurance requirements for post-closure care contained at Permit Condition 8.3.2, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.145(i)).

1.2.10 Verification of Post-Closure Care Completion

The Secretary will, within 60 calendar days of receipt of the certification of post-closure care completion from the Permittee, verify through a site visit and examination of documents that post-closure care was completed as required under the approved Post-Closure Care Plan, in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)).

1.2.11 Post-Closure Notices

1.2.11.a Hazardous Waste Records

No later than 60 days after certification of closure of each hazardous waste disposal unit, the Permittee must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Secretary a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.119(a)).

1.2.11.b Notation on Property Deed

1.2.11.b.i Record of Notation

Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the Permittee must record, as required by 20.4.1.500 NMAC

(incorporating 40 CFR 264.119(b)(1)), a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

- the land has been used to manage hazardous wastes;
- its use is restricted, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264 Subpart G) regulations; and
- 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, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.116 and 264.119(a)), have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Secretary.

1.2.11.b.ii Certification of Deed Notification

Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the Permittee must submit a certification, signed by the Permittee, that he has recorded the notation specified in Permit Condition 8.2.11.b.i, including a copy of the document in which the notation has been placed, to the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.119(b)(2)).

1.2.12 Removal of Hazardous Materials

If the Permittee or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, (if any), or contaminated soils, then the Permittee or the subsequent owner or operator shall request a modification to this Permit in accordance with the applicable requirements contained at 20.4.1.900 and 901 NMAC (incorporating 40 CFR Parts 124 and 270).

The Permittee or the subsequent owner or operator, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.119(c)), shall demonstrate that the removal of hazardous wastes will satisfy all HWA and RCRA requirements for generation and transport of

hazardous waste, and that such an action, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.117(c)):

- is necessary to the proposed use of the property and will not increase the potential hazard to human health and the environment; or

- is necessary to reduce a threat to human health or the environment.

1.3 FINANCIAL RESPONSIBILITY

1.3.1 Cost Estimates for Closure and Post-Closure Care

The Permittee shall maintain financial assurance for both closure and post-closure care costs, and comply with all applicable requirements of 20 4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart H). The Permittee shall demonstrate continuous compliance with financial assurance requirements by providing documentation of financial assurance as required by 20 4.1.500 NMAC (incorporating 40 CFR 264.143, 264.145 and 264.151), in at least the amount of the closure and post-closure care cost estimate required by 20 4.1.500 NMAC (incorporating 40 CFR 264.142 and 264.144). Changes in financial assurance mechanisms must be approved by the Secretary pursuant to 20 4.1.500 NMAC (incorporating 40 CFR 264.145). The closure and post-closure cost estimates, prepared in accordance with 20 4.1.500 NMAC (incorporating 40 CFR 264.142 and 144), are specified at Attachments O2, *Financial Assurance for Closure*, and P1, *Financial Assurance for Post-Closure Care*, respectively.

1.3.1.a Most Recent Cost Estimates

The NMED's cost estimates for closure and post-closure care, prepared in accordance with 20.4.1.500 NMAC, (incorporating 40 CFR 264.142 and 264.144), respectively, are specified at Permit Attachment O2, and Permit Attachment P1, respectively. When closure or post-closure care cost estimates are adjusted or revised in accordance with Permit Conditions 8.3.1.b and 8.3.1.c, respectively, the Permittee shall submit these adjusted or revised cost estimates to the Secretary by the anniversary date of the establishment of the financial instrument(s) used to comply with Permit Condition 8.3.2.

The latest closure cost estimates will be inserted as replacement pages in Attachment O2. The latest post-closure care cost estimates will be inserted as replacement pages in Attachment P1.

1.3.1.b Adjustment for Inflation

The Permittee shall adjust the closure and post-closure care cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Permit Condition 8.3.2, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.142(b) and 264.144(b)).

1.3.1.c Cost Estimate Revisions

No later than 30 days after the Secretary has approved a request to modify the Closure Plan or Post-Closure Care Plan, the applicable cost estimate shall be revised if the change increases the cost of closure or of post-closure care, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.142(c) and 264.144(c)), respectively.

1.3.1.d Recordkeeping - Cost Estimates for Closure and Post-Closure Care

The Permittee shall keep at the Facility the latest closure and post-closure care cost estimates during the operating life of the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.142(d) and 264.144(d)).

1.3.2 Financial Assurance for Closure and Post-Closure Care

1.3.2.a Continuous Compliance with Financial Assurance Requirements

The Permittee shall demonstrate continuous compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.143, 264.145, and 264.146) by providing documentation of financial assurance, in at least the amount of the cost estimates required by Permit Condition 8.3.1.d, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.143 and 264.151). This demonstration shall be submitted to the Secretary for approval so that it may be implemented at least 60 days prior to the initial receipt of waste at the Facility as specified at Permit Attachments O2, Section 8.8.1, *Financial Assurance for Closure*, and P1, Section 8.8.2, *Financial Assurance for Post-Closure Care*; and in accordance with Permit Condition 1.10; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.143(f)(3), 264.143(f)(5), 264.145(f)(3), and 264.145(f)(5)).

Changes in financial assurance mechanisms for closure and/or post-closure care must be approved by the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.143(f)(6) and 264.145(f)(6)).

PERMIT PART 9

CORRECTIVE ACTION FOR REGULATED UNITS

HIGHLIGHTS

Introduction

This Part contains permit conditions that ensure an appropriate response in the event of a release of hazardous wastes or constituents from a regulated unit at the Triassic Park Hazardous Waste Disposal Facility (the Facility). Nothing herein shall be construed to prevent or limit the Secretary from requiring corrective action at the Facility pursuant to an administrative order or other authority.

Corrective action permit conditions in this Permit Part include initial response actions, notification requirements, release verification procedures, ground water monitoring requirements, and recordkeeping and reporting requirements for regulated units. Longer-term response actions, such as release investigation, remedy selection, interim measures, and others, are also required under this Permit Part.

The principal method of detecting a release of waste from a regulated unit is the Vadose Zone Monitoring System (VZMS). Permit conditions associated with the VZMS are described in Permit Part 7.

The corrective action permit conditions of this Permit Part address significant contaminant releases from regulated units that generally originate subsurface or escape secondary containment and cannot be appropriately managed and ultimately resolved through Permit Attachment C, *Contingency Plan*, and/or Permit Attachment J, *Action Leakage Rate and Response Action Plan*.

Regulated Units

Regulated units are those land-based units that received hazardous wastes after July 26, 1982. There are two regulated units at the Facility, the Landfill and the Surface Impoundment.

The Landfill is a final disposal unit for hazardous wastes and is therefore subject to corrective action permit conditions throughout the post-closure care period addressed at Permit Part

8. Potential releases from the Landfill are anticipated to be in the form of leachates escaping through a breach in the liner system. Although no free liquids will be placed in the Landfill, fluids will enter the Landfill in the form of precipitation that will inevitably leach hazardous constituents and accumulate in a Landfill sump. Engineered controls to address the accumulated leachates and to preclude a release outside the Landfill liner system include a Leachate Collection and Removal System (LCRS) and a Leak Detection and Removal System (LDRS). Requirements for these controls are contained at Permit Part 6.

The Surface Impoundment is a treatment unit that is not expected to leave hazardous wastes in place after closure and will therefore not be subject to corrective action permit conditions under this Part after the closure period if the clean closure performance standard identified at Permit Part 8 is attained. Potential releases from the Surface Impoundment are anticipated to be in the form of leachates escaping through a breach in the liner system. The engineered control to address accumulated fluids and to preclude a release outside the Surface Impoundment's primary liner is a Leak Detection and Removal System (LDRS). Requirements for these controls are contained at Permit Part 5.

Regulatory Background

Corrective action for all solid waste management units (SWMUs) is required in New Mexico's Hazardous Waste Management Regulations, 20.4.1.500 NMAC, (incorporating 40 CFR Part 264, Subpart F) (*Releases from Solid Waste Management Units*). The regulated units of this Permit Part are considered a subset of SWMUs, and as such are subject to the corrective action requirements contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.101). Regulated units must comply also with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.91 through 264.101) for purposes of detecting, characterizing, and responding to releases from any solid waste management unit. Ground water monitoring is conditionally waived at the Facility for reasons specified at Permit Attachment H, *Ground water Monitoring Waiver Request and Approval*. The corrective action requirements for regulated units stipulated in this Permit Part are also conditions of the Ground Water Monitoring Waiver approval.

1.1 APPLICABILITY

Permit Conditions in this Part apply to regulated units (i.e., the Surface Impoundment and the Landfill).

1.2 ACTION LEVELS

Vadose zone fluid action levels shall be used by the Permittee to determine when the corrective action requirements of this Permit Part will be both initiated and terminated. Upon significant exceedance of a vadose zone fluid action level, the Permittee shall initiate the corrective actions contained in this Permit Part. Significance shall be determined, unless otherwise specified, using the procedures at Permit Attachment Q, *Statistics for Release Determination*. The Permittee shall continue to implement corrective action to ensure that released contaminants are removed or otherwise mitigated to below action levels.

Vadose zone fluid action levels are established in this Permit for both anthropogenic hazardous constituents and non-anthropogenic constituents. The methods of establishing and monitoring for vadose zone fluid action levels are described at Permit Part 7, *Vadose Zone Monitoring*, Permit Condition 7.5, *Release Assessment*. Action levels will be incorporated into this Permit as they are developed at Permit Attachment U, *Action Levels for Corrective Action.* Baseline chemical concentrations (i.e., action levels) for non-leachates are maintained in Permit Appendix U2, *Background Values for Non-Leachates.*

1.3 IMMEDIATE RESPONSE ACTIONS UPON DETERMINATION OF A RELEASE

When the Permittee identifies evidence of a release (i.e., exceedance of an action level) in accordance with Permit Condition 9.2, the Permittee shall comply with the requirements of Permit Conditions 9.3.1 through 9.3.8.

1.3.1 Notification of Release

The Permittee shall notify the Secretary verbally within 24 hours and shall provide the Secretary a written report within seven calendar days of discovery of a release.

1.3.2 Verification Sampling

For any substances found in an original analysis obtained in accordance with Permit Condition 7.4, the Permittee shall resample and repeat the analysis using the same methodology used for the original analysis. If evidence of an obvious release exists, the Permittee shall immediately initiate the response actions required at Permit Condition 9.3.3, and shall proceed with verification sampling. The Permittee shall furthermore comply with the following requirements:

- a written Verification Sampling Report shall be submitted to the Secretary as soon as possible, but in no case shall the verification sampling results be reported to the Secretary later than 15 calendar days after the Permittee's receipt of the original results. The report must describe the sampling and analysis procedures and must include all pertinent laboratory analytical and quality assurance documentation;

- if the results of the second analysis confirm the original analysis, the verified constituents, as well as all other constituents listed at 20.4.1.500 NMAC (incorporating 40 CFR 264, Appendix IX) detected in accordance with Permit Condition 9.3.5, shall form the basis for further corrective action in accordance with the requirements contained in this Permit Part;

- if the results of the second analysis do not confirm the original analysis, a third sampling and analysis of the impacted medium shall be performed. The Permittee shall provide the Secretary an opportunity to be present during the third sampling event through advance notice as soon as the second analysis results are received, so that the New Mexico Environment Department (NMED) may obtain split samples;

- if the results of the third analysis do not confirm the existence of contamination as demonstrated by the original analysis, the Secretary will assume that the original analysis was in error and the Permittee shall return to

the original monitoring process and schedule identified in Permit Condition 7.4.2; and

- if the results of the third analysis do confirm the existence of a release as demonstrated by the original analysis, the verified constituents, as well as all other constituents listed at 20.4.1.500 NMAC (incorporating 40 CFR 264, Appendix IX) detected in accordance with Permit Condition 9.3.5, shall form the basis for further corrective action in accordance with this Permit Part.

1.3.3 Response Actions

When the Permittee identifies evidence of a release, the Permittee shall immediately (i.e., within 24 hours after the release is first detected and before verification sampling has been completed) initiate the following response actions at the unit associated with the release:

- determine whether the contamination can be attributed to some operational disturbance such as an equipment or power failure;
- verify that the VZMS is working as designed;
- verify that the associated leak detection system(s) is working as designed;
- evaluate the need to increase the pumping rate on the LDRS and LCRS pumps, as appropriate;
- repair any damage to exposed portions of the liner;
- investigate alternative sources of liquids, leachates, or contamination; and
- (Landfill only) review the analysis of the contamination, compare it to the Landfill Operating Record for the previous five years, and attempt to match fingerprint or indicator parameters, generator analyses, and waste placement records, to determine the source of the leaks.

1.3.3.a Immediate Response Action Report

The Permittee shall submit a written assessment of the immediate response actions to the Secretary within 14 days of the Permittee's verification of the release. The report shall contain, at a minimum, the amount and nature of the contamination; available information on size, location, and cause of the leak; and any immediate and short-term actions to be taken.

1.3.3.b Response Action Effectiveness Report

The Permittee shall submit a follow-up Response Action Effectiveness Report to the Secretary within 30 calendar days of the Permittee's determination of the release. The Report shall describe how effective the response actions have been in stopping the migration of hazardous wastes or constituents out of the associated regulated unit. This report shall also describe the verification sampling required at Permit Condition 9.3.2.

1.3.4 Independent Assessment

The Permittee shall have a third-party assessment of the immediate response actions conducted by an independent professional engineer registered in New Mexico, or other qualified professional approved by the Secretary. Should the verification sampling determine that a release has occurred, the assessment shall include a determination of whether waste receipt should be temporarily discontinued, or if waste should be removed for liner inspection, repair, or controls.

A written summary of the assessment shall be submitted to the Secretary within 45 days following the initiation of the immediate response actions.

1.3.5 40 CFR, Part 264, Appendix IX Sampling

Upon verification of a release from a regulated unit in accordance with Permit Condition 9.3.2, but no later than 30 calendar days after the verification, the Permittee shall analyze the fluids in all VZMS wells for concentrations of the constituents identified at 20.4.1.500 NMAC (incorporating 40 CFR 264, Appendix IX).

1.3.6 Monthly Progress Reports

The Permittee shall, upon verification of a release, initiate the submittal of monthly Corrective Action Progress Reports.

1.3.7 Submittal of Regulated Unit Investigation Work Plan

The Permittee shall, within 45 calendar days of the verification of a release from a regulated unit as specified at Permit Condition 9.3.2, submit to the Secretary an Investigation Work Plan that conforms with the investigation requirements of Permit Condition 10.7.

1.3.8 Submittal of Ground Water Monitoring Work Plan

The Permittee shall, within 90 calendar days of the verification of a release as specified at Permit Condition 9.3.2, submit to the Secretary an application for a Permit modification to establish a ground water monitoring program meeting the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.97) and the detection monitoring requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.98), and shall establish the ground water action levels as specified at Permit Condition 10.3.3.

1.4 CORRECTIVE MEASURES STUDY

Based on the results of the reports submitted in accordance with Permit Conditions 9.3.3.b, 9.3.4, 9.3.5 and 9.3.7, the Secretary will determine the need for a Corrective Measures Study. The Secretary will inform the Permittee of his decision in writing. If the Secretary determines that further action is necessary, the Permittee may be required to comply with the requirements of Permit Condition 10.9, *Corrective Measures Study*.

1.4.1 Financial Assurance

If the Secretary requires a Corrective Measures Study in accordance with Permit Condition 9.4, the Permittee shall submit to the Secretary evidence of financial responsibility for completing the corrective actions in Permit Condition 10.10.2; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.90(a)(2)).

1.5 RECORDKEEPING

For a unit undergoing corrective action under this Part, the Permittee shall retain, until completion of the corrective action has been approved by the Secretary, records of all monitoring information and all other pertinent data and information used to prepare the appropriate documents required by this Part.

1.6 REPORTING

The Permittee shall submit reports to the Secretary for approval in accordance with the schedule contained at Table 9-1, *Compliance Schedule for Regulated Units.*

1.7 DISPUTE RESOLUTION

The dispute resolution procedure contained at Permit Condition 10.14 shall apply to this Permit Part.

1.8 INTERIM MEASURES

If the Secretary determines that a release or potential release of hazardous wastes or constituents poses a threat to human health and the environment, the Secretary may require interim measures that shall conform to the requirements of Permit Condition 10.8. The Secretary shall determine the specific measure(s) or require the Permittee to propose a measure(s). The Secretary shall notify the Permittee in writing of the requirement to perform interim measures. The Permittee may propose interim measures at any time.

TABLE 9-1

COMPLIANCE SCHEDULE FOR REGULATED UNITS

DOCUMENT OR INFORMATION	DUE DATE
Release - Oral report (Permit Condition 9.3.1)	24 hours following Permittee's determination of a release above action levels
Release - Written report (Permit Condition 9.3.1)	Seven days following Permittee's determination of a release above action levels
Verification Sampling Report (Permit Condition 9.3.2)	15 days following the Permittee's receipt of original analysis results for sample above action levels
Immediate Response Action Report (Permit Condition 9.3.3.a)	14 days following verification of a release
Response Action Effectiveness Report (Permit Condition 9.3.3.b)	30 days following Permittee's determination of a release
Third Party Immediate Response Assessment (Permit Condition 9.3.4)	45 days following initiation of immediate response actions
Regulated Unit Investigation Work Plan (Permit Condition 9.3.7)	45 days following Permittee's verification of a release
Permit modification request to initiate Ground Water Monitoring Program (Permit Condition 9.3.8)	90 days following verification of a release

PERMIT PART 10

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

HIGHLIGHTS

This Permit Part contains conditions for necessary corrective action for hazardous waste or hazardous constituent releases that occur at solid waste management units (SWMUs) and areas of concern (AOCs) at the Triassic Park Waste Disposal Facility (the Facility). Permit conditions include the development of action levels, release identification, notification and investigation requirements, interim measures, remedy selection and implementation, ground water monitoring, and recordkeeping and reporting requirements.

The corrective action permit conditions of this Permit Part address significant contaminant releases from SWMUs that generally extend to greater depths and cannot be appropriately managed through Permit Attachment C, *Contingency Plan*. The corrective action process is a phased process and the Permittee may petition the Secretary to alter the sequence of the phases or omit a phase.

Regulatory Background

Section 3004(u) of the Resource Conservation and Recovery Act (RCRA), Sections 74-4-4.A.5.h and 74-4-4.2 of the New Mexico Hazardous Waste Act (HWA), and 20.4.1.500 NMAC (incorporating 40 CFR 264.101), require that RCRA permits issued after April 8, 1987, address corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any SWMU at a treatment, storage, or disposal facility, regardless of the time at which the waste was placed in the SWMU.

Section 3004(v) of RCRA, Section 74-4-4.A.5.i of the HWA, and 20.4.1.500 NMAC (incorporating 40 CFR 264.101(c)), require corrective action beyond the Facility border where necessary to protect human health and the environment unless the Permittee demonstrates to the satisfaction of the Secretary that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions.

1.1 APPLICABILITY

This Permit Part applies to the following:

1.1.1 Existing SWMUs and AOCs

The Permittee shall implement corrective actions at existing SWMUs and AOCs when the Secretary determines the need for investigations at the SWMU or AOC as specified in Permit Condition 10.4.4, or as otherwise specified by this Permit. Existing SWMUs and AOCs at the Facility are identified at Table 10-1, *Solid Waste Management Units and Areas of Concern at the Triassic Park Waste Disposal Facility*. Table 10-1 identifies SWMUs (permitted and non-permitted) and AOCs currently planned for construction at the Facility under Phase IA. Regulated units (i.e., the Landfill and Surface Impoundment) are SWMUs and are thus subject to the conditions of this Permit Part in addition to the regulated unit specific conditions of Permit Part 9. The SWMUs and AOCs identified in Table 10-1 require no corrective action at the time of Permit issuance.

1.1.2 Newly Discovered SWMUs and AOCs

The Permittee shall implement corrective actions at newly discovered SWMUs and AOCs when the Secretary determines the need for investigations at the SWMU or AOC as specified in Permit Condition 10.4.4, or as otherwise specified by this Permit. The Permittee shall notify the Secretary in writing in accordance with Permit Condition 10.4 of any additional SWMUs or AOCs discovered during the course of ground water monitoring, field investigations, environmental audits, or other means. As used in this Permit Part, the terms “discover”, “a discovery”, or “discovered” refer to the date on which the Permittee (1) visually observes evidence of a new SWMU or AOC, (2) visually observes evidence of a previously unidentified release of hazardous waste or hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment.

1.1.3 Contamination Beyond the Facility Boundary

The Permittee shall implement corrective actions beyond the Facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Secretary that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary

permission to undertake such actions, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.101(c)).

The Permittee is not relieved of responsibility to clean up a release that has migrated beyond the Facility boundary where off-site access is denied. On-site measures to address such releases shall be determined on a case-by-case basis. The Permittee shall provide assurances of financial responsibility for completion of such off-site corrective action.

1.2 FACILITY CORRECTIVE ACTION WORK PLAN

The Permittee shall have in place standard procedures for conducting an investigation of the nature, rate, and extent of a hazardous waste or hazardous constituent release. To document these procedures, the Permittee shall submit a Facility Corrective Action Work Plan (FCAWP) to the Secretary for approval within 180 calendar days of the effective date of this Permit, in accordance with Permit Condition 1.10. Development of the FCAWP shall be based on Attachment R, *Facility Corrective Action Work Plan Outline*. The approved FCAWP will be inserted into Permit Attachment R.

The Permittee shall submit to the Secretary all appropriate revisions to the FCAWP on an annual basis within 90 calendar days after the anniversary date of this Permit. After approval, these revisions will be inserted into Permit Attachment R as replacement pages.

1.3 ACTION LEVELS

Action levels shall be used by the Permittee to determine when the corrective action requirements of this Permit will be both initiated and terminated. Upon significant exceedance of an action level, the Permittee shall initiate the corrective actions contained in this Permit Part. Significance shall be determined, unless otherwise specified, using the procedures at Permit Attachment Q, *Statistics for Release Determination*. The Permittee shall continue to implement corrective action to ensure that released contaminants are removed or otherwise mitigated to below action levels.

Action levels are established in this Permit for three media: vadose zone fluids, soils, and ground water. Action levels shall be incorporated into this Permit as they are developed at Permit Attachment U, *Action Levels for Corrective Action.*

1.3.1 Vadose Zone Fluids Action Levels

Vadose zone fluid action levels shall be used by the Permittee to both initiate and terminate corrective action associated with vadose zone fluids. It is anticipated that vadose zone fluids are most apt to be impacted by a release from a regulated unit and detected in the vadose zone monitoring system. The methods of establishing and monitoring for vadose zone fluid action levels are described at Permit Part 7, *Vadose Zone Monitoring*, Permit Condition 7.5, *Release Assessment*. Vadose zone fluid action levels are established in this Permit for both anthropogenic hazardous constituents and non-anthropogenic constituents. Baseline chemical concentrations (i.e., action levels) for non-leachate fluids shall be maintained in Permit Attachment U2, *Vadose Zone Baseline Values for Non-Leachates.*

1.3.2 Soil Action Levels

Soil action levels shall be used by the Permittee to both initiate and terminate corrective action associated with surface and subsurface soils. Any detection of an anthropogenic hazardous constituent in soil, or any significant increase over approved background inorganic soil constituent concentrations, shall be considered indicative of a release and a soil action level.

1.3.2.a Background Soil Concentrations Work Plan

The Permittee shall submit a Background Soil Concentrations Work Plan to establish background concentrations (i.e., action levels) for metals and radionuclides in soil to the Secretary for approval in accordance with Permit Condition 1.10. The background soil concentrations shall be established as specified at Permit Attachment O, *Closure Plan*, Section 8.3, *Closure Performance Standard*. The Permittee shall notify the Secretary at least 15 calendar days prior to the implementation of the Background Soil Concentrations Work Plan.

1.3.2.b Approval for Background Soil Concentrations

The Permittee shall submit the background soil concentrations to the Secretary for approval no less than 30 calendar days prior to acceptance of waste at the Facility, in accordance with Permit Condition 1.10. The approved background soil concentrations will be incorporated into this Permit at Permit Attachment U, *Action Levels for Corrective Action,* Appendix U1*, Background Concentrations for Soil.*

1.3.3 Ground Water Action Levels

Ground water action levels shall be used by the Permittee to both initiate and terminate corrective action associated with ground water. Any detection of an anthropogenic hazardous constituent in ground water, or any significant increase over approved background inorganic ground water constituent concentrations, shall be considered indicative of a release and a ground water action level.

The regulatory requirement to monitor ground water is currently waived by the Secretary for the reasons specified in Permit Attachment H, *Ground Water Monitoring Waiver Request and Approval*. If either a release from a regulated unit is verified as specified at Permit Condition 9.3.2, or a release from a SWMU results in the presence of hazardous constituents in the vadose zone monitoring system, the Secretary will revoke the Ground Water Monitoring Waiver. Upon revocation of the Ground Water Monitoring Waiver, the Permittee shall submit a Permit modification request to the Secretary for approval to initiate compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart F), and shall establish background ground water concentrations (i.e., action levels).

1.3.4 Detection Limits

Analytical detection limits shall in all cases be below the more stringent of the following two criteria: 1) universal treatment standards (UTS) contained at 20.4.1.800 NMAC, (incorporating 40 CFR 268.40); or 2) lowest detection limits specified in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*: *(SW-846), Third Edition, 1986,* or the most recent edition.

1.4 NOTIFICATION AND ASSESSMENT REQUIREMENTS FOR NEWLY IDENTIFIED SWMUS AND AOCS

1.4.1 Notification of Newly Discovered SWMUs or AOCs

The Permittee shall notify the Secretary in writing, within 15 calendar days of discovery, of any new SWMU or suspected AOC discovered as described at Permit Condition 10.1.2. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release). The Secretary may conduct, or require the Permittee to conduct, further assessment

(i.e., confirmatory sampling), in order to determine the status of the SWMU or suspected AOC.

The Secretary will notify the Permittee in writing of the final determination as to the status of the SWMU or suspected AOC. If the Secretary determines that further investigation of the SWMU or AOC is required, the Permit will be modified in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.41) to include the SWMU or suspected AOC in this Permit and to place the SWMU or suspected AOC on Table 10-2, *Solid Waste Management Units and Areas of Concern Requiring Corrective Action*.

1.4.2 Notification of Release

The Permittee shall notify the Secretary orally of the discovery of a SWMU or AOC and its associated release within 24 hours, and shall notify the Secretary in writing within 15 calendar days of discovery of any contamination identified at a newly discovered SWMU or suspected AOC.

1.4.3 SWMU Assessment Report

The Permittee shall prepare and submit to the Secretary, within 90 calendar days of the notification required in Permit Condition 10.4.1, a SWMU Assessment Report (SAR) for each SWMU or suspected AOC identified under Permit Condition 10.4. At a minimum, the SAR shall provide the following information:

- location of unit(s) on a topographic map of appropriate scale, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.14(b)(19));
- designation of type and function of unit(s);
- general dimensions, capacities, and structural description of unit(s). Any available plans/drawings shall be included;
- dates that the unit(s) was operated;
- specification of all wastes that have been managed at/in the unit(s), to the extent available. Any available data on hazardous constituents in the wastes shall be included; and

- all available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s) (e.g., ground water data, soil analyses, air quality data, and surface water quality data).

1.4.4 Requirement to Proceed

Based on the information contained in the SAR, the Secretary will determine the need for further investigations at the SWMU or AOC covered in the SAR. If the Secretary determines that such investigations are needed, the Permittee shall prepare a Work Plan for such investigations in accordance with Permit Conditions 10.6 and/or 10.7.

1.5 NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES

1.5.1 Notification of Newly Discovered Releases

The Permittee shall notify the Secretary verbally of any newly discovered release(s) of hazardous waste or hazardous constituents discovered during the course of ground water monitoring, field investigations, environmental audits, or other means. The Permittee shall notify the Secretary in writing within 15 calendar days of the discovery. Such newly discovered releases may be from newly identified SWMUs or AOCs, newly constructed SWMUs, or from SWMUs or AOCs for which, based on the findings of the RFA, completed RFI, or investigation of an AOC(s), the Secretary had previously determined no further investigation was necessary.

1.5.2 Requirement to Proceed

If the Secretary determines that further investigation of the SWMU or AOC is needed, the Permittee shall prepare a plan for such investigation, as outlined at Permit Condition 10.7.

1.6 CONFIRMATORY SAMPLING

1.6.1 CS Work Plan Submittal

Upon the notification by the Secretary specified at Permit Condition 10.4.4, the Permittee shall prepare and submit a Confirmatory Sampling (CS) Work Plan for each unit identified as required under Permit Condition 10.4.1 or newly identified SWMU or AOC identified as specified at Permit Condition 10.4.4. The CS Work Plan shall be submitted within 45 calendar days of

notification by the Secretary that a CS Work Plan is required. The CS Work Plan shall include schedules of implementation and completion of specific actions necessary to determine whether a release has occurred. It shall also address applicable requirements and affected media. In order to partly or wholly satisfy the CS requirement, previously existing data may be submitted with the Work Plan for the Secretary's consideration.

1.6.2 CS Work Plan Approval by the Secretary

The CS Work Plan must be approved by the Secretary in writing prior to implementation. The Secretary will specify the start date of the CS Work Plan schedule in a letter approving the CS Work Plan. The Secretary will approve, disapprove, or modify and approve the Work Plan in accordance with the procedures contained at Permit Condition 10.13.6.

1.6.3 CS Implementation

The Permittee shall implement confirmatory sampling in accordance with the approved CS Work Plan.

1.6.4 CS Report Submittal

The Permittee shall prepare and submit to the Secretary for approval, in accordance with the schedule in the approved CS Work Plan, a CS Report identifying all SWMUs or AOCs that have released hazardous waste or hazardous constituents into the environment. The CS Report shall include all data, including raw data, and a summary and analysis of the data that support the above determination. If submittal of the CS Report coincides with submittal of the RCRA Facility Investigation (RFI) Report required at Permit Condition 10.7.3.a, the CS Report and the RFI Report may be combined into one submittal.

1.6.5 Requirement to Proceed

The Secretary will approve, disapprove, or modify and approve the CS Report in accordance with Permit Condition 10.13.2. Based on the results of the CS Report, the Secretary will determine the need for further investigations at the SWMU(s) or AOC(s) covered in the CS Report. If the Secretary determines that such investigations are needed, the Permittee shall prepare an RFI Work Plan for such investigations in accordance with Permit Condition 10.7. The Secretary will notify the Permittee of any no further action decision.

1.7 RCRA FACILITY INVESTIGATION

1.7.1 RFI Work Plan Submittal

If the Secretary determines that an RFI Work Plan is necessary in accordance with Permit Conditions 10.4.4, 10.5.2, and/or 10.6.5, the Permittee shall prepare and submit to the Secretary, within 90 calendar days of notification by the Secretary, an RFI Work Plan for the required unit(s).

The primary purpose of the RFI Work Plan is to specify the procedure for determining the nature, rate, and extent of all released constituents and to determine the source location. The Permittee shall develop the RFI Work Plan to meet the requirements of Permit Condition 10.7.1.a.

1.7.1.a RFI Work Plan Requirements

The RFI Work Plan shall meet the requirements specified at Permit Attachment S, *RCRA Facility Investigation – Scope of Work*, Task I, *RFI Work Plan*, and shall reference Permit Attachment R, *Facility Corrective Action Work Plan Outline*, as appropriate. The RFI Work Plan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the source, movement, and concentrations of released hazardous wastes and hazardous constituents; provide details of all proposed activities and procedures to be conducted; include the qualifications of personnel (including contractors) performing or directing the investigations; and the overall management of the investigations.

The RFI Work Plan 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. If a unit, or a medium/pathway associated with a unit (ground water, surface water, soil, subsurface gas, or air), is not included in the RFI Work Plan, the Permittee shall provide sufficient justification and associated documentation that a release is not probable or has already been characterized. Such deletion of a unit, medium, or pathway from the RFI Work Plan is subject to the approval of the Secretary. The Permittee shall provide sufficient written justification for any omissions or deviations from the minimum requirements of Permit Attachment S, Task I. Such omissions or deviations are subject to the approval of the Secretary. In addition, the scope of the RFI

Work Plan shall include all investigations necessary to ensure compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.101(c)).

Development of the RFI Work Plan and reporting of the associated data shall be consistent with the latest editions of the following US Environmental Protection Agency (EPA) guidance documents or the equivalents:

- RCRA Facility Investigation Guidance Document, EPA/SW-89-031, Vols. I-IV, May 1989;
- RCRA Ground-Water Monitoring: Draft Technical Guidance, EPA, /530-R-93-001, November 1992;
- RCRA Ground-Water Monitoring Technical Enforcement Guidance Document, EPA, Office of Solid Waste and Emergency Response (OSWER) Directive 9950.1, September 1986;
- Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, EPA publication SW-846, 3rd edition, 1996;
- RCRA Corrective Action Plan, Final, EPA, OSWER Directive 9902.3-2A, May 1994; and
- Handbook of Suggested Practices for the Design and Installation of Ground-Water Monitoring Wells, EPA 600/4-89/034.

1.7.1.b RFI Work Plan Approval by the Secretary

The RFI Work Plan must be approved by the Secretary in writing prior to implementation. The Secretary will specify the start date of the RFI Work Plan schedule in the letter approving the RFI Work Plan. The Secretary will approve, disapprove, or modify and approve the RFI Work Plan in accordance with Permit Condition 10.13.6.

1.7.2 RFI Work Plan Implementation

The Permittee shall implement the RFI Work Plan in accordance with the approved RFI Work Plan. The Permittee shall notify the Secretary at least 15 calendar days prior to any field sampling, field-testing, or field monitoring, to provide NMED personnel

the opportunity to observe investigation procedures and/or to split samples.

1.7.3 RFI Reports

1.7.3.a RFI Report Submittal

The Permittee shall prepare and submit to the Secretary an RFI Report and Summary for the investigations conducted in accordance with the RFI Work Plan. The RFI Report shall meet the requirements of Permit Attachment S, Task III, *RCRA Facility Investigation Final Report and Summary*. The RFI Report shall be submitted to the Secretary for review in accordance with the schedule in the approved RFI Work Plan.

The RFI Report must include an analysis and summary of all required investigations and their results. The summary must describe the type and extent of contamination, including sources and migration pathways; identify all hazardous constituents present in all media; and describe actual or potential receptors. The RFI Report must also describe the extent of contamination (qualitative/quantitative) in relation to action levels specified at Permit Condition 10.3. The Report must contain adequate information to support further corrective action decisions. The Summary shall summarize the RFI Report.

If the RFI is phased, an Interim RFI Report shall be submitted to the Secretary for approval. The Interim RFI Report must include a summary of the initial phase investigatory work and a Work Plan for the final phase investigatory actions required, based on the initial findings. The objective of this report must be to ensure that the investigation data are sufficient in quality (e.g., quality assurance procedures have been followed) and quantity to describe the nature and extent of contamination in relation to action levels and the potential threat to human health and/or the environment, and to support a Corrective Measures Study (CMS), if necessary.

If the Secretary determines that the RFI Report and Summary do not fully meet the objectives of the approved RFI Work Plan and Permit Attachment S, Task III, *Report*, the Secretary may disapprove the Report and/or Summary in accordance with Permit Condition 10.13.6. Once approved, the Permittee shall mail the Executive Summary to all individuals, organizations, and agencies on the Facility mailing list as required by 20.4.1.1102 NMAC (incorporating 40 CFR 124.10(c)(1)(ix)), within 15 calendar days of receipt of approval.

1.7.4 Requirement to Proceed

After review of the RFI Report, the Secretary will notify the Permittee of the need for further investigative action, if necessary, and, if appropriate at this time, inform the Permittee, if not already notified, of the need for a CMS which meets the requirements of Permit Condition 10.9.1.b and 20.4.1.500 NMAC (incorporating 40 CFR 264.101). If the Secretary determines that no further action is necessary, the Secretary will notify the Permittee.

The Permittee shall prepare and submit a work plan for any further investigative action required by the Secretary in accordance with a schedule specified by the Secretary and approved in accordance with Permit Condition 10.7.1.b.

1.7.5 Quarterly Reports

If the time required to conduct the RFI is greater than 180 calendar days, the Permittee shall provide the Secretary with quarterly RFI Progress Reports, beginning 90 calendar days from the start date specified by the Secretary in the RFI Work Plan approval letter. The Progress Reports shall contain the following information at a minimum:

- a description of the portion of the RFI completed;
- a summary of findings;
- a summary of any deviations from the approved RFI Work Plan during the reporting period;
- a summary of any significant contacts with local community public interest groups, the New Mexico Environment Department (NMED), or other federal or State agencies;
- a summary of any problems or potential problems encountered during the reporting period;
- actions taken to rectify problems;
- changes in relevant personnel;
- projected work for the next reporting period; and

- copies of reports, inspection reports, data, including raw data, and other pertinent information.

1.8 INTERIM MEASURES

1.8.1 Interim Measures Work Plan

1.8.1.a Interim Measures Required by the Secretary

If the Secretary determines that a release or potential release of hazardous wastes or constituents poses a threat to human health or the environment, the Secretary may require interim measures (IM). IM may be necessary to minimize or prevent the further migration of contaminants or potential human and environmental exposure to contaminants while long-term corrective actions are evaluated and, if necessary, implemented.

The IM Work Plan shall be submitted within 30 calendar days of such notification and shall include the elements listed at Permit Condition 10.8.1.c. Such IM may be conducted concurrently with other investigations required under this Permit.

The following factors will be considered by the Secretary in determining the need for IM:

- the time required developing and implementing a final corrective measure;
- actual and potential exposure to human and environmental receptors;
- actual and potential contamination of drinking water supplies and sensitive ecosystems;
- the potential for further degradation of the impacted medium in the absence of IM;
- the presence of hazardous wastes in containers that may pose a threat of release;
- the presence and concentration of hazardous wastes, including soil contaminated with hazardous constituents, that have the potential to migrate to ground water or surface water;

- weather conditions that may affect the current levels of contamination;
- the risk of fire, explosion, or accident; and
- other situations that may pose or aggravate threats to human health or the environment.

1.8.1.b Permittee-Initiated IM

The Permittee may initiate IM at a SWMU or AOC by submitting an IM Work Plan to the Secretary. The Secretary will process Permittee-initiated IM by approving or conditionally approving the IM, or imposing an IM Work Plan in accordance with Permit Condition 10.8.1.a. A Permittee-initiated IM is considered conditionally approved unless the Secretary specifically imposes an IM Work Plan within 30 calendar days of receipt of the IM Work Plan submitted by the Permittee.

The scope and success of conditionally approved Permittee-initiated IM is subject to subsequent in-depth review; the Secretary will then approve, disapprove, or approve with conditions the IM in accordance with Permit Condition 10.15.

A Permittee-initiated IM must follow the progress and final reporting requirements of Permit Condition 10.8.3.

1.8.1.c IM Work Plan Requirements

The IM Work Plan shall ensure that the IM are designed to mitigate any current or potential threat to human health or the environment and are consistent with and integrated into any long-term solution at the Facility, including attainment of action levels in all media. The IM Work Plan shall include the IM objectives; procedures for implementation, including any designs, plans, or specifications; and schedules for implementation.

1.8.1.d IM Work Plan Approval

The IM Work Plan imposed under Permit Condition 10.8.1.a must be approved by the Secretary in writing prior to implementation. The Secretary will specify the start date of the IM Work Plan schedule in the letter approving the IM Work Plan. The Secretary will approve, approve with conditions, or disapprove the IM Work Plan in accordance with Permit Condition 10.13.6.

1.8.2 IM Implementation

1.8.2.a Implementation of Approved IM Work Plan

The Permittee shall implement the IM imposed under Permit Condition 10.8.1.a in accordance with the approved IM Work Plan.

1.8.2.b Notification of Changes

The Permittee shall give notice to the Secretary as soon as possible of any planned changes, reductions, or additions to the approved IM Work Plan imposed under Permit Conditions 10.8.1.a or initiated by the Permittee under 10.8.1.b.

1.8.3 IM Reports

1.8.3.a Progress Reports

If the time required for completion of IM is greater than one year, the Permittee shall provide the Secretary with Progress Reports at intervals specified in the approved IM Work Plan required by the Secretary, or semi-annually for Permittee-initiated IM. The Progress Reports shall contain the following information, at a minimum:

- a description of the portion of the IM completed;
- a summary of findings;
- a summary of any deviations from the IM Work Plan during the reporting period;
- a summary of any problems or potential problems encountered during the reporting period; and
- projected work for the next reporting period.

1.8.3.b Final IM Report

The Permittee shall prepare and submit an IM Report to the Secretary within 90 calendar days following completion of IM conducted in accordance with Permit Condition 10.8.2. The IM Report shall contain, at a minimum, the following information:

- a description of IM implemented;
- a summary of results;

- a summary of all problems encountered;
- a summary of accomplishments and/or effectiveness of IM; and
- copies of all relevant laboratory/monitoring data.

1.8.4 Permit Modification

If the Secretary determines that the interim action completes corrective action required at 20.4.1.500 NMAC, (incorporating 40 CFR 264.101), and the Secretary determines that no further action is necessary, the Permittee shall submit a Permit modification in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.41) to remove the unit undergoing corrective action from Table 10-2 of this Permit.

1.9 CORRECTIVE MEASURES STUDY

1.9.1 CMS Work Plan

1.9.1.a Submittal of CMS Work Plan

The Permittee shall prepare and submit a Corrective Measures Study (CMS) Work Plan for those units requiring a CMS within 90 calendar days of notification by the Secretary that a CMS is required. The CMS Work Plan shall be developed to meet the requirements of Permit Condition 10.9.1.b. The Permittee may seek approval from the Secretary for concurrent RFI/CMS. The CMS may be performed concurrently with the RFI process if the Secretary determines that sufficient investigative details are available to allow concurrent action.

1.9.1.b CMS Work Plan Requirements

The scope of the CMS Work Plan shall include the identification of all possible remedial alternatives, and the Permittee’s recommended alternative that ensures protection of human health and the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.101) and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)). The Permittee shall, when necessary, expand the scope of the CMS Work Plan beyond the Facility boundary in accordance with Permit Condition 10.1.3.

The CMS Work Plan shall meet, at a minimum, the requirements of Permit Attachment T, *Corrective Measures Study Outline*, Task I,

Corrective Measures Study Work Plan. The CMS Work Plan shall include schedules of implementation and completion of specific actions necessary to complete the CMS.

The Permittee shall provide sufficient written justification and documentation for any unit deleted, or any omissions or deviations from the minimum requirements of Permit Attachment T, Task I. Such omissions or deviations are subject to the approval of the Secretary.

The scope of the CMS Work Plan shall include:

- a description of current conditions;
- a definition of the objectives of the study;
- specific plans for evaluating remedies, to ensure compliance with corrective measure standards; and
- the proposed format for the presentation of information.

1.9.1.c CMS Work Plan Approval

The Secretary will approve, disapprove, or modify and approve the CMS Work Plan in writing in accordance with Permit Condition 10.13.6.

1.9.2 Corrective Measures Study Implementation

The Permittee shall begin to implement the CMS according to the schedule specified at the CMS Work Plan no later than 15 calendar days after the Permittee has received written approval from the Secretary for the CMS Work Plan. The CMS shall be conducted in accordance with the approved CMS Work Plan.

1.9.3 CMS Report

1.9.3.a Submittal of CMS Report

The Permittee shall prepare and submit to the Secretary for approval a CMS Report and Executive Summary for the study conducted in accordance with the approved CMS Work Plan. The report shall be prepared in accordance with Permit Attachment T, Task III, *Corrective Measures Study Final Report and Summary*. The CMS Report shall be submitted to the Secretary in accordance with the schedule in the approved CMS Work Plan.

The CMS Report shall, at a minimum:

- summarize any bench-scale or pilot tests conducted;
- present all information gathered under the approved CMS Work Plan;
- include an evaluation of each remedial alternative;
- recommend a remedial alternative in accordance with Permit Condition 10.10; and
- contain adequate information to support the Secretary's decision on the recommended remedy.

In the CMS Report, the Permittee shall propose a corrective action program that attains the following:

- compliance with action levels for hazardous constituents in each medium, as established in Permit Condition 10.3;
- control of the source of the release;
- acceptable waste management requirements; and
- protection of human health and the environment.

1.9.3.b CMS Report Approval

Based on preliminary results and the CMS Final Report, the Secretary may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

If the Secretary determines that the CMS Final Report and Summary do not fully satisfy the information requirements specified under Permit Condition 10.9.3.a, the Secretary may disapprove the CMS Final Report in accordance with Permit Condition 10.13.6. If the Secretary determines that no further action is necessary, the Secretary will notify the Permittee.

Once approved, the Permittee shall mail the Summary to all individuals, organizations, and agencies on the Facility mailing

list, as required by 20.4.1.1102 NMAC, (incorporating 40 CFR 124.10(c)(1)(ix)), within 15 calendar days of receipt of approval.

1.10 REMEDY APPROVAL AND PERMIT MODIFICATION

1.10.1 Remedy Selection

The Secretary shall select a remedy from the remedial alternatives evaluated in the CMS. The remedy shall be based at a minimum on protection of human health and the environment, and shall result in hazardous waste and hazardous constituent concentrations at or below action levels, in accordance with specific site conditions and existing regulations. The selected remedy may include any IM implemented to date.

1.10.2 Financial Assurance for Corrective Action

The Permittee shall submit to the Secretary evidence of financial responsibility for completing the corrective actions identified in the approved CMS Final Report, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.101(b) and (c)). A Financial Assurance Report shall be submitted to the Secretary within 120 calendar days of completion of the Permit modification incorporating the approved remedy. The Financial Assurance Report shall address the corrective action cost considerations provided at Permit Attachment T, Task II.d.2, *Cost Estimate*.

1.10.3 Permit Modification for Remedy Identification

As required by 20.4.1.900 NMAC (incorporating 40 CFR 270.41), a Permit modification will be initiated by the Secretary after recommendation of a remedy under Permit Condition 10.10.1. This modification will serve to incorporate a final remedy into this Permit and to establish the financial cost of the remedy.

1.10.4 Permit Modification for Completion of Corrective Action

Upon completion of the approved remedial alternative, the Permittee shall submit a Permit modification request to remove the affected unit from the requirements of this Permit Part to the Secretary for approval, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

1.11 GROUND WATER MONITORING

If a release from a SWMU results in the presence of fluids containing hazardous constituents in the vadose zone monitoring system, the Ground Water Monitoring Waiver will be revoked by the Secretary. Within 90 days of revocation of the Ground Water Monitoring Waiver, the Permittee shall submit a Ground Water Monitoring Work Plan to the Secretary for approval to initiate compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.97), *General ground-water monitoring requirements*, and 40 CFR 264.98, *Detection monitoring program*. The Permittee shall establish background ground water concentrations in accordance with Permit Condition 10.3.3.

1.12 RECORDKEEPING

For each unit undergoing corrective action under this Part, the Permittee shall retain, until completion of the corrective action for that unit has been approved by the Secretary, records of all monitoring information and all other pertinent data and information used to prepare the appropriate documents required by this Part.

1.13 PROCEDURES

1.13.1 Modification of the Corrective Action Compliance Schedule

If at any time the Secretary determines that modification of Table 10-3, *Corrective Action Compliance Schedule for Solid Waste Management Units and Areas of Concern,* is necessary, the Secretary may initiate a modification to Table 10-3. The Permittee may also request a Permit modification to change Table 10-3.

Modifications to change Table 10-3 will be in accordance with the applicable provisions of 20.4.1.900 NMAC (incorporating 40 CFR 270.41 or 270.42).

1.13.2 Modification for Necessary Change

If the Permittee or the Secretary determines that this Permit Part no longer satisfies the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart F), the Permittee shall, within 90 calendar days of determination, submit an application for a Permit modification to make any appropriate changes to

this Permit Part as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

1.13.3 WORK PLAN AND REPORT REQUIREMENTS

The Permittee shall submit work plans and reports to the Secretary according to the schedule contained at Table 10-3.

Work plans and reports listed at Table 10-3 shall be signed and certified as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.11).

1.13.3.a Approval of the Secretary for Work Plans and Schedules

All work plans and schedules shall be subject to approval by the Secretary prior to implementation to assure that such work plans and schedules are consistent with the requirements of this Permit and with applicable regulations. The Permittee shall revise all submittals and schedules as specified by the Secretary. Upon approval, the Permittee shall implement all work plans and schedules as written.

1.13.3.b Schedule for Submittals

All work plans and reports shall be submitted in accordance with the schedule contained at Table 10-3. Extensions of the due date for submittals may be granted by the Secretary in writing based on the Permittee's written request and demonstration that sufficient justification for the extension exists. The Permittee must request the change at least 15 days before the due date contained in the schedule.

1.13.4 Work Plan Amendment

If the Permittee at any time determines that the work plans required under this Part no longer satisfy the requirements of 20.4.1.500 NMAC, (incorporating 40 CFR 264.101), or this Permit, for prior or continuing releases of hazardous waste or hazardous constituents from SWMUs and/or AOCs, the Permittee shall submit an amended Work Plan to the Secretary within 90 calendar days of such determination. The submittal of an amended Work Plan does not alleviate the Permittee from abiding with any Work Plan schedule previously approved by the Secretary.

1.13.5 Submittals to the Secretary

The Permittee shall provide two copies of all reports and work plans to the Secretary in accordance with Permit Condition 1.7.

1.13.6 APPROVAL/DISAPPROVAL OF SUBMITTALS

The Secretary will review all submittals (e.g., work plans, reports, schedules, and other documents which require the Secretary's approval) in accordance with the conditions of this Permit. If the Secretary does not approve the submittal, he or she may issue a Request for Supplemental Information (RSI), which will detail the document's deficiencies. The Permittee shall respond to the RSI within 60 calendar days. If the Secretary has further concerns after reviewing the Permittee's response, he or she may issue a Notice of Deficiency (NOD), which will detail the document's remaining deficiencies. The Permittee shall respond to the NOD within 60 calendar days. The Secretary will then approve, approve with conditions, modify and approve, or disapprove each submittal in writing.

If the Secretary approves the submittal with conditions or modifies the submittal, the Secretary will provide justification for the conditions or modifications in writing. If the Secretary disapproves a document, he or she will notify the Permittee in writing of the basis for the disapproval.

1.14 DISPUTE RESOLUTION

This Permit Condition shall apply only to submittals that have been disapproved and revised by the Secretary, or that have been disapproved by the Secretary, then revised and resubmitted by the Permittee, and again disapproved by the Secretary.

Notwithstanding any other provision of this Permit, in the event the Permittee disagrees, in whole or in part, with the Secretary's revision of a submittal or disapproval of any revised submittal required by the Secretary, the following may, at the Permittee's discretion, apply:

1.14.1 Notification to the Secretary

In the event that the Permittee chooses to invoke the provisions of Permit Condition 10.14, the Permittee shall notify the Secretary in writing within 30 calendar days of receipt of the Secretary's revision or disapproval of a submittal or revised submittal. Such notice shall set forth the specific matters in

dispute, the position the Permittee asserts should be adopted as consistent with the requirements of the Permit, the basis for the Permittee's position, and any matters considered necessary for the Secretary's determination.

1.14.2 Resolution Conference

The Secretary and the Permittee shall have an additional 30 calendar days from the Secretary's receipt of the notification provided for at Permit Condition 10.14.1 to meet or confer to resolve any disagreement.

In the event agreement is reached, the Permittee shall comply with the terms of such agreement, or, if appropriate, submit a revised submittal and implement the same in accordance with and within the time frame specified in such agreement.

1.14.3 Decision by the Secretary

If agreement is not reached within the 30-day period specified at Permit Condition 10.14.2, the Secretary will notify the Permittee in writing of his or her decision on the dispute, and the Permittee shall comply with the terms and conditions of the Secretary's decision in the dispute. For the purposes of this provision, the responsibility for making this decision shall not be delegated below the NMED Director of Water and Waste Management Division.

1.14.4 Compliance with Requirements Not in Dispute

With the exception of those conditions under dispute, the Permittee shall proceed to take any action required by those portions of the submittal and of the Permit that the Secretary determines are not affected by the dispute.

TABLE 10-1

SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN[1]

AT THE TRIASSIC PARK WASTE DISPOSAL FACILITY

SWMU/AOC[1]	DESCRIPTION	COMMENTS
SWMU 1	Drum Storage Unit	Permitted unit
SWMU 2	Roll-Off Container Storage Unit	Permitted unit
SWMU 3a	Liquid Waste Tank	Permitted unit
SWMU 3b	Liquid Waste Tank	Permitted unit
SWMU 3c	Liquid Waste Tank	Permitted unit
SWMU 3d	Liquid Waste Tank	Permitted unit
SWMU 4a	Stabilization Tank	Permitted unit
SWMU 4b	Stabilization Tank	Permitted unit
SWMU 4c	Stabilization Tank	Permitted unit
SWMU 4d	Stabilization Tank	Permitted unit
SWMU 5	Surface Impoundment – Ponds IA and IB	Permitted unit
SWMU 6	Landfill Phase 1A	Permitted unit
SWMU 7	Truck Wash Facility	
SWMU 8	Maintenance Shop	
SWMU 9	Chemical Laboratory	
SWMU 10	Stormwater Retention Basin	
SWMU 13	Untarping, Sampling and Weigh Scales Area	

SWMU/AOC[1]	DESCRIPTION	COMMENTS
SWMU 14	Truck Staging Area	
AOC 1	Roads	
AOC 2	Clay processing area	
AOC 3	Dust control/clay processing area water basin	

1. SWMUs 1-14 and AOCs 1-3 were originally identified in the 1995 RCRA Facility Assessment.

TABLE 10-2

SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

REQUIRING CORRECTIVE ACTION[1]

SWMU/AOC	DESCRIPTION	COMMENTS

[1] At the time of permit issuance, no SWMUs or AOCs requiring corrective action have been identified.

TABLE 10-3

CORRECTIVE ACTION COMPLIANCE SCHEDULE

FOR SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

SCHEDULE OF COMPLIANCE	DUE DATE
Notification of newly identified SWMUs and AOCs (Permit Conditions 10.4.1)	Within 15 calendar days of discovery
SWMU Assessment Report (Permit Condition 10.4.3)	Within 90 calendar days of notification
Notification for newly discovered releases at previously identified SWMUs and AOCs (Permit Condition 10.4.2)	Within 15 calendar days of discovery
Confirmatory Sampling Work Plan for SWMUs or AOCs (Permit Condition 10.6.1)	Within 45 calendar days after effective date of Permit
Confirmatory Sampling Report (Permit Condition 10.6.4)	In accordance with the approved CS Work Plan
RFI Work Plan (Permit Condition 10.7.1)	Within 90 calendar days from effective date of Permit
RFI Report (Permit Condition 10.7.3)	In accordance with the approved RFI Work Plan
RFI Progress Reports (Permit Condition 10.7.5)	Quarterly, beginning 90 calendar days from the start date specified by the Secretary[1]
Interim Measures Work Plan (Permit Condition 10.8.1.a)	Within 30 calendar days of notification by the Secretary

SCHEDULE OF COMPLIANCE	DUE DATE
Interim Measures Progress Reports (Permit Condition 10.6.3.a)	In accordance with the approved Interim Measures Work Plan[2] or semi-annually for Permittee-initiated IM
Final Interim Measures Report (Permit Condition 10.8.3.a)	Within 90 calendar days of completion
CMS Work Plan (Permit Condition 10.9.1.a)	Within 90 calendar days of notification by the Secretary that a CMS is required
Implementation of CMS Work Plan (Permit Condition 10.9.2)	Within 15 calendar days after receipt of the Secretary's approval of CMW Work Plan
CMS Report (Permit Condition 10.9.3.a)	In accordance with the schedule in the approved CMS Work Plan
Demonstration of Financial Assurance (Permit Condition 10.10.2).	Within 120 calendar days after Permit modification for remedy

1 This applies to Work Plan execution that requires more than 180 calendar days.

2 This applies to Work Plan execution that requires more than one year.