



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUN 2 1 1995

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Major General James J. Cravens, Jr., Commander
US Army Air Defense Artillery Center
and Fort Bliss
Building 2, Wing A, Room 336
Fort Bliss, TX 79916-0058

RE: U.S. Army Air Defense Artillery Center and Fort Bliss
EPA I.D. No. NM4213720101

Dear General Cravens:

Enclosed is a copy of your permit to operate a hazardous waste facility, under the Hazardous and Solid Waste Amendments of 1984 (HSWA).

The New Mexico Environment Department (NMED) and the Environmental Protection Agency (EPA) have entered into a joint permitting agreement, whereby permits may be issued in New Mexico in accordance with the New Mexico Hazardous Waste Management Act, as well as the Resource Conservation and Recovery Act (RCRA). The agreement will remain effective until the State hazardous waste program receives authorization under RCRA to administer HSWA. In order for an applicant to have a fully effective permit, both NMED and EPA must issue the permit.

This letter transmits a copy of your HSWA permit with the necessary signature for EPA approval for permit issuance. The RCRA part of the full permit will be sent to you by NMED. The permit will become effective on the date indicated.

Procedures for requesting the EPA Administrator to review permit decisions are detailed at 40 CFR Part 124.19. Effective March 1, 1992, jurisdiction over petitions for review was changed from the Administrator to the Environmental Appeals Board. If you petition the Environmental Appeals Board for such a review, please send a copy of your petition to the Region 6 office.

The filing for appeals should be sent to the address listed below:

U.S. Environmental Protection Agency
Office of the Administrator
401 M Street SW
Room 1145 (West Tower)
Washington, DC 20460

If you have any questions, please contact Mr. James Harris of my staff at (214) 665-6785.

Sincerely yours,

Allyn M. Davis, Director
Hazardous Waste Management Division

Enclosures

cc: Mr. Ed Kelley
New Mexico Environment Department

HAZARDOUS WASTE FACILITY PERMIT

Permittee: U.S. Department of Defense
U.S. Army Air Defense Artillery Center and Fort Bliss

Identification Number: NM4213720101
Permit Number: NM4213720101-01

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6901, et seq.), and the New Mexico Hazardous Waste Act, Sections 74-4-1 et seq. NMSA 1978), and regulations promulgated thereunder by the New Mexico Environmental Improvement Board (codified and to be codified in the Hazardous Waste Management Regulations (HWMR-7)), a Permit is issued to U.S. Army Air Defense Artillery Center and Fort Bliss (hereafter called the Permittee), to operate a hazardous waste Open Detonation Treatment unit located east of the city of Las Cruces, on McGregor Range, at latitude 32.0875 North and longitude 106.0792 West.

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions herein including those in the attachments. Applicable provisions of regulations cited are those which are in effect on the effective date of this permit, New Mexico Hazardous Waste Management Regulations (HWMR-7, as amended 1992).

This Permit is based on the assumption that all information contained in the Permit Application and the administrative record is accurate and that the facility will be constructed and operated as specified in the application. The permit application consists of information submitted in Revision 1., dated August, 1993 and supplementary technical documents.

Any inaccuracies found in the submitted information may be grounds for the termination, or modification of this Permit in accordance with HWMR-7, Part IX, 40 CFR §270.41, §270.42, and §270.43 and for potential enforcement action.

This Permit shall become effective thirty days from the date of signature by the Secretary and shall remain in effect for ten (10) years in accordance with the New Mexico Hazardous Waste Act, Section 74-4-4.2 unless revoked and reissued under HWMR-7, Part IX, 40 CFR §270.41 or, terminated under HWMR-7, Part IX, 40 CFR §270.43, or continued in accordance with HWMR-7, Part IX, 40 CFR §270.51.

Signed this 8th day of June, 1995.

by Mark E. Weidler
Mark E. Weidler, Secretary
New Mexico Environment Department

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 6

HAZARDOUS WASTE PERMIT
(HAZARDOUS AND SOLID WASTE AMENDMENTS, 1984)

PERMITTEE: U.S. Army Fort Bliss

OWNER: U.S. Army Air Defense Artillery Center and
Fort Bliss

LOCATION: Fort Bliss Military Reservation: Orogrande &
Dona Ana Counties, NM and El Paso County, TX

I.D. NUMBER: NM4213720101

EFFECTIVE DATE: June 8, 1995

EXPIRATION DATE: June 8, 2005 @ Midnight

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6901, et seq.) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), a permit is issued to U.S. Army Fort Bliss (hereafter called the Permittee) to operate a hazardous waste disposal facility at the location stated above.

The Permittee must comply with all the terms and conditions of this permit. This permit consists of the conditions contained herein (including the attachments). Said conditions are needed to ensure that the Permittee's hazardous waste management activities comply with all applicable Federal statutory and regulatory requirements. Applicable requirements are those which are found in, referenced in, or incorporated into that version of RCRA or the regulations promulgated pursuant to RCRA that are in effect on the date this permit is issued. (See 40 CFR 270.32 (c).)

This permit is issued in part pursuant to the provisions of Section 201, 202, 203, 206, 207, 212, 215, and 224 of HSWA which modified Sections 3004 and 3005 of RCRA. These require corrective action for all releases of hazardous waste or hazardous constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit, regardless of the time at which the waste was placed in such unit and provides the authority to review and modify the permit at any time. The decision to issue this permit is based on the assumption that all information contained in the permit application is accurate and that the facility will be operated as specified in the permit application. Any inaccuracies found in the application may be grounds for termination or modification of this permit (see 40 CFR 270.41, 270.42 and 270.43) and potential enforcement action.

Under Federal Law, this permit is effective on the effective date specified above unless a petition to the Administrator of the U.S. Environmental Protection Agency is filed in accordance with the requirements of 40 CFR 124.19.

Issued this JUNE 22 day of JUNE, 1995

by

Allyn M. Davis
Allyn M. Davis, Director
Hazardous Waste Management Division

**RESOURCE CONSERVATION AND RECOVERY ACT
HAZARDOUS WASTE FACILITY
OPERATIONAL PERMIT
EPA ID No. NM4213720101-01**

to the

**UNITED STATES DEPARTMENT OF THE ARMY
US ARMY AIR DEFENSE ARTILLERY CENTER
AND FORT BLISS**

for the

**TREATMENT OF WASTE EXPLOSIVES
BY EXPLOSIVE OPEN DETONATION**

at the

**MCGREGOR RANGE
DONA ANA AND OTERO COUNTIES, NEW MEXICO**

JUNE 1995

Prepared by the

**New Mexico Environment Department
Hazardous and Radioactive Materials Bureau
525 Camino De Los Marquez
P.O Box 26110
Santa Fe, New Mexico, 87502**

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LIST OF ACRONYMS

ADR	Ammunition and Deposition Request
AR	Army Regulation
BAT	Ballistic Aerial Test
BC	Type of Fire Extinguisher Rating
C-2...C-4	Military Explosive Paraffin Base
CERCLA	Comprehensive Emergency Response, and Liability Act
CFR	Code of Federal Regulations
CLP	Contract Laboratory Program
CPR	Cardio-Pulmonary Resuscitation
DOT	U.S. Department of Transportation
DPT	Department of Plans and Training
EOD	Explosive Ordnance Disposal
EPA	U.S. Environmental Protection Agency
FAW	Forward Area Weapons
GPM	Gallons Per Minute
HAZMAT	Hazardous Materials
HSWA	Hazardous and Solid Waste Amendments of 1984
HWMR	New Mexico Hazardous Waste Management Regulations
M32/MK1	Electric Cap Blasting Machine
M700	Time Fuse
M60	Time Fuse Igniter

M122 Radio Wave Firing Device

LIST OF ACRONYMS (*Continued*)

MEDEVAC	Medical Evacuation
MS	Matrix Spike
MSD	Matrix Spike Duplicate
NBS	National Bureau of Standards
NEW	Net Explosive Weight
NMED	New Mexico Environment Department
OB/OD	Open Burn/Open Detonation
OIC	Officer in Charge
OSWER	Office of Solid Waste Emergency Response
PCB	Polychlorinated Biphenyls
PEP	Pyrotechnics, Explosives and Propellants
QAPMP	Quality Assurance Project Management Plan
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation and Recovery Act
RTO	Radio Transmit Operator
SOP	Standard Operating Procedures
TA312	Telephone Set
TM	Technical Manual
USAADACENFB	U.S. Army Air Defense Artillery Center and Fort Bliss
UXO	Unexploded Ordnance

US Army Fort Bliss
Open Detonation Treatment Unit
NMED Control Copy

MODULE I - GENERAL PERMIT CONDITIONS

A. EFFECT OF PERMIT

The Permittee is allowed to treat on-site¹ hazardous waste in accordance with the conditions of this Permit as specified in Module III, Permit Condition B, in compliance with HWMR-7, Part V, 40 CFR §264, Subpart I through O. Any treatment of hazardous waste requiring a permit under the New Mexico Hazardous Waste Management Regulations HWMR-7, Part V and not specifically authorized in this Permit is prohibited. Subject to HWMR-7, Part IX, § 270.4, compliance with this Permit generally constitutes compliance, for purposes of enforcement, with the New Mexico Hazardous Waste Act (§§ 74-4-1 et seq. NMSA 1978) and HWMR-7, Parts I,II, III, and IV to the extent the requirement of those Parts are applicable. The Permittee must also comply with all applicable self-implementing provisions imposed by the Resource Conservation and Recovery Act (RCRA) or HWMR-7, Part VIII. A complete (RCRA) permit consists of this Permit and a U.S. EPA Permit issued under the provisions of the Hazardous and Solid Waste Amendment of 1984 (HSWA) which addresses the portion of the RCRA program for which the State is not authorized. Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), or any other law providing for protection of public health or the environment. [HWMR-7, Part IX, §§ 270.4 and 270.30(g)]

B. PERMIT ACTIONS

B.1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked and reissued, or terminated

¹ See definition on page 3.

for cause, as specified in HWMR-7, Part IX, §§ 270.41, 270.42, and 270.43. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any permit condition. [HWMR-7, Part IX, §§ 270.4(a) and 270.30(f)].

B.2. Permit Renewal

B.2.a. This Permit may be renewed as specified in HWMR-7, Part IX, §270.30(b) and Permit Condition E.2. Review of any application for a Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations. [HWMR-7, §270.30(b)].

B.2.b. This Permit shall be reviewed by the Secretary five years after Permit issuance for any unit having land disposal aspects. Modifications shall be made by the Permittee as required by the Secretary and in accordance with HWMR-7, Part IX, §270.50 (d).

C. 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 [HWMR-7, Part X, §1004].

D. DEFINITIONS

For purposes of this Permit, terms used herein are defined for each module. Terms found in Module I shall have the same meaning as those in HWMR-7 Part I, §260.2, unless this Permit specifically provides otherwise. Terms found in Module II shall have the meaning defined in HWMR-7, Part I, §260.10, unless the Permit specifically provides otherwise. Where terms are not defined in the regulations or the Permit, the meaning associated

with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. "Secretary" means the Secretary of the New Mexico Environment Department (NMED), a designee or authorized representative. "Regional Administrator" means the Regional Administrator of the U.S. Environmental Protection Agency (U.S. EPA), Region 6, or a designee authorized representative (the Secretary of the NMED). "**Permittee**" means the U.S. Army Air Defense Artillery Center and Fort Bliss (USAADACENFB), McGregor Range, Otero County, New Mexico, EPA I.D. Number NM4213720101.

D.1 Facility

Whenever the word "facility" is used anywhere in the Permit text, such usage shall connote the entire complex comprising all contiguous land, and structures, other appurtenances, and improvements on the Permittee's land, used for treatment of hazardous waste munitions, as per HWMR-7, Part I, 40 CFR §260.10.

D.2. Foreign Source

Whenever the words "foreign source" are used in the permit text, it is to be understood to mean hazardous waste generated outside the United States.

D.3. Off-site source

"Off-site source" refers to wastes generated outside the Permittee's facility.

D.4.On-site

Whenever the words "on-site" are used it is to be understood to mean on the same or geographically contiguous property as defined in 40 CFR §260.10.

D.5. Open Detonation

Whenever the words "open detonation" are used it should be understood to mean the disposal of explosives or munitions by propagating a detonation from a disposal charge to the explosives or explosive contained in the munition under destruction.

D.6.Treatment Unit

Whenever the words "treatment unit" are used in the text, it should be understood to be the approximately 500 feet (152.4 meters) by 200 feet (61 meters) generally rectangular portion of the Permittee's facility (shown on the topographic maps of Permit Attachment O), where explosive ordnance disposal of waste munitions will be conducted.

E. DUTIES AND REQUIREMENTS

E.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency Permit. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of RCRA and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application [HWMR-7, Part IX, §270.30(a)].

E.2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days prior to Permit expiration. [HWMR-7, Part IX, §§270.10(h), 270.30(b)].

E.3. Permit Expiration

Pursuant to HWMR-7, Part IX, §270.50, this Permit shall be effective for a fixed term not to exceed ten years. As long as NMED is the Permit-issuing authority, this Permit and all conditions herein will remain in effect beyond the Permit's expiration date, if the Permittee has submitted a timely, complete application (see HWMR-7, Part IX, §§270.10, 270.13 through 270.29) and, through no fault of the Permittee, the Secretary has not issued a new Permit (HWMR-7, Part IX, §270.51).

E.4. 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 [HWMR-7, Part IX, §270.30(c)].

E.5. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures, as are reasonable, to prevent significant adverse impacts on human health or the environment. [HWMR-7, Part IX, § 270.30(d)]

E.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain the OD treatment unit 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. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit [HWMR-7, Part IX, §270.30(e)].

E.7. Duty to Provide Information

The Permittee shall furnish to the Secretary, within a reasonable time, any relevant information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Secretary, upon request, copies of records required to be

kept by this Permit [HWMR-7, Part V, §264.74(a), and Part IX, §270.30(h)].

E.8. Inspection and Entry

Pursuant to HWMR-7, Part IX, §270.30(i), the Permittee shall allow the Secretary, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, inspection and entry privileges authorized by Permit Conditions from E.8.a. through E.8.d.

E.8.a. Enter at reasonable times upon the Permittee's premises where the regulated OD treatment unit or activity is located or conducted, or where records must be kept under the conditions of this Permit;

E.8.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

E.8.c. Inspect at reasonable times any unit, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit.

E.8.d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location. The Permittee shall be provided the opportunity to obtain split or duplicate samples.

E.9. Monitoring and Records

E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be described in Permit Attachment A, the Waste Analysis Plan or be approved by the Secretary. Analytical methods must be those specified in Test Methods for Evaluating Solid Waste:

Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent method, as specified in Permit Attachment A or approved by the Secretary [HWMR-7, Part IX, §270.30(j)(1)].

E.9.b. 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, copies of all reports and records required by this Permit, the certification required by HWMR-7, Part IX, §264.73(b)(9), and records of all data used to complete the application for this Permit for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Secretary at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. [HWMR-7, Part IX, §270.30(j)(2)].

E.9.c. Pursuant to HWMR-7, Part IX, §270.30(j)(3), records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The individuals who performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

E.10. Reporting Planned Changes

The Permittee shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the Permitted OD treatment unit. [HWMR-7, Part IX, §270.30(1)(1)].

E.11. Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Secretary of any planned physical changes in the permitted OD treatment unit or activity which may result in noncompliance with permit requirements. [HWMR-7, Part IX, §270.30(1)(2)].

E.12. Certification of Construction or Modification

The Permittee may not commence treatment of hazardous waste at the OD treatment unit until the Permittee has submitted to the Secretary, by certified mail or hand delivery, a letter signed by the Permittee and a New Mexico registered professional engineer stating that the OD treatment unit has been constructed or modified in compliance with the Permit; and

E.12.a. The Secretary has inspected the modified or newly constructed OD treatment unit and finds it is in compliance with the conditions of the Permit;

or

E.12.b. The Secretary has either waived the inspection or has not within 15 days notified the Permittee of his intent to inspect. [HWMR-7, Part IX, §270.30(1)(2)].

E.13. Transfer of Permits

This Permit is not transferable to any person, except after notice to the Secretary. The Secretary may require modification or revocation and reissuance of the Permit pursuant to HWMR-7, Part IX, §270.40. Before transferring ownership or operation of the OD treatment unit during its operating life, the Permittee shall notify the new owner or operator in writing in accordance with the requirements of HWMR-7, Part IX, §270.30(1)(3), and Part V, §264.12(c).

E.14. Twenty-Four Hour and Subsequent Reporting

E.14.a. The Permittee shall report to the Secretary any noncompliance which may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:

- i. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
- ii. Any information of a release or discharge of hazardous waste, or of a fire or accidental explosion at the hazardous waste management OD treatment unit which could threaten the environment or human health outside the hazardous waste management unit.

E.14.b. The description of the occurrence and its cause shall include:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the facility;
- iii. Date, time, and type of incident;
- iv. Name and quantity of materials involved;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

E.14.c. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and

its cause; the period(s) of the occurrence including exact dates and times; and, if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Secretary may waive the five-day written notice requirement in favor of a written report within 15 days. [HWMR-7, Part IX, §270.30(1)(6)].

E.14.d.If the Contingency Plan is implemented, the Permittee must comply with the reporting requirements listed in the Contingency Plan.

E.15.Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, Permit Conditions E.10. through E.15., at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition E.14 [HWMR-7, Part IX, §270.30(1)(10)]

E.16.Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Secretary, the Permittee shall promptly submit such facts or information. [HWMR-7, Part IX, §270.30(1)(11)].

F. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Secretary, a designee, or authorized representative, shall be signed and certified in accordance with HWMR-7, Part IX, §270.11 and 270.30(k).

G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY

All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Secretary or should be sent by certified mail or given to:

RCRA Permits Program Manager
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department

525 Camino de los Marquez
P.O. Box 26110
Santa Fe, New Mexico 87502

Telephone Number: (505) 827-4308

Facsimile Number: (505) 827-4361

H. CONFIDENTIAL INFORMATION

In accordance with HWMR-7, Part IX, §270.12, the Permittee may claim confidential any information required to be submitted by this Permit.

I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain a written operating record of OD activities and laboratory results at the Davis Dome facility at the McGregor Range in compliance with HWMR-7, Part V, 264.73, until closure is completed and certified by an independent, New Mexico registered professional engineer, the following documents and all amendments, revisions and modifications to these documents:

1. Waste Analysis Plan, as required by HWMR-7, Part V, §264.13 and this Permit.
2. Inspection schedules, as required by HWMR-7, Part V, §264.15(b)(2) and this Permit.
3. Personnel training documents and records, as required by HWMR-7, Part V, §264.16(d) and this Permit.
4. Contingency Plan, as required by HWMR-7, Part V, §264.53(a) and this Permit.

5. Operating record, as required by HWMR-7, Part V, §264.73 and this Permit.
6. Closure Plan, as required by HWMR-7, Part V, §264.112(a) and this Permit.
7. Contingency Post-Closure Plan as per HWMR-7, Part V, §264.310 and this Permit, in case the Permittee is unable to demonstrate clean closure.
8. Procedures for Limiting air Emissions, as required by HWMR-7, Part V, §264.601(c); and Part IX, §270.23(c) and this Permit.

J. PERMIT CONSTRUCTION

J.1. Citations

Whenever paragraphs of this Permit or of the Hazardous Waste Management Regulations are cited, such citations include all subordinate sections of the cited paragraph. When subordinate sections are cited, such citations include all subsections of the cited paragraphs. All such citations shall be considered an inclusion by reference to this Permit in accordance with HWMR-7, Part IX.

J.2. Gender

Whenever the pronoun "he" is used in reference to the Secretary of the New Mexico Environment Department or the Permittee, it is to be read as "she" in any instance where the person of the reference is female.

MODULE II - GENERAL FACILITY CONDITIONS

A. DESIGN AND OPERATION OF OD TREATMENT UNIT

The Permittee shall construct, maintain, and operate the OD treatment unit to minimize the possibility of a fire, explosion, or any unplanned, sudden or nonsudden release of hazardous waste to air, soil, or surface water which could threaten human health or the environment, as described in Permit Attachment G, in accordance with the requirements of HWMR-7, Part V, §264.31.

B. REQUIRED NOTICES

B.1. Hazardous Waste Imports

This permit does not allow the Permittee to accept wastes from a foreign source. If the Permittee is to receive hazardous waste from a foreign source, he shall apply and receive a permit modification in accordance with HWMR-7, Part IX, §270.41 or § 270.42 prior to accepting such waste.

B.2. Hazardous Waste from Off-Site Sources

"Off-site source" refers to wastes generated by sources other than the Permittee or its contractor(s) operating on-site. When the permittee is to receive hazardous waste from an off-site source (except when the Permittee is also the generator), he must inform the generator in writing that he has the appropriate Permits, and will accept the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [HWMR-7, Part V, §264.12(b)].

C. GENERAL WASTE ANALYSIS

The Permittee shall follow the waste analysis procedures required by HWMR-7, Part V, §264.13, as described in the Waste Analysis Plan, Permit Attachment A. In addition to the proposed soil sampling within and near the OD treatment unit (described in Permit Attachments A and J), the Permittee shall sample to at

least 100 feet in radius and to a depth of 10 feet from the perimeter of the OD treatment unit during initial soil sampling. This sampling activity shall be coordinated with selection of the three background samples proposed by the Permittee. This will assist in characterizing the OD treatment unit and its proximity. The first soil sampling event shall be conducted within 180 days of the effective date of this permit.

The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846, or equivalent methods approved by the Secretary. 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. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

D. SECURITY PLAN

The Permittee shall comply with the security provisions of HWMR-7, Part V, §264.14(b) and §264.14(c) as described in Permit Attachment B.

Barriers and Means to control Entry

The Permittee shall maintain a barrier and a means to control entry in compliance with HWMR-7, Pt. V, §264.14(b)(2).

A three-strand barbed-wire fence shall be built around the OD area. The roadway barrier (i.e., a lockable gate at the entrance road) to the OD area shall be kept locked except when Ordnance Disposal personnel enter the area for inspections or treatment operations. Access to the open detonation area shall be only through one gate, which is to be kept locked at all times.

Warning Signs

Warning signs, for example: " Danger-Explosive Disposal Range-Keep Out" shall be posted at the road entry point and where the perimeter approaches roads or active areas. The signs must be

written in English and Spanish and must be legible from a distance of 25 feet (8 meters) and shall also be seen from any approach to the facility. In addition, the warning signs shall be posted at 300-foot (91-meter) intervals around the OD Range perimeter in accordance with HWMR-7, Part V, § 264.14(c).

E. GENERAL INSPECTION REQUIREMENTS

The Permittee shall follow the inspection schedule set out in Permit Attachment C. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by HWMR-7, Part V, §264.15(c). Records of inspection shall be kept, as required by HWMR-7, Part V, §264.15(d).

F. PERSONNEL TRAINING

The Permittee shall conduct personnel training, as required by HWMR-7, Part V, §264.16. This training program shall follow the attached outline, Permit Attachment D. The Permittee shall maintain training documents and records, as required by HWMR-7, Part V, §264.16(d) and (e).

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

G.1. Handling of Reactive Waste

The Permittee shall comply with the requirements of HWMR-7, Part V, §264.17(a). The Permittee shall also follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in applicable parts of HWMR-7, Part V §264, Subpart I, and the procedures specified in Permit Attachments H and I.

G.2. Container Management

The Permittee shall not place hazardous waste in unwashed containers that previously held incompatible waste or material in accordance with HWMR-7, Part V §264.177(b).

G.3. Hazardous Waste Storage

The Permittee shall follow the procedures for assuring that

pyrotechnics, explosives, and propellant materials subject to treatment at the OD unit are not stored for greater than 90 days in compliance with HWMR-7, Part III, §262.34, and the procedures specified in Permit Attachment A.

H. PREPAREDNESS AND PREVENTION

H.1. Required Equipment

At a minimum, the Permittee shall maintain at the facility the equipment set forth in the Contingency Plan, Permit Attachment E, as required by HWMR-7, Part V, §264.32.

H.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition H.1, as necessary, to assure its proper operation in time of emergency, as required by §264.33.

H.3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system, as required by HWMR-7, Part V, §264.34.

H.4. Time to Conduct Open Detonation

The Permittee shall conduct Open Burn/Open detonation activities only between the hours of 7:00 am and 5:00 pm. No OD operations shall be conducted at night.

H.5. Weather Conditions

The Permittee shall not carry out OD operations when the wind speed exceeds 15 miles per hour (24 kilometers per hour). In addition, No OD activities shall be permitted if an electric storm is within 10 miles of the OD treatment unit.

H.6. Arrangements with Local Authorities

The Permittee shall maintain arrangements with state and local authorities, as required by HWMR-7 Part V, §264.37.

If state or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.

H.7. Hazardous Waste Inventory

The Permittee will maintain, in an accessible location, a current inventory showing type, location, and quantity of **all** hazardous waste in storage that will be subject to treatment within 90 days. NMED does have a need and right to know the type, location and quantity of **all** Explosive/Reactive Hazardous waste.

H.8. Use of Grandstands

The Permittee shall ensure that all grandstands are closed to both members of the public and military personnel during open detonation activities.

I. CONTINGENCY PLAN

I.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the Contingency Plan, Permit Attachment E, whenever there is a fire, explosion, or release of hazardous waste or constituents which could threaten human health or the environment in accordance with HWMR-7, Part V, §264.51.

I.2. Copies of Plan

The Permittee shall maintain and distribute copies of the Contingency Plan in accordance with the requirements of HWMR-7, Part V, §264.53.

I.3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by HWMR-7, Part V, §264.54.

I.4. Emergency Coordinator

A trained emergency coordinator shall be available at all times

in case of an emergency, in compliance with HWMR-7, Part V, §264.55. He must implement the requirements of HWMR-7, Part V, §264.56.

J. RECORDKEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee shall do the following:

J.1. Operating Record

The Permittee shall maintain a written operating record of OD activities at the Davis Dome facility at the McGregor Range in accordance with HWMR-7, Part V, §264.73.

J.2. Biennial Report

The Permittee shall comply with the biennial reporting requirements of HWMR-7, Part V, §264.75.

J.3. Personnel and Telephone Number Changes

The Permittee shall inform the NMED Secretary of changes in their management personnel, when a new officer replaces the current contact person. In addition, the Permittee shall keep the Secretary informed about any changes in its telephone numbers within 10 calendar days of the change in numbers.

K. GENERAL CLOSURE REQUIREMENTS

K.1. Performance Standard

K.1.a. The Permittee shall close the OD treatment unit as required by HWMR-7, Part V, §264.111 and in accordance with the Closure Plan, Permit Attachment F.

K.1.b. The Permittee shall cease to conduct all open detonation activities at the OD unit and shall close the OD unit in accordance with the Closure Plan, Permit Attachment F, if Congress decommissions McGregor Range.

K.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, in accordance with HWMR-7, Part V, §264.112(c), whenever necessary.

K.3. Notification of Closure

The Permittee shall notify the Secretary in writing at least 60 days prior to the date on which he expects to begin closure of the OD treatment unit or final closure of the OD treatment unit, as required by HWMR-7, Part V, §264.112(d).

K.4. Time Allowed For Closure

After receiving the final volume of hazardous waste, the Permittee shall treat, remove from the unit and dispose of at a permitted site all hazardous waste and shall complete closure activities, in accordance with §264.113 and the schedules specified in the Closure Plan, Permit Attachment F or as amended by the requirement of Permit Condition L.2.

K.5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate or dispose of all contaminated equipment, structures, and soils, as required by HWMR-7, Part V, §264.114 and the Closure Plan, Permit Attachment F.

K.6. Certification of Closure

The Permittee shall certify that the OD treatment unit has been closed in accordance with the specifications in the Closure Plan, as required by HWMR-7, Part V, §264.115.