



Permit



560 Golden Ridge Road  
Golden, CO 80401  
(303) 763-7188  
(303) 763-8889 FAX  
www.techlawinc.com

August 25, 2005

Mr. David Cobrain  
State of New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Sant Fe, New Mexico 87505-6303

RE: Work Assignment No. 06110.240; State of New Mexico Environment Department, Santa Fe, New Mexico; General Permit Support Contract; Los Alamos National Laboratory Permit Support; Task 02 Deliverable

Dear Mr. Cobrain,

Enclosed please find the deliverable for the above-referenced work assignment. The deliverable consists of checking referenced citation in the LANL permit, including LANL permit parts 1, 3, 4 and 5. Please note, that part 2 while emailed to TechLaw, is not included in this deliverable since it consisted of a brief working outline with no regulatory citations.

One major issue of concern was identified in Part 1, Section 1.11. The regulations cited in this section appear to refer to the proposed Standardized Permit Regulation (FR 66:198, pages 52191-52268, October 12, 2001), which have not been codified into a final rule by EPA. These proposed regulations can not be applied, unless the State has adopted these regulations prior to the rule becoming final at the Federal level (which does not appear to be the case), or a State omnibus provision is utilized. In addition, the proposed Standardized Permit Requirements normally apply to units that are small and simplistic, unlike LANL. More importantly, under the proposed Standardized Permit Rule these sites are not required to submit a formalized permit (for these units) to the Agency, but rather are required to maintain permit information at the site. It is not recommended that a Standardized Permit be utilized for the TA-55 site, or other sites at LANL. Edits to the proposed regulations have been provided, with a reference to codified regulations. Parts of this section should be re-drafted, to indicate that this information should be submitted to the agency in the permit application. In summary, 40 CFR 264 and 267 requirements should never appear in the same permit.

TechLaw is unsure of the reference to "SAR" in Part 5, Section 5.6 entitled "Response to Leaks and Spills". This section indicates that if the facility utilizes the notification procedures for a spill or release under 302 (SAR) then there are no requirements to notify under 40 CFR 264, or the permit. We have never seen this before in any other permit. This is especially a concern because the notification under SAR would be to EPA, not the State Agency.

32494

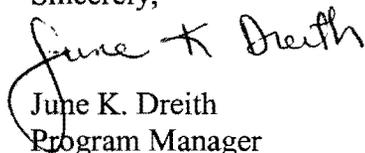


During the review, TechLaw noticed that the citation for "40 CFR §264.xxx" was written several different ways. We have standardized these citations.

This deliverable has been emailed to you at Dave.Cobrain@State.nm.us in the same format as provided to TechLaw, with each "part" in a separate file. A hard (paper) copy of the deliverable will be sent to you via mail.

If you have any questions, please feel free to contact me at (303) 763-7188.

Sincerely,



June K. Dreith  
Program Manager

Enclosure

cc: Ms. Kate Lynnes, NMED, HWB  
Denver Files  
Ms. Paige Walton, TechLaw

**PERMITTING SUPPORT FOR  
LOS ALAMOS NATIONAL LABORATORY**

**Submitted by:**

**TechLaw, Inc.  
560 Golden Ridge Road, Suite 130  
Golden, CO 80401**

**Submitted to:**

**Mr. David Cobrain  
State of New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East  
Building 1  
Santa Fe, New Mexico 87505**

**In response to:**

**Work Assignment No. 06110.240**

**August 25, 2005**

## PART 1

### GENERAL PERMIT CONDITIONS

#### 1.1 EFFECT OF PERMIT

##### 1.1.1 Permittees

The Secretary of the New Mexico Environment Department (Secretary) issues this Permit for the Los Alamos National Laboratory (LANL) to the United States Department of Energy (DOE), the owner and co-operator of LANL (EPA ID Number NM 0890010515-1), and the University of California (UC), co-operator of LANL.

##### 1.1.2 Permitted Activity

This Permit authorizes DOE and UC (the Permittees) to accept, store, and treat hazardous waste at LANL, and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§74-4-1 *et seq.*, and the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC. This Permit also establishes standards for closure and post-closure care of hazardous waste management units at LANL pursuant to the HWA and HWMR.

Deleted:

##### 1.1.3 Effect of This Permit on Interim Status Units

Interim status units that the Permittees intend to permit in the future are listed in Attachment \_\_\_\_\_. These interim status units will continue to operate under the interim status provisions in 20.1.900 NMAC [incorporating 40 CFR §270.1(c)(4)] and are not regulated under this Permit.

Deleted:

Interim status units that are no longer in service or will be taken out of service by the Permittees are listed in Attachment \_\_\_\_\_. Closure and post-closure requirements for these units are detailed in a separate permit pursuant to \_\_\_\_\_.

##### 1.1.4 Effect of This Permit on HSWA Corrective Action

This Permit contains a corrective action unit list (see Attachment \_\_\_\_\_), but corrective action requirements are established in the [FORMAL CITATION] Consent Agreement, a separate enforceable document, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR §264.90(f)).

Deleted:

##### 1.1.5 Permit Components

\_\_\_\_\_

### 1.1.6 Compliance With Permit

Compliance with this Permit for those management practices specifically authorized by this Permit during its term constitutes compliance, for purposes of enforcement, with 20.4.1.500, 700 and 800 NMAC, which incorporate 40 CFR §§264, 266 and 268. ~~The Permittees must also comply with all applicable self-implementing provisions imposed by statute or rule including, but not limited to, 20.4.1.100, 200, 300, 400 and 800 NMAC, which incorporate 40 CFR §§260, 261, 262, 263 and 268. Do we want this in here?~~

Deleted: C.F.R.

Deleted: Parts

Deleted: C.F.R.

Deleted: Parts

Compliance with this Permit shall not constitute a defense to any order issued or any action brought under §§74-4-10, 74-4-10.1, or 74-4-13 of the HWA; §§3008(a), 3008(h), 3013, 7002(a)(1)(B), or 7003 of RCRA; §§104, 106(a), 107, or 196(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§9601 *et seq.*; or any other federal, state or local law providing for protection of public health or the environment.

Deleted:

Deleted:

Deleted:

Deleted:

This Permit does not convey any property rights of any sort or any exclusive privilege, nor authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. Compliance with this Permit does not relieve Permittees from the responsibility of complying with all applicable state or federal laws and regulations. [20.4.1.900 NMAC (incorporating 40 CFR §§270.4, 270.30(g), and 270.32(b)(1); 20.4.1.901.A(11) and 1100 NMAC].

Deleted:

### 1.1.7 Effect of Any Inaccuracies in the Permit Application

This Permit is based on the assumption that the information submitted in the Part A Application, dated August \_\_, 2002 [UPDATE THIS TO REFLECT MOST RECENT PART A]; the General Part B Permit Application, dated August \_\_, 2003; the TA-16 Part B Permit Application, dated June \_\_, 2003; the TA-50 Part B Permit Application, dated August \_\_, 2002; the TA-54 Part B Permit Application, dated June \_\_, 2003; and the TA-55 Part B Permit Application, dated September \_\_, 2003, (collectively the Application) is true and correct and the Facility and units will be constructed, operated, and maintained as specified in the Application. Any inaccuracies found in the Application may be grounds for the termination, revocation and re-issuance, or modification of the Permit in accordance with 20.4.1.900 NMAC (incorporating 40 CFR §270.41, §270.42, §270.43) and for enforcement action.

Deleted:

Deleted:

Deleted:

Permittees shall inform NMED of any deviation from or changes in the information contained in the Application, which would affect the Permittees' ability to comply with this Permit. ~~Time frame?~~ Permittees shall provide this information in writing in accordance with Permit Condition 1.5.10.j. [20.4.1.900 NMAC (incorporating 40 CFR §§270.30(1)(11))]

Deleted:

Deleted:

Deleted: and 270.43(a)(2)

## 1.2 PERMIT ACTIONS

### 1.2.1 Term of Permit

This Permit shall be effective for a period of ten years from its effective date. The effective date of this Permit shall be 30 days after notice of the Secretary's decision has been served on the Permittees, or such later time as the Secretary may specify.

[20.4.1.900 NMAC (incorporating 40 CFR §270.50(a)) and 20.4.1.901.A(10) NMAC]

Deleted: C.F.R.

Deleted:

### 1.2.2 Permit Modification

This Permit may be modified for both routine and significant changes as specified in §74-4-4.2 of the HWA, 20.4.1.901.B NMAC, and 20.4.1.900 NMAC (incorporating 40 CFR §§270.41 and 270.42). The filing of a request by the Permittees for a Permit modification, or the notification by the Permittees of planned changes or anticipated noncompliance, does not stay the applicability or enforceability of any Permit condition.

[20.4.1.900 NMAC (incorporating 40 CFR §270.30(f))]

Deleted:

Deleted:

Deleted: through 270.43

Deleted:

#### 1.2.2.1 Routine Changes

A routine change or modification to the Permit is any change that qualifies as a Class 1 or Class 2 permit modification under 40 CFR §270.42, Appendix I. The Permittees may make routine changes without obtaining approval from the Secretary.

Deleted:

#### 1.2.2.2 Significant Changes

A significant change or modification to the Permit is any change that qualifies as a Class 3 permit modification under 40 CFR §270.42, Appendix I or amends any terms or condition in the supplemental portion, Module V, of this Permit. If the Permittees intend to make a significant change to this Permit, the Permittees shall:

Deleted:

- Provide notice and conduct a public meeting. The Permittees shall provide public notice at least 30-days prior to the public meeting;
- Conduct a public meeting, where the Permittees shall solicit questions from the community and inform the community of the proposed modifications. The Permittee shall maintain a sign-in sheet or provide a method for attendees to provide their names and addresses **Do we want to add specific language on the Pueblo?**; and
- Submit to the Secretary, after the public meeting, the exact changes(s) and reason(s) for the changes intended for this Permit. The Permittees shall also submit a summary of the public meeting, the list of attendees and their addresses, and copies of any written comments or materials submitted by the attendees.

**1.2.2.3 Unclassified Permit Modifications**

The Permittees shall submit permit modification requests that are not explicitly listed in Appendix I of 40 CFR §270.42 as a Class 1 or Class 2 permit modification to NMED as Class 3 modifications or the Permittees may request a determination from the Secretary that the proposed permit modification is a Class 1 or 2 modification pursuant to the requirements of 20.4.1.901 and 900 NMAC (incorporating 40 CFR §270.42(d)).

Deleted:

Deleted:

**1.2.2.4 Transfer of Land Ownership**

The Permittees cannot transfer of any land that is part of the Facility without submitting a permit modification request to the NMED. The Permittees shall submit a permit modification request, which is in compliance with all requirements of 20.4.1.900 and 901 NMAC (incorporating 40 CFR §270.42), at least 180 days prior to the proposed effective date of transfer of ownership of any land which is part of the Facility, as indicated on the map of the Facility, Attachment A (*Facility Description, Map 1, LANL Boundary*). This type of permit modification request may be submitted as a Class 3 permit modification, or the Permittees may request a determination that the modification is a Class 1 or 2 pursuant to the requirements of 20.4.1.900 and 901 NMAC (incorporating 40 CFR §§270.40 and 270.42(d)).

Deleted: 1

Deleted: 0

Deleted:

Deleted: 1

Deleted: 0

Deleted: §

In addition to the requirements of 20.4.1.900 and 901 NMAC (incorporating 40 CFR §270.42), a permit modification request for transfer of land ownership for part of the Facility, shall:

Deleted: 1

Deleted: 0

Deleted:

- Identify the boundaries of the land proposed for transfer by providing NMED with a \_\_\_\_\_ survey certified by a registered professional surveyor;
- Provide the new owner’s name, address, telephone number, ownership status and status as a federal, state, private, public or other entity;
- Describe the location and identity of any existing or prior SWMU, AOC or regulated unit on the land proposed for transfer;
- Describe any known or suspected presence of hazardous waste, hazardous constituents, and radioactive waste in soil or groundwater at any depth within the boundaries of the land proposed for transfer;
- Describe the status of any past, present, or planned investigations or remediation of contamination of soil or groundwater at any depth within the boundaries of the land proposed for transfer; and
- Include a revised map of the Facility. [20.4.1.500, 900 and 901 NMAC (incorporating 40 CFR §§264.101, 270.30(1)(1)) and 270.42]

Deleted:

**1.2.3 Permit Suspension, Termination, and Revocation and Re-issuance**

This Permit may also be suspended, terminated, or revoked and re-issued for cause, as specified in §§74-4-4.2 of the HWA, 20.4.1.900 NMAC, and 20.4.1.901.B NMAC (incorporating 40 CFR §§270.41 through 270.43). The filing of a request by the Permittees for a Permit modification, or the notification by the Permittees of planned

Deleted:

Deleted: , and 20.4.1.900 NMAC

Deleted:

changes or anticipated noncompliance, does not stay the applicability or enforceability of any Permit condition. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(f))]

Deleted:

#### 1.2.4 Permit Renewal

The Permittees may renew this Permit by submitting an application for a new permit at least 180 days before this Permit's expiration date, in compliance with 20.4.1.900 NMAC, 20.4.1.901 NMAC (incorporating 40 CFR §§270.10(h) and 270.30(b)) and Permit Condition 1.5.2. In reviewing any application for a permit renewal, the Secretary will consider improvements in the state of control and measurement technology and changes in applicable regulations. [20.4.1.901(A)(1)(a) NMAC (incorporating 40 CFR §270)]

Deleted: 1

Deleted: 0

Deleted:

Deleted: 0

Deleted: §§ 270.10(h) and 270.30(b))]

#### 1.2.5 Continuation of Expiring Permit

If the Permittees have submitted a timely and complete application for renewal of this Permit, in compliance with 20.4.1.900 NMAC (incorporating 40 CFR §§270.10 and 270.13 through 270.28) and Permit Condition 1.2.3, this Permit shall remain in effect until the effective date of the new permit if, through no fault of the Permittees, the Secretary has not issued a new permit on or before the expiration date of this Permit. [20.4.1.900 NMAC (incorporating 40 CFR §270.51)]

Deleted:

Deleted: 9

Deleted:

### 1.3 PERMIT CONSTRUCTION

#### 1.3.1 Citations

Whenever a provision of 20.4.1 NMAC or this Permit is cited, the citation includes all subordinate provisions of the cited provision. All citations to a provision of 20.4.1 NMAC shall be considered an inclusion by reference of the cited provision of 20.4.1 NMAC and any federal regulation, which it incorporates by reference pursuant to 20.4.1.900 NMAC (incorporating 40 CFR §270.30). Whenever the text of the Permit includes selected text from a cited provision of 20.4.1 NMAC or any federal regulation, which incorporates a cited provision of 20.4.1 NMAC by reference, the full citation shall be considered included by reference.

Deleted:

#### 1.3.2 Severability

The provisions of this Permit are severable, and if any provision of this Permit, or any application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

#### 1.3.3 Conflict in Language

If there is a conflict between the language of a Permit condition and the language of the Permit attachment, the language of the Permit condition shall control over the language in

the Permit attachment. This Permit and 20.4.1.500, 700 and 800 NMAC (which incorporate 40 CFR §§264, 266 and 268) establish the minimum requirements for design, construction, operation, and maintenance of the Facility. Any language in an attachment, which states or implies discretion to not comply with the minimum requirements of this Permit or 20.4.1.500, 700 and 800 NMAC is not effective and the requirements of this Permit and 20.4.1.500, 700 and 800 NMAC shall control. [20.4.1.900 NMAC (incorporating 40 CFR §270.32(b)(1))]

Deleted: Parts

Deleted: 9

Deleted:

## 1.4 DEFINITIONS

Terms used in this Permit 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, implementing regulations, or this Permit, the meaning of the term shall be determined by a standard dictionary reference, EPA guidelines or publications, or the generally accepted scientific or industrial meaning of the term.

**Acceptable Knowledge** or "**AK**" means waste characterization knowledge, including but not limited to process knowledge, waste analysis data from generators of similar wastes, and facility records of analysis performed before the effective date of RCRA, that is used by a generator to characterize wastes. Sources of AK at LANL include, but are not limited to, the following required waste stream information elements: areas and buildings from which the waste stream was generated, waste stream volume and period of generation, waste generating process descriptions, process flow diagrams, and material inputs or other information that identify the chemical and radionuclide content of the waste stream.

**Active Life:** of a hazardous waste management *facility* means the period of time from the first time the facility received hazardous wastes until the facility is properly closed.

**AEA:** Atomic Energy Act

**Ambient Air:** outside air.

**Aquifer:** an underground geological formation, part of a formation or group of formations capable of yielding a significant amount of water to wells or springs.

**Aquitard:** a geological formation that acts as a barrier to the normal flow of groundwater.

**Area of Concern** or "**AOC**" means any area having a probable release of hazardous waste or hazardous constituents which is not from a solid waste management unit and is determined to pose a current or potential threat to human health or the environment.

**Background Level:** the concentration of a substance in air, water, or soil that occurs naturally or is not the result of human activities.

**“Corrective Action Order”** or **“CAO”** means the Order issued to Permittees pursuant to \_\_\_\_\_ on \_\_\_\_\_, 2004 .

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

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

**Existing Hazardous Waste Management Facility** a unit (for example, a container storage building, landfill or surface impoundment) that was used to manage hazardous wastes or under construction on or before the date that the *Resource Conservation and Recovery Act (RCRA)* went into effect (November 19, 1980).

**Explosives or munitions emergency** means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), or other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist (40 CFR §260.10).

Deleted:

**Explosives or munitions emergency response** means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated or destroyed. Any reasonable delay in the completion of an explosions or munitions emergency response caused by necessary, unforeseeable or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergencies can occur on either public lands and are not limited to responses at RCRA facilities.

**Facility** means the Los Alamos National Laboratory (LANL), EPA ID Number NM 0890010515-1, owned by the Department of Energy (DOE) and located on a 43 square mile area in Los Alamos County, in north-central New Mexico, approximately 60 miles north-northeast of Albuquerque and 25 miles northwest of Santa Fe, including all contiguous land, and structures, other appurtenances, and improvements on the land, used for treatment, storing, or disposal of hazardous waste, as designated in General Appendix A (*Facility Description, Map A-2, LANL Boundary*). For the purpose of implementing corrective action, “Facility” means all contiguous property under the control of the owner or operator, as designated in General Appendix A (*Facility Description, Map A-2, LANL Boundary*).

**Federal Facility Compliance Act (FFCA):** a law passed by the Congress in 1992 that specifies that federal facilities, like LANL, are subject to all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature. These penalties and fines may be levied by the EPA or an authorized state such as New Mexico.

**Foreign source** means a hazardous waste source outside of the United States.

**Free liquids** means liquids, which readily separate from the solid portion of the waste under ambient temperature and pressure.

**Hazardous constituent** means any constituent identified in 20.4.1.200 NMAC (incorporating 40 CFR §261, Appendix VIII), any constituent identified in 20.4.1.500 NMAC (incorporating 40 CFR §264, Appendix IX), any constituent identified as a hazardous waste listed in 20.4.1.200 NMAC (incorporating 40 CFR §261, Subpart D), or any constituent identified as a toxicity characteristic waste in 20.4.1.200 NMAC (incorporating 40 CFR §261.24, Table 1).

**HWA** means the New Mexico Hazardous Waste Act, NMSA 1978, §§74-4-1 *et seq.*

**Interim Status** means

**“Intra-Facility waste”** means any hazardous waste transported from and to locations within the Facility on a public or private right-of-way within or along the border of the Facility. [20.4.1.300 NMAC (incorporating 40 CFR §262.20(f)).

**Land Disposal** means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

### **Land Disposal Restrictions**

#### **Land Withdrawal Act**

**Low-level waste** means radioactive waste that is not high-level radioactive waste, transuranic (TRU) waste, spent nuclear fuel or by-product material (as defined in section 11(e)(2) of the Atomic Energy Act (AEA), 42 U.S.C. §§2011 *et seq.*) or naturally occurring radioactive material.

**MCL's** means Maximum Contaminant Levels under the Federal Safe Drinking Water Act, 42 U.S.C. §§300f *et seq.*, and regulations promulgated thereunder.

**Military munitions** means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S Armed Services for national defense and security, including military munitions under the control of the Department of

- Deleted: C.F.R.
- Deleted: Part
- Deleted:
- Deleted:

- Deleted: C.F.R.
- Deleted:

- Deleted:

- Deleted:

Defense, the U.S. Coast Guard, the U.S Department of Energy and National Guard personnel. The term military munitions includes: confined gaseous, liquid and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guide and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, grenades, mines, torpedoes, depth charges, cluster munitions, and dispensers, demolition charges and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

**Mixed waste:** waste that contains both hazardous waste subject to the HWA and RCRA and source, special nuclear or byproduct material subject to the Atomic Energy Act.

**NMED** means the New Mexico Department of Environment.

**Non-wastewaters** are wastes that contain more than 1% by weight total organic carbon (TOC) and more than 1% by weight total suspended solids (TSS).

**Off-site waste** means any hazardous waste transported to or from the Facility from off-site, but does not include Intra-Facility waste.

**Open burning** means the combustion of any material without the following characteristics: (1) control of combustion air to maintain adequate temperature for efficient combustion, (2) containment of the combustion in an enclosed device to provide sufficient residence time and mixing for complete combustion, and (3) control of emission of the gaseous combustion products.

**Operator** means the person(s) responsible for the overall operation of the Facility. The United States Department of Energy and the University of California are co-operators of LANL.

**Owner** means the person(s) who owns the Facility or part of a Facility. The United States Department of Energy is the owner of LANL.

#### **Perched Groundwater**

**Permittees** mean the United States Department of Energy and the University of California.

**Post-Closure Care Unit** means any hazardous waste management unit subject to the post-closure care requirements of 20.4.1.500 NMAC (incorporating 40 CFR §264, Subpart G).

Deleted: Part

**RCRA** means the Resource Conservation and Recovery Act, 42 U.S.C. §§6901 *et seq.*

Deleted:



disposal on a case-by-case basis in accordance with §61 of Title 10, Code of Federal Regulations. [Pub. L. 102-579 (1992)]

Deleted: part

Deleted: title

*TRU mixed waste*

*Unsaturated Zone*

*Uppermost Aquifer*

*Wastewaters* are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS).

*WIPP* means the Waste Isolation Pilot Plant in Carlsbad, New Mexico.

*WQCC standards* means the maximum allowable ground water contaminant concentrations listed at 20.6.2.3103 NMAC and 20.6.2.4103 NMAC.

## 1.5 DUTIES AND REQUIREMENTS

### 1.5.1 Duty to Comply

The Permittees shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an Emergency Permit pursuant to 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 RCRA and is grounds for enforcement or other Department action and may subject the Permittees to:

Deleted:

- An administrative or civil enforcement action, including civil penalties and injunctive relief, under §§74-4-10 or 74-4-10.1 of the HWA or §§3008(a) and (g) or §3013, §7002, or §7003 of RCRA;
- Permit modification, suspension, termination, revocation, or denial of a permit application or modification request under §74-4-4.2 of the HWA;
- A citizen suit under §7002(a) of RCRA;
- Criminal penalties under §74-4-11 of the HWA or §§3008(d), (e), and (f) of RCRA; or
- A combination of the above. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(a))]

Deleted:

### 1.5.2 Duty to Reapply

If the Permittees intend to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittees shall submit a complete application for a new permit at least 180 days before the expiration date of this Permit, unless permission for a later date has been granted by the Secretary. The Secretary will not grant permission for an application for a new permit that is submitted later than the expiration date of this Permit. [20.4.1.900 NMAC (incorporating 40 CFR §§270.10(h) and 270.30(b))]

Deleted:

### 1.5.3 Transfer of Permit

The Permittees shall not transfer this Permit to any person except after prior written approval of the Secretary. The Secretary will require modification or revocation and re-issuance of the Permit, as specified in 20.4.1.900 NMAC and 20.4.1.901 NMAC (incorporating 40 CFR §§270.40(b) and 270.41(b)(2)), to identify the new Permittee and incorporate other requirements under the HWA, RCRA, and their implementing regulations. The prospective new Permittee shall file a disclosure statement with the Secretary, as specified at §74-4.4.7 of the HWA, prior to modification or revocation and re-issuance of the Permit.

Deleted: 1

Deleted: 0

Deleted:

Deleted:

Before transferring ownership or operation of the Facility, the Permittees shall notify the new owner and/or operator in writing of all applicable requirements of 20.4.1 NMAC and this Permit. [20.4.1.500 NMAC (incorporating 40 CFR §§264.12(c)) and 20.4.1.900 NMAC (incorporating 40 CFR §270.30(1)(3))]

Deleted:

### 1.5.4 Need to Halt or Reduce Activity Not a Defense

The Permittees shall not use as a defense to an enforcement action that the Permittees must reduce permitted activities in order to maintain compliance with the conditions of this Permit. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(c))]

Deleted: C.F.R.

Deleted:

### 1.5.5 Duty to Mitigate

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

Deleted: C.F.R.

Deleted:

### 1.5.6 Proper Operation and Maintenance

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

Deleted: C.F.R.

Deleted:

### 1.5.7 Duty to Provide Information

The Permittees 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, terminating, or revoking this Permit or to determine compliance with this Permit. The Permittees shall also furnish to the Secretary, upon request, copies of records that are required to be kept by this Permit.

Information and records requested by the Secretary pursuant to this condition shall be provided in paper form or in an electronic format acceptable to the Secretary or both as the Secretary may specify. This Permit Condition shall not be construed to limit in any manner the Secretary's authority under §74-4-4.3 of the HWA, §3007(a) of RCRA, or other applicable law. [20.4.1.500 NMAC (incorporating 40 CFR §264.74(a)) and 20.4.1.900 NMAC (incorporating 40 CFR §270.30(h))]

Deleted:  
Deleted:  
Deleted: C.F.R.  
Deleted:  
Deleted: C.F.R.  
Deleted:

### 1.5.8 Inspection and Entry

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

- Enter at reasonable times upon the Permittees' premises where the regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- Inspect, at reasonable times, any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this Permit; and
- Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the HWA or RCRA, any substances or parameters at any location. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(i))]

Deleted: C.F.R.  
Deleted:

### 1.5.9 Monitoring and Records

#### 1.5.9.1 Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Representative sample means a sample of a universe or whole, which can be expected to exhibit the average properties of the universe or the whole. [40 CFR §260.10] The method to obtain a representative sample of the waste or media to be analyzed must be the appropriate method from Appendix I of 40 CFR §261 or an equivalent method approved by the Secretary. Laboratory methods must be those specified in the current edition of *Test Methods for Evaluating Solid Waste Physical/Chemical Methods SW-846*, or an equivalent method, as specified in General Attachment B (*Waste Analysis Plan*) and Permit Condition 2.4. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(j)(1))]

Deleted: Part

Deleted: C.F.R.  
Deleted:

#### 1.5.9.2 Records Retention

The Permittees shall retain copies of all reports and records required by this Permit including; records of all data used to complete the Application; records of all ground water monitoring information, including records from all groundwater monitoring wells, associated groundwater surface elevations, and all calibration and maintenance records; data gathered or generated during the closure or post-closure process, including laboratory reports, drilling logs, bench-scale or pilot scale data, and supporting

information; and the waste minimization certification required by 20.4.1.500 NMAC (incorporating 40 CFR §§ 264.73(b)(6) and 264.73(b)(9)) and Permit Condition 2.5, until the date that final closure and post-closure care are approved as complete by the Secretary. This period may be extended by request of the Secretary at any time and is automatically extended during the course of any unresolved enforcement action regarding the Facility. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(j)(2))]

Deleted: C.F.R.

Deleted:

Deleted: C.F.R.

Deleted:

### 1.5.9.3 Monitoring Records Contents

Records of monitoring information shall include, but are not limited to:

- Sample collection records including the dates, exact place, and times of sampling or measurements and chain of custody documentation;
- The names and qualifications of the individuals who performed the sampling or measurements;
- Sample analytical records, which may include: completed chain-of-custody forms; completed sample tags; analytical techniques or methods used, all sample analytical data, calculations and results for all samples; QA/QC records including instrument calibration records and data, calculations and results for all required QA samples; and sample disposal records.
- The names and qualifications of the individuals who performed the analyses; and
- Quality assurance documentation will include analytical data validation reports and accuracy review copies of data summary tables. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(j)(3))]

Deleted:

### 1.5.10 Reporting Planned Changes

The Permittees shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the Facility, in compliance with 20.4.1.900 NMAC (incorporating 40 CFR §270.30(l)(1)).

Deleted:

Deleted: l

### 1.5.11 Reporting Anticipated Noncompliance

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

Deleted:

Deleted: l

### 1.5.12 Certification of Construction or Modification

The Permittees shall not store or treat hazardous waste in the modified or newly constructed portion of the Facility until the following conditions have been satisfied, in compliance with 20.4.1.900 NMAC (incorporating 40 CFR §270.30(1)(2)):

Deleted: 270.30(1)

- The Permittees have submitted to the Secretary, by certified mail or hand delivery, a letter signed by the Permittees and a professional engineer registered in New Mexico stating that the Facility has been modified or constructed pursuant to the Permit; and
- The Secretary has:

- Inspected the modified or newly constructed portion of the Facility and determined it to be in compliance with this Permit;
- Waived the inspection; or
- Within 15 days from the date of submission of the letter required by Permit Condition 1.5.12, has not notified the Permittees of his intent to inspect.

Formatted: Bulleted + Level: 2 +  
 Aligned at: 0.75" + Tab after: 1" +  
 Indent at: 1"

### 1.5.13 Twenty-Four Hour and Subsequent Reporting

The Permittees shall report to the Secretary any noncompliance or incident at the Facility that may endanger human health or the environment.

#### 1.5.13.1 Twenty-four Hour Reporting

An initial report shall be made orally within 24 hours from the time the Permittees become aware of the circumstances and shall include the following:

- Information concerning the release of any hazardous waste or hazardous constituent which may endanger public drinking water supplies;
- Information concerning the release or discharge of any hazardous waste or hazardous constituents, or of a fire or explosion at the Facility, which may threaten the environment or human health outside the Facility; and
- A description of the occurrence and its cause including:
  - Name, address, and telephone number of the owner and operator;
  - 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. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(1)(6)(i))]

Formatted: Bulleted + Level: 1 +  
 Aligned at: 0.5" + Tab after: 0.75"  
 + Indent at: 0.75"

Deleted: 270.30(1)

#### 1.5.13.2 Written Report

The Permittees shall submit a written report within five calendar days after the time the Permittees become aware of the circumstances under Permit Condition 1.5.13. The written report shall contain a description of the noncompliance or incident and its cause including the following:

- Name, address, and telephone number of the owner and operator;
- Name, address, and telephone number of the Facility;
- Date, time, and type of incident;
- The likely cause of the incident, if known;
- Name and quantity of materials involved;
- The extent of injuries, if any;

Formatted: Bulleted + Level: 1 +  
 Aligned at: 0.25" + Tab after: 0.5"  
 + Indent at: 0.5"

Formatted: Bulleted + Level: 1 +  
 Aligned at: 0.25" + Tab after: 0.5"  
 + Indent at: 0.5"

- An assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable;
- An estimated quantity and the disposition of recovered material that resulted from the incident;
- The period of the noncompliance or incident including exact dates and times, and, if the noncompliance or incident has not been corrected, the anticipated time it is expected to be corrected; and
- Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, incident, or imminent hazard. [20.4.1.900 NMAC (incorporating 40 CFR §270.30(1)(6)(iii))]

The Secretary may require submittal of the written report within 15 calendar days in lieu of the five-day requirement above.

Deleted:

#### 1.5.14 Other Noncompliance

The Permittees shall report all instances of noncompliance not reported under Permit Conditions \_\_\_\_\_ at the time monitoring reports are submitted. These reports shall contain the information listed in Permit Condition \_\_\_\_\_ [20.4.1.900 NMAC, incorporating 40 CFR §270.30(1)(10)]

Deleted: 270.30(1)

#### 1.5.15 Other Information

Whenever the Permittees become aware that they have failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Secretary, the Permittees shall promptly report such facts or information. [20.4.1.900 NMAC, incorporating 40 CFR §270.30(1)(11)]

Deleted: 270.30(1)

#### 1.5.16 Contingency Plan Implementation

If General Attachment E (*Contingency Plan*) is implemented, the Permittees shall comply with the reporting requirements of 20.4.1.500 NMAC (incorporating 40 CFR §264.56(j)).

Deleted: C.F.R.

Deleted:

#### 1.5.17 Manifest and Intra-Facility Shipping Paper Reports

The Permittees shall submit to the Secretary a letter report, including a copy of the manifest or intra-Facility shipping paper, if a significant discrepancy in a manifest or intra-Facility shipping paper is discovered and not resolved within 15 calendar days, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.72) and 20.4.1.900 NMAC (incorporating 40 CFR §270.30(1)(7)).

Deleted:

Deleted:

The Permittees shall submit an un-manifested waste report to the Secretary within 15 calendar days of receipt of off-site waste without a manifest or intra-Facility waste without an intra-Facility shipping paper, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.76) and 20.4.1.900 NMAC (incorporating 40 CFR §270.30(1)(8)).

Deleted:

Deleted:

**1.5.18 Biennial Report**

The Permittees shall submit a biennial report to the Secretary by March 1 of each even numbered year, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.75). This biennial report shall include all the information specified in 20.4.1.500 NMAC (incorporating 40 CFR §264.75).

Deleted:  
Deleted:

**1.6 SIGNATORY REQUIREMENT**

The Permittees shall sign and certify all applications, reports, or information submitted to or requested by the Secretary or required by this Permit, in compliance with 20.4.1.900 NMAC (incorporating 40 CFR §§270.11 and 270.30(k)).

Deleted:

**1.7 REPORTS, NOTIFICATIONS AND SUBMISSIONS TO THE SECRETARY**

All reports, notifications, or other submissions required by this Permit to be submitted to the NMED shall be submitted by the Permittees by certified mail or hand-delivery to:

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

**1.8 CONFIDENTIAL INFORMATION**

The Permittees may claim confidentiality for any information required by this Permit or otherwise submitted to NMED, pursuant to the provisions of §§74-4-4.3(D) and (F) of the HWA and 20.4.1.100 and 900 NMAC (incorporating 40 CFR §§260.2 and 270.12).  
**Should we say anything about classified material?**

Deleted:  
Deleted:  
Deleted: C.F.R.  
Deleted:

**1.9 INFORMATION REPOSITORY**

The Permittees shall maintain an information repository at [redacted]. Permittees shall maintain the shall allow public access to the information repository during normal business hours and shall maintain in the information repository, at a minimum, the administrative record for this Permit issuance, the administrative record for the Consent Agreement, and all records, which are required to be kept under Permit Condition 1.6. [20.4.1.901.E NMAC (incorporating 40 CFR §124.33) and 20.4.1.900 NMAC (incorporating 40 CFR §270.30(m))]

Deleted:  
Deleted: s  
Deleted:

**1.10 GENERAL DOCUMENTS AND INFORMATION TO BE MAINTAINED AT THE FACILITY**

The Permittees shall maintain at the Facility until completion of closure and post-closure care in compliance with Permit Conditions 2.16 and 2.17 is approved by the Secretary, or

as otherwise specified below, the following documents and all amendments, revisions, and modifications to these documents:

- This Permit, including all Attachments;
- A general description of the Facility as required by this Permit;
- A topographic map as required by 40 CFR §264.18 and 270.13(1) and this Permit.
- The chemical and physical analyses of the hazardous wastes, TRU mixed wastes and hazardous debris managed or handled at the Facility. At a minimum these analyses shall contain all the information required to treat or store the wastes properly under the requirements of 40 CFR §264 and as required by this Permit.
- The Waste Analysis Plan as required by 40 CFR §264.13(b) and this Permit;
- Security procedures and a listing of security equipment as required by 40 CFR §264.14 and this Permit;
- Inspection schedules and results, for three years from the date of the inspection, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.15(b)(2)) and this Permit;
- Preparedness and prevention procedures and a listing of related equipment as required by 40 CFR §264, Subpart C and this Permit;
- Personnel training, including both introductory and continuing training programs, used to prepare employees to safely operate and maintain this Facility in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.16(d)) and this Permit;
- The general Contingency Plan and TA-specific Contingency Plans and any summary reports and details of all incidents that require implementation of the general or TA-specific Contingency Plans, and a copy of all Memorandums of Agreement, Memorandums of Understanding, and Mutual Aid Agreements required by Permit Condition 2.12.5 and 20.4.1.500 NMAC (incorporating 40 CFR §264.56(j));
- A description of procedures, structures or equipment used at the Facility to prevent hazards in unloading/loading operations, prevent run-off from hazardous waste handling areas to other areas of the Facility or environment or to prevent flooding, prevent contamination of water supplies, mitigate the effects of equipment failure and power outages, prevent undue exposure of personnel to hazardous waste, and prevent releases to the atmosphere as required under this Permit;
- Special precautions for ignitable, reactive, or incompatible wastes as required by 40 CFR §264.17 and this Permit;
- Traffic patterns, estimated volumes and control as required by this Permit;
- Operating record, as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.73) and Permit Condition 2.16.1;
- Closure plan as required by 40 CFR §264.112 and this Permit; and
- Groundwater monitoring analytical results and data contained in reports required under Permit Conditions 1.5.9 and 2.15.

Formatted: Bulleted + Level: 1 +  
Aligned at: 0.25" + Tab after: 0.5"  
+ Indent at: 0.5"

Formatted: Bulleted + Level: 1 +  
Aligned at: 0.25" + Tab after: 0.5"  
+ Indent at: 0.5"

Deleted:

Deleted:

Deleted:

Deleted:

Deleted:

Deleted:

Information and records required to be maintained by this Permit Condition 1.6 shall be maintained in paper form and in electronic format, as available, paper form, or in an electronic form acceptable to NMED.

### 1.11 CONTAINER-SPECIFIC INFORMATION TO BE MAINTAINED AT THE FACILITY

Note: the regulations cited in this section appear to refer to the proposed Standardized Permit Regulations (FR 66:198, pgs 52191-52268, October 12, 2001). These are proposed regulations and have not been codified into a final ruling. These may not be applied, unless the State has adopted these regulations prior to becoming a Federal regulation. Furthermore, these normally apply to units that are small and simplistic, unlike LANL. Under the standardized permit rules, these sites are not required to submit a formalized permit to an Agency, but rather are required to maintain permit information at the facility. It is not recommended that a standardized permit be utilized for the TA-55 site or other sites at LANL. Edits to the proposed regulations have been provided, with a reference to a codified regulation provided.

Formatted: Normal

Pursuant to 40 CFR §270.300, the Permittees shall maintain at the Facility or other accessible location as designated by the Secretary, until closure is completed and certified by a registered professional engineer, the following container-specific documents and information and all amendments, revisions and modifications to these documents and information:

- A description of each containment system to demonstrate compliance with container storage area provisions of 40 CFR §264.175. These descriptions must show the following:
  - Basic design parameters, dimensions, and materials of construction;
  - How the designs promote drainage or how containers are kept from contact with standing liquids in the containment systems;
  - Capacities of the containment systems relative to the number and volume of containers to be stored;
  - Provisions for preventing or managing run-on; and
  - How any accumulated liquids will be analyzed and removed to prevent overflow.
- For storage areas that store containers holding wastes without free liquids, a demonstration of compliance with 40 CFR §264.175(c), including:
  - Test procedures and results or other documentation or information to show that the wastes do not contain free liquids and
  - Descriptions of how the storage areas are designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.
- Sketches, drawings, or data demonstrating compliance with 40 CFR §§264.175 and 264.176 (location of buffer zones and containers holding ignitable or reactive wastes) and 40 CFR §264.177 (locations of incompatible waste), as applicable;

Deleted: §264.173

Deleted: §264.173(c)

Deleted: §264.174

Deleted: §264.175(c)

- Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 40 CFR §§264.175(a) and (b), ~~§264.177~~, and §§264.17(b) and (c); and
- Information on air emission control equipment as required by 40 CFR ~~§264.179~~.

**1.12 TANK-SPECIFIC INFORMATION TO BE MAINTAINED AT THE FACILITY**

**1.13 MISCELLANEOUS UNIT-SPECIFIC INFORMATION TO BE MAINTAINED AT THE FACILITY**

**Comment:** This section is written in the language of a standardized permit, which is not appropriate for this permit. LANL should not be required to maintain this information, but rather, this information must be submitted as part of the permit and the section should be written to follow the regulations for a container storage area under 40 CFR Part 264 subpart I. It is suggested that it be re-written, omitting the standardized permit language.

**Deleted:** §270.315.

## PART 3

### GENERAL FACILITY CONDITIONS

#### 3.1 DESIGN, OPERATION AND MAINTENANCE OF THE FACILITY

The Permittees shall design, construct, maintain, and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned, sudden, or non-sudden release of hazardous waste or hazardous constituents to air, soil, groundwater, or surface water that could threaten human health or the environment. [20.4.1.500 NMAC (incorporating 40 CFR §264.31)]

Deleted:

#### 3.2 WASTE SOURCES

##### 3.2.1 Types of Wastes Generated at LANL

###### 3.2.1.1 Hazardous Wastes

Four general types of hazardous wastes are generated by the Permittees:

- *Hazardous Wastes from Basic and Applied Chemistry Research and Development (R&D) Programs.* These R&D wastes represent nearly all of the EPA waste numbers listed in Attachment 2. The Primary laboratory sites for basic and applied chemistry R&D include the Chemistry and Metallurgy Research Building (TA-3-29), the Radiochemistry Laboratory (TA-48), the Sigma Building (TA-3-66) and the Health Research Laboratory. Typical non-radioactive hazardous wastes from basic and applied chemistry R&D programs consist of large quantities of partly empty containers of laboratory reagents, test samples and other laboratory wastes. The actual waste streams generated from these R&D programs (e.g. acids, bases, organics, inorganics and reactive metals) continually vary depending on the Permittees' changing R&D activities. Each discreet waste stream is documented with a completed waste stream profile form (WSPF);
- *Hazardous Wastes from Processing Operations.* As discussed above, the majority of the hazardous waste streams generated by the Permittees are from basic and applied chemistry R&D programs. The Permittees do, however, generate a limited number of waste streams that are defined as process wastes. These waste streams include, but are not limited to, spent cyanide plating solutions, which contain chromium, silver and lead, from the Metallurgy Group at TA-3-66; acid/base wastes that are heavily contaminated with copper from the printed Circuit Board Shop at TA-3-40; copper contaminated ferric chloride etching waste from the Fabrication Section of the DX-10 Detonation Systems Group at TA-22-91; nitric and sulfuric acid isotope separation wastes; metal waste from machining operations, spent halogenated degreasers and non-halogenated spent solvents from the Main Shops Department at TA-3-39; and maintenance activity wastes, such as residual pesticides and herbicides and paint thinners from the Facility Security & Safeguards Division and support maintenance contractors. These

wastes are typically generated in more significant volumes than the R&D wastes described above but contain a very limited number of hazardous constituents;

- *High Explosive Wastes.* High explosive (HE) waste is generated by the Dynamic Experimentation (DX) and Engineering Sciences and Applications (ESA) Divisions in the course of processing and testing various HE materials. These wastes occur as discrete pieces of HE from processing activities (e.g. chips, machine cuttings and powder); off-specification and old explosives; spent carbon from the TA-16 wastewater treatment unit; and HE-contaminated materials (e.g. paper, oil, solvents, wood, machine tools and fixtures). The chips, cuttings and powder are usually in the form of waterborne suspensions, which are collected in specially designed accumulating/settling sump tanks.

Chemically, the predominant HE wastes consist of high melting explosives (HMX); cyclonite (RDX); 2,4,6-trinitrotoluene (TNT); pentaerythritol tetranitrate (PETN), ammonium nitrate, barium nitrate, triaminotrinitrobenzene (TATB), nitrocellulose, tetryl, nitroguanidine and various plastic binders. Nearly all of the HE wastes are ignitable (D001) or reactive (D003). Barium nitrate wastes are also characteristically hazardous for barium (D005). HE-contaminated oil and solvent wastes may also contain listed solvents (i.e.: F001, F002, F003 and/or F005); and

- *Waste Treatment Residues.* Treatment operations at the Laboratory generate solid hazardous wastes. For example, residues from the open burning of HE waste are generated by the flashing or burning of HE waste at TA-16. These residues, which are characteristically hazardous for barium (D005), are typically present in the uppermost layer of sand that covers the burn pad.

### **3.2.2 Authorized Wastes**

#### ***3.2.2.1 Facility-wide authorized wastes***

The Permittees are authorized to accept, store, treat, or otherwise manage at hazardous waste management units at the Facility only those hazardous wastes that bear appropriate U.S. Environmental Protection Agency (EPA) Hazardous Waste Numbers and are listed in Appendix I (*Authorized Wastes*).

#### ***3.2.2.2 TA-specific authorized wastes***

The Permittees are authorized to accept, store, treat, or otherwise manage at hazardous waste management units at specific TA's only those hazardous wastes listed in Attachment I to the applicable TA-specific permit chapter.

#### ***3.2.2.3 Hazardous Waste From Off-Site Sources***

The Permittees are only authorized to accept hazardous wastes from off-site sources at the Facility, from the following sources:

- One of the sources listed in Permit **Appendix A**, Table 2.3, *List of Off-Site Waste Management Facilities That May Send Waste to Los Alamos National Laboratory*;
- Hazardous waste generated by the Permittees at TA-57 (SWMU ##, known as the Fenton Hill site); and
- Hazardous waste generated by the Permittees as a result of investigation or remediation of a SWMU or AOC listed in Permit **Appendix A**, Table 2.1, *List of Off-Site Release Sites (PRS) and/or Off-Site Solid Waste Management Units (SWMU)*.

In addition, the hazardous wastes from these authorized sources must be listed in Permit **Appendix I** (*Authorized Wastes*) and all such wastes must be properly manifested in accordance with **Permit Condition 2.14** below.

### 3.2.3 Prohibited Wastes

#### 3.2.3.1 Hazardous Waste Imports

The Permittees shall not accept hazardous waste at the Facility from a foreign source.

#### 3.2.3.2 Prohibitions on the Storage of PCB-Contaminated Waste

The Permittees are prohibited from storing liquid hazardous wastes containing polychlorinated biphenyls (PCB's) at concentrations greater than 50 parts per million (ppm) unless such storage is in compliance with all requirements of 40 CFR §761.65(b). The Permittees are prohibited from storing liquid hazardous wastes containing PCB's at concentrations greater than 50 ppm for more than one year from the date such waste was first placed into storage. **INSERT SOMETHING ON EPA PERMIT**

Deleted:

#### 3.2.3.3 TA-specific Waste Prohibitions

The Permittees shall comply with additional TA-specific waste prohibitions specified in TA-specific permit chapters.

## 3.3 GENERAL WASTE CHARACTERIZATION

### 3.3.1 Overview

The Permittees have developed comprehensive waste management procedures, which address hazardous wastes that are managed under this Permit, low-level radioactive wastes, mixed low-level wastes, transuranic mixed wastes, medical wastes, solid wastes, and polychlorinated biphenyl (PCB) wastes. These procedures also apply to hazardous wastes that are managed in satellite and under 90-day accumulation areas, in addition to permitted units. For example, the scope of the Permittees' Waste Analysis Plan in Attachment **III**, which is required to be included in the Permittees' Part B application under 40 CFR §270.14(a)(3), is broader than the waste management activities regulated

under this Permit. This overview focuses on the procedures and staff roles and responsibilities that are relevant to this Permit.

The following are brief summaries of the roles and responsibilities of the Laboratory personnel who are involved in hazardous waste management activities under this Permit:

- *Waste Generators.* A waste generator is any individual and his or her line management having direct responsibility for operations that generate waste. They are responsible for accurately and completely documenting the information necessary to characterize their wastes, including but not limited to:
  - Describing the waste-generating processes, including identifying waste constituents and estimating constituent concentrations;
  - Collecting material safety data sheets;
  - Maintaining all waste characterization documentation in a retrievable and auditable manner;
  - Collecting any necessary analytical data;
  - Developing and documenting material balances, scaling factors and calculations, as appropriate;
  - Preparing a waste stream profile form (or equivalent) for each identified waste stream being generated; and
  - Re-evaluating each waste stream annually, at a minimum, or whenever factors affecting the waste characterization will or have occurred (e.g. when processes, procedures or raw materials have changed).
- *Waste Management Coordinators (or equivalent).* These individuals are responsible for coordinating waste management activities on the behalf of waste generators, line managers, and other Laboratory organizations; reviewing documents pertaining to waste management; and coordinating the resolution of waste management issues on the behalf of his or her waste-generating organization. The Waste Management Coordinators (WMC's), or equivalent's, responsibilities include, but are not limited to:
  - Serving as the primary point of contact on waste-related issues;
  - Providing waste generators with guidance and assistance on RCRA regulatory compliance;
  - Assisting generators in determining waste disposal options;
  - Representing waste-generating organizations during audits and assessments;
  - Assisting waste generators with completing waste documentation;
  - Preparing, signing and submitting waste documentation to the Solid Waste Operations Group (or equivalent);
  - Coordinating waste transportation from their facilities;
  - Ensuring that required transportation paperwork is signed for waste shipments;
  - Maintaining an auditable file of waste management documentation; and
  - Disseminating waste management information to the waste generators in their facilities.
- *Solid Waste Operations Group (or equivalent).* These individuals' responsibilities include, but are not limited to, the following:

- Overseeing operations related to the management of hazardous wastes;
- Reviewing and approving waste documentation;
- Providing guidance on the Laboratory's waste acceptance criteria;
- Providing guidance on waste characterization, acceptance, certification, minimization, storage, segregation, packaging and transportation;
- Administering the WMC program;
- Operating a waste pick up service from the waste generator's site to TA-54;
- Storing transuranic mixed waste and MLLW's in accordance with Permit, regulatory and Laboratory requirements; and
- Maintaining the transuranic mixed waste, waste profile, chemical and low-level waste databases.
- *Hazardous and Solid Waste Group (or equivalent)*. These individuals responsibilities include, but are limited to, the following:
  - Submitting reports, notices and permit applications in accordance with Permit, regulatory and Laboratory requirements;
  - Serving as the point-of-contact for Laboratory personnel regarding hazardous and mixed-waste issues;
  - Conducting performance assessments of waste generator's operations and treatment, storage and disposal facilities;
  - Maintaining required records and data;
  - Providing waste sampling, characterization and environmental monitoring services; and
  - Providing technical and regulatory support to operating groups.
- *Treatment and Storage Facility Operators*. Permitted hazardous waste storage and treatment units are used to manage hazardous wastes at the Laboratory prior to off-site disposal. The responsibilities of the operators of these permitted units include, but are not limited to:
  - Providing guidance to waste generators and WMC's regarding the completion of waste characterization documentation and acceptance criteria;
  - Developing waste acceptance criteria;
  - Maintaining the documentation and data required by the Permit and applicable laws and regulations;
  - Reviewing waste characterization documentation and authorizing waste transfers;
  - Reviewing waste characterization documentation and inspecting waste containers upon arrival at the storage or treatment unit;
  - Establishing a verification program; and
  - Developing and implementing a non-conformance program.
- *Division Directors, Program Managers and Program Directors*. These directors and managers are responsible for ensuring that waste generators and permitted unit operators recognize and manage hazardous and mixed wastes in accordance with this Permit, applicable state and federal laws and regulations and Laboratory requirements.

### 3.3.2 General Requirements

The Permittees shall not store or treat any hazardous waste at a permitted hazardous waste management unit at the Facility unless the hazardous waste has been fully characterized in compliance with the requirements of this Permit and Appendix B (*Waste Analysis Plan*), to demonstrate compliance with all requirements of 20.4.1.500 NMAC (incorporating 40 CFR §264, including §264.13 and 40 CFR §268). The Permittees must obtain a detailed chemical and physical analysis of a representative sample of each waste. At a minimum, these analyses must contain all of the information, which must be known to treat, store and/or dispose of the waste in accordance with 40 CFR §§264 and 268. These analyses may include data developed under 40 CFR §261, existing published or documented data on the hazardous waste or documented data on other hazardous wastes generated from similar processes.

Deleted: Part  
Deleted:  
Deleted:  
Deleted:

The Permittees shall obtain the following waste characterization information, prior to acceptance of a hazardous waste for treatment or storage at a hazardous waste management unit at the Facility, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.13(a)(1)):

- All applicable EPA Hazardous Waste Numbers, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.13). {previous citation does not address this issue}.
- Whether the waste is listed as an authorized waste in Permit Appendix I (*Authorized Wastes*) and the applicable TA-specific permit chapter, Attachment I (*Authorized Wastes*), and is not otherwise prohibited by this Permit;
- Whether the waste contains free liquids, as defined at 20.4.1.100 NMAC (incorporating 40 CFR §260.10); or
- For transuranic mixed waste, whether the waste contains prohibited items, as defined in [REDACTED].

Deleted: .  
Deleted: and 20.4.1.800 NMAC (incorporating 40 C.F.R. § 268.9(a));  
Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

### 3.3.3 General Waste Characterization Methods

The Permittees must follow the sections in the Waste Analysis Plan (see Attachment \_\_\_) that are applicable to the waste management activities addressed under this Permit. These sections of the Waste Analysis Plan must describe the procedures that the Permittees will carry out to comply with \_\_\_ (incorporating 40 CFR §264.13(a)). At a minimum these procedures must specify:

Deleted:

- A copy of the Waste Analysis Plan must be kept at the Laboratory;
- The parameters for which each hazardous waste or non-hazardous waste, if applicable under 40 CFR §264.13(b)(1), will be analyzed and the rationale for the selection of these parameters;
- The test methods that will be used to test for these parameters;
- The sampling method that will be used to obtain a representative sample of the waste to be analyzed;

Deleted: (d)

- The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date; and
- For off-site facilities, the waste analyses that the hazardous waste generators have agreed to supply.

Waste may be characterized by using current sampling and analysis, acceptable knowledge or a combination of the two methods.

### 3.3.3.1 Sampling and analysis

The objectives of sampling and analysis performed under RCRA are to demonstrate that the waste does not exhibit certain chemical or physical properties or contain analytes of concern at concentrations that cause it to be managed as a hazardous waste. Sampling and analytical procedures used for waste characterization must conform to the most recent version of *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, (U.S. EPA Publication SW-846).

Certain procedures in SW-846 are for “method-defined parameters”, where the analytical result is wholly dependent on the process used to make the measurement (e.g. ignitability and corrosivity for liquids, toxicity and paint filter liquids). While SW-846 does allow for some flexibility for other types of analytical procedures, the Permittees must demonstrate and document to the Secretary that any proposed procedure that deviates from an established method in SW-846 is capable of providing the appropriate performance for its intended application. The Permittees must submit a written request to the Department \_\_\_\_\_ days prior to using the proposed sampling or analytical procedure. This request must include performance data as well as a detailed description of the procedural steps (i.e. a standard operating procedure). The Department has \_\_\_\_\_ days to approve or deny the use of the proposed procedure. If the Department fails to respond to the Permittees’ written request within the \_\_\_\_\_ day period, the procedure is \_\_\_\_\_.

A combination of sampling strategies may be necessary when characterizing wastes. Biased sampling should generally be used to determine whether the waste is homogeneous, heterogeneous and/or stratified. The results from this biased sampling may be sufficient to characterize a waste depending on whether the biased sampling results adequately represent the waste materials and whether any individual sample result exceeds the regulatory threshold of interest. If one or more of the samples exceed the regulatory threshold, a more extensive statistically-based sampling strategy maybe required. Regardless of the sampling strategy used, the Permittees must be able to demonstrate that the analytical results obtained provide an accurate estimation of both the nature and the entire volume of the waste under consideration.

All sampling and analytical procedures must ensure the collection of a representative sample of a waste by means that preserve its original physical form and composition and ensure prevention of contamination or changes in concentration of the constituents to be analyzed. Sample collection procedures must also meet the quality assurance objectives (QAO’s) required under Permit Condition 24.111. The number of samples of each

waste shall be sufficient to demonstrate that the upper limit of the confidence interval for the population mean is less than the applicable regulatory threshold, in compliance with SW-846.

If the Permittees use an independent contract laboratory to perform analyses, the Permittees shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

When using laboratory analysis as part of a hazardous waste characterization, the Permittees shall require the laboratory to report concentrations of all hazardous constituents listed at 40 CFR §268.48, Table of Universal Treatment Standards, that the analytical test method used is capable of measuring. When performing or obtaining laboratory analysis to demonstrate that a waste meets its applicable LDR treatment standard concentrations specified at 20.4.1.800 NMAC (incorporating 40 CFR §268.40, Treatment Standards for Hazardous Wastes), in compliance with 20.4.1.800 NMAC (incorporating 40 CFR §268.7(a) and (b)), the Permittees shall ensure that analytical method detection limits (MDL's) are not higher than the treatment standard.

Deleted: .  
Deleted: .

The Permittees shall perform and record all waste characterization quality assurance/quality control (QA/QC) procedures in accordance with SW-846 for data used to support waste characterizations required under Permit Condition 2.4. The statistical concepts of waste characterization precision, accuracy, completeness, comparability, and representativeness, as described in SW-846, shall be addressed. The Permittees shall identify and perform the appropriate number of control samples associated with each sample collected (e.g. trip and field blanks, field duplicates, and field spikes). When performing laboratory analysis required under Permit Condition 2.4, the Permittees or the independent laboratory shall analyze method blanks, laboratory duplicates, and laboratory control samples to assess the quality of the data resulting from laboratory analytical programs.

The Permittees shall maintain a record of these QA/QC procedures in the operating record required under 20.4.1.500 NMAC (incorporating 40 CFR §264.73), and Permit Condition 2.15.1.

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

### 3.3.3.2 Acceptable Knowledge Mixed Low-Level and Hazardous Wastes

Acceptable knowledge (AK) is used by the waste generator to characterize waste in lieu of sampling and analysis or to supplement characterization through sampling and analysis. AK is defined in *Waste Analysis at Facilities that Generate, Treat and Dispose of Hazardous Wastes* (OSWER 9938.4-03, April 1994) [REDACTED]. Examples of where AK may be appropriate include, but are not limited to, the following:

- Identifying listed waste streams from specific, well documented waste generation processes (i.e. F and K-listed wastes);
- Identifying listed waste streams that consist of discarded commercial chemical products, off-specification species, container residues and spill residues, thereof (i.e. P and U-listed wastes); and

[REDACTED]

Sources of AK include, but are not limited to, the following:

[REDACTED]

The Permittees shall include in the AK documentation all background information assembled and used in the characterization process, whether or not the data supports the decision to use AK, and a summary report summarizing the supporting documentation and waste characterization conclusions, including but not limited to:

- The location where the waste stream is generated;
- The waste stream volume and time period of generation;
- A description of the waste generating process; and
- Copies of all prior sampling or other information that identifies the chemical content and physical form of the waste stream.

### ***3.3.3.3 Acceptable Knowledge for Transuranic Mixed Wastes***

[REDACTED]

### ***3.3.3.4 Waste Characterization Documentation***

The waste characterization documentation process at the Laboratory begins with the waste generator. While the waste generator may not be an expert in the regulatory aspects of hazardous waste management, he or she is the best source of information for determining a waste's physical, chemical and radiological characteristics with sufficient accuracy to identify proper segregation, treatment, storage and disposal procedures. The waste generators complete a waste stream profile form (WPF), or equivalent, to provide the waste management coordinators (WMC's) with the data they need to complete the RCRA characterization process. Like the Waste Analysis Plan, the WPF, or equivalent, is not limited to the collection of RCRA-related information. If necessary the waste generators may request guidance and assistance from the WMC's in completing the WPF.

The waste generator must complete and sign a WPF, or equivalent, for each waste stream generated. The waste generator then submits the WPF, or equivalent, to the WMC for his or her review and signature. After he or she signs the WPF, the WMC submits the completed WPF to the Hazardous and Solid Waste Operations Group, or equivalent. The Hazardous and Solid Waste Operations Group, or equivalent is responsible for reviewing and approving the completed WPF.

The Hazardous and Solid Waste Group, or equivalent, is responsible for providing waste sampling and characterization services and maintaining the records and data that are required under this Permit.

### 3.3.4 Waste Characterization Verification

The Permittees have developed waste characterization verification procedures that outline the processes and standards used to confirm the accuracy of the waste characterization data provided by the waste generators. As discussed previously, these procedures are broader in scope than the waste management activities addressed by this Permit. The Permittees are, however, required to ensure that their waste characterization verification procedures conform to all applicable Permit conditions. The Waste Analysis Plan (see Attachment \_\_) must clearly specify the frequency with which the initial analysis of the waste will be reviewed and/or repeated to ensure that the analysis is accurate and up-to-date (\_\_\_\_\_, incorporating 40 CFR §264.13(b)(4)).

#### 3.3.6.1 Hazardous and Mixed Low Level Waste Characterization Verification

The Permittees are required to ensure that their waste characterization verification procedures conform to the following Permit conditions.

- Re-characterize annually, at a minimum, to verify the accuracy of initial characterization results. For wastes originally characterized through sampling and analysis, verification shall be achieved using the same sampling and analysis methodologies used in the initial analysis. For wastes characterized through AK, verification may be achieved through a review of AK information;
- Re-characterize a waste whenever there is a change in waste-generating processes that may affect the physical or chemical properties or listed status of the waste; and
- Re-characterize a waste whenever the Permittees are notified by an off-site facility that has received a hazardous waste from the Facility that the characterization of the waste received at the receiving facility does not match a pre-approved waste analysis certification or accompanying waste manifest or shipping paper. The Permittees shall notify NMED in writing within 24 hours of their receipt of such a discrepancy notice from a receiving facility.

Wastes listed at 20.4.1.200 NMAC (incorporating 40 CFR §261.33, P and U listings) and for which the Permittees possess an MSDS or equivalent information from the manufacturer identifying chemical content are exempt from the re-evaluation requirements of Permit Condition 2.4.6.

Deleted: .

#### 3.3.6.2 Transuranic Mixed Waste Characterization Verification

~~insert language from revised WIPP permit~~

### 3.3.5 Wastes Received from Off-Site

As stated in Permit Condition ~~2.4.6~~ above, the Permittees are only authorized to accept wastes from an off-site waste generators from the sources listed in ~~2.4.6~~. The Permittees



### 3.4 PROCEDURES TO ENSURE COMPLIANCE WITH LAND DISPOSAL RESTRICTION (LDR) REQUIREMENTS

#### 3.4.1 Hazardous Waste Storage

Except as provided below the Permittees are prohibited from storing hazardous wastes that are restricted from land disposal under 20.4.1.800 NMAC (incorporating 40 CFR, §268, Subpart C):

Deleted: Part

- The Permittees may store such wastes in tanks, containers, or containment buildings for up to one year from the date that the wastes were first placed into storage at the Facility, unless the Department demonstrates that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal or
- The Permittees may store such wastes beyond one year from the date that the wastes were first placed into storage at the Facility provided the Permittees are able to demonstrate to the Department that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

The Permittees must also ensure that each container or tank is clearly marked to identify its contents and the date each period of accumulation begins [40 CFR §268. 50(a)(2)(i) and (2)(ii)] and comply with all applicable requirements in 40 CFR §264.

#### 3.4.2 Mixed Low Level Waste Storage

The Permittees are prohibited from storing mixed low-level wastes (MLLW) that are restricted from land disposal under 20.4.1.800 NMAC [incorporating 40 CFR, §268, Subpart C] beyond one year from the date that the wastes were first placed into storage at the Facility unless:

Deleted: Part

- The Permittees may store such wastes beyond one year from the date that the wastes were first placed into storage at the Facility provided the Permittees are able to demonstrate to the Department that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal or
- The Permittees may store such wastes beyond one year from the date that the wastes were first placed into storage at the Facility provided the MLLW is included in the Site Treatment Plan (STP) under the Federal Facility Compliance Order (FFCO), which was issued by the NMED on October 4, 1995, and such storage is otherwise in compliance with all requirements of the STP and FFCO. The STP, which was written to address treatment capacities and technologies to treat all of the Permittees' mixed wastes, is updated annually on or before March 31 pursuant to Section VII of the FFCO.

### 3.4.3 Mixed Transuranic (TRU) Waste Storage

The Permittees are prohibited from storing mixed TRU wastes that are restricted from land disposal under 20.4.1.800 NMAC [incorporating 40 CFR, §268, Subpart C] beyond one year from the date that the wastes were first placed into storage at the Facility unless:

Deleted: Part

- The Permittees may store such wastes beyond one year from the date that the wastes were first placed into storage at the Facility provided the Permittees are able to demonstrate to the Department that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal or
- The Permittees may store such wastes beyond one year from the date that the wastes were first placed into storage at the Facility provided the mixed TRU waste is included in the Site Treatment Plan (STP) under the Federal Facility Compliance Order (FFCO).

### 3.4.4 Prohibition on Dilution as a Substitute for Treatment

The Permittees shall not dilute a waste that is restricted from land disposal, or the residue from treatment of a restricted waste, as a substitute for treatment in compliance with 20.4.1.800 [incorporating 40 CFR §268.3]. Dilution to avoid an applicable treatment standard includes, but is not limited to, the addition of solid waste to reduce a hazardous constituent's concentration and ineffective treatment that does not destroy, remove, or permanently immobilize hazardous constituents. Aggregating or mixing wastes as part of a legitimate treatment process is not considered impermissible dilution for purposes of this Permit.

Deleted:

## SECURITY

The Permittees must prevent the unknowing entry and to minimize the possibility of unauthorized entry of persons or livestock onto active portions of the Facility. The Permittees shall comply with the security provisions and procedures specified in Permit Conditions 2.7.1 and 2.7.2, and TA-specific permit chapter conditions and Attachments A, (*Facility Description*), in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §264.14).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

### Surveillance and Means to Control Entry

The Permittees must demonstrate that they successfully utilize one or both of the following means to meet the security requirements in 40 CFR §264.14(a):

- A 24-hour surveillance system, which continuously monitors and controls entry onto the active portion of the Facility and/or
- An artificial or natural barrier (e.g. a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the Facility and
- A means to control entry at all times, through gates or other entrances to the active portions of the Facility (e.g. attendants, television monitors, locked entrances and/or controlled roadway access).

## Warning Signs

Permittees shall post warning signs in English and Spanish at all gates and perimeter fences around hazardous waste management units at the Facility in sufficient numbers to be visible at all angles of approach to the hazardous waste management unit and visible from a distance of at least 25 feet. The Permittees shall include on the signs the following or equivalent language:

**DANGER - UNAUTHORIZED PERSONNEL KEEP OUT or DANGER – HAZARDOUS WASTE STORAGE AREA and EL PELIGRO – EL PERSONAL NO AUTORIZADO NO ENTRAR or EL PELIGRO - EL ALMACENAMIENTO DEL DESECHO or EL PELIGRO - EL AREA DE LA ADMINISTRACIÓN PELIGROSO. (WHO DID THIS TRANSLATION? WHAT ARE THEIR QUALIFICATIONS?)**

## GENERAL INSPECTION REQUIREMENTS

The Permittees shall inspect hazardous waste management units at the Facility in compliance with Permit Condition 2.8, applicable TA-specific permit chapter conditions, and the inspection schedules and requirements in Permit Appendix C (*Inspection Plan*) and the applicable TA-specific permit chapter, Attachment C, (*Inspection Plan*) in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §§264.15, 264.174, and 264.602). The purpose of these inspections is to detect any container or equipment malfunctions or deterioration, operator errors, or discharges in time to correct them before they harm human health or the environment. The inspections shall include, but not be limited to, containers, monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that are important to preventing, detecting or responding to environmental or human health hazards.

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

### Inspection Schedule

The Permittees shall inspect hazardous waste management units at the Facility, including any containers, monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment, at least once a week, in compliance with the inspection schedules contained in Permit Appendix C (*Inspection Plan*), and the applicable TA-specific permit chapter, Attachment C (*Inspection Plan*), and 20.4.1.500 NMAC (incorporating 40 CFR, §§264.15(a) and (b), 264.174, and 264.602).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

The frequency of the inspections in Permit Appendix C (*Inspection Plan*), and the applicable TA-specific permit chapter, Attachment C (*Inspection Plan*) may vary by item on the schedule, however, the frequency must be based upon the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §264.15(b)(4)). At a minimum the inspection schedules in Permit Appendix C (*Inspection Plan*), and the

Deleted: .  
Deleted: .  
Deleted: .

applicable TA-specific permit chapter, Attachment C (*Inspection Plan*) must include the items and frequencies specified in [REDACTED]

### Repair of Equipment and Structures

The Permittees shall remedy any deterioration or malfunction of equipment or structures discovered during an inspection on a schedule, which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately. [20.4.1.500 NMAC (incorporating 40 CFR §§264.15(c) and 264.171)].

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

### Inspection Logs and Records

The Permittees must record the results of inspections in an inspection log in the form of Permit Appendix C (*Inspection Plan, Hazardous and Mixed Waste Facility Inspection Record Form*), or equivalent form approved by the Secretary, for each inspection conducted under Permit Condition 13. At a minimum, these records shall include the date and time of the inspection, the name and Z-number of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.15(d)). The records must be clearly legible, all handwritten information must be in ink, and any errors must be crossed out with one line and initialed by the inspector making the correction.

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

The Permittees shall maintain inspection logs in the Facility operating record for at least three years from the date of inspection, in compliance with Permit Condition 16 and 20.4.1.500 NMAC (incorporating 40 CFR §264.15(d)).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

### PERSONNEL TRAINING

The primary objective of the training program is to prepare Laboratory personnel to safely operate and maintain the areas that manage hazardous and mixed wastes under this Permit. All Laboratory personnel who are involved in hazardous waste management activities that are regulated under this Permit must successfully complete a training program within six months after their date of employment or assignment to a Facility or a new Facility, whichever is later. Personnel will not work in unsupervised positions until they complete the appropriate level of training. The Permittees shall follow the personnel training program and procedures specified in Permit Appendix D (*Personnel Training Plan*), in order to train all persons involved in the management of hazardous waste in procedures relevant to the positions in which they are employed, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.16).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

The training program at the Laboratory utilizes a combination of Laboratory-wide courses (usually classroom-based and offered internally or through external vendors), Facility-specific training (developed and delivered within a particular Facility) and on-the-job training. All components of the Permittees' training program must be directed by a person trained in hazardous waste management procedures. The training program must include instruction, which teaches Facility personnel hazardous waste management

procedures, including contingency plan implementation, that are relevant to their position descriptions. At a minimum, the training program must be designed to ensure that Facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:

- Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;
- Key parameters for automatic waste feed cut-off systems;
- Communications or alarm systems;
- Response to fires and explosions;
- Response to groundwater contamination incidents; and
- Shutdown of operations.

Laboratory personnel who are involved in hazardous waste management activities that are regulated under this Permit complete an annual review of the initial training required in 20.4.1.500 NMAC (incorporating 40 CFR, §264.16(a)).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

### Personnel Training Records

The Permittees shall maintain training documents and records and shall keep training records on current personnel until the Facility closes. The Permittees shall keep training records on former employees for at least three years from the date the employee last worked at the Facility, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §264.16(d) and (e)).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

The training records must include the following documentation:

- The job title for each position at the Facility related to hazardous waste management and the name and Z-number of each employee filling the position;
- A written job description for each position listed under Permit Condition 2.11. This description must include the requisite skill, education or other qualifications and duties of employees assigned to each position;
- A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and
- Records that document Facility personnel have received and completed the training and/or job experience required under Permit Conditions 1.7 through 1.16. The records must be searchable by employee name, employee Z-number, and position description.

### SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittees shall comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR, §264.17). The Permittees shall follow the procedures for handling ignitable, reactive, and incompatible wastes specified in Permit Condition 2.11 and TA-specific Permit Chapters Condition 1.7. Emphasize TA-16

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

## Ignitability and Ignition Precautions

The Permittees shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste by following these requirements:

- The Permittees shall separate ignitable or reactive wastes and protect them from sources of ignition or reaction such as open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition and radiant heat);
- The Permittess shall confine smoking and open flames to designated areas while ignitable or reactive waste is being handled;
- The Permittees must post “No Smoking” and “No Fumar” in conspicuous locations wherever there is a hazard form ignitable or reactive waste; and
- The Permittees shall maintain detection systems and sprinkler systems that automatically begin operation if there is a fire in a CSU and, in parallel, summon the Los Alamos Fire Department. [20.4.1.500 NMAC (incorporating 40 CFR §§264.17(a) and (b))].

Deleted: .

Deleted: .

Deleted: .

Deleted:

## Reactivity Precautions

The Permittees shall take precautions during the treatment or storage of ignitable or reactive waste or mixing incompatible waste or incompatible wastes and other materials to prevent reactions that:

- Generate extreme heat or pressure, fire or explosions or violent reactions;
- Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
- Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- Damage the structural integrity of the device or facility; and
- Threaten human health or the environment in any similar way.

## Documentation

The Permittees shall document compliance with Permit Conditions \_\_ and \_\_\_\_. The Permittees may base this documentation on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of similar wastes by similar treatment processes and under similar operating conditions.

## LOCATION STANDARDS

### Seismic Location Standards

The seismic location standards in 40 CFR §264.18(a) apply to *new* facilities that are located in one of the political jurisdictions listed in Appendix VI of 40 CFR §264. That is, facilities that were constructed after the effective date of the promulgation of the seismic location standards regulation (i.e. \_\_\_\_). Although the Laboratory is located in a

Los Alamos County, which is a political jurisdiction that is listed in Appendix VI of 40 CFR §264, the Laboratory is not required to comply with this standard because their hazardous waste management facility was in existence prior to the rule effective date. This exemption also applies to new hazardous waste management units at the Laboratory because 40 CFR §264.18 applies only to new facilities and any new unit would still part of the existing facility.

Deleted: Part  
Deleted:

### Floodplain Standards

The Permittees must ensure that all hazardous waste management units are designed, constructed, operated and maintained to prevent washout by a 100-year flood in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.18(b)), unless the Permittees can demonstrate to the satisfaction of the Secretary that they will safely remove the waste to a non-vulnerable area before the flood waters reach the unit. **Do we even need this?**

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

### PREPAREDNESS AND PREVENTION

The Facility shall be designed, constructed, maintained and operated in a manner which shall minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous wastes or hazardous waste constituents to the air, soil or surface water that could threaten human health or the environment.

### Required Equipment

At a minimum, the Permittees shall maintain at the Facility the equipment listed in Permit Appendix E (*Contingency Plan, Table E-2*), in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.32)).

Deleted: .  
Deleted: .R.  
Deleted:

### Testing and Maintenance of Equipment

The Permittees shall test and maintain the equipment specified in Permit Condition 2.12.1, as necessary, to assure its proper operation in time of emergency, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.33)).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

If such testing identifies any communication equipment, alarm system component or fire protection, spill control or decontamination equipment that is not functioning properly it must be promptly repaired. Substitute equipment or systems must be immediately provided while the repairs are ongoing. Laboratory employees and contractors must be notified of the presence of substitute equipment and, if necessary, trained in its use. The malfunctioning equipment must be clearly marked as "Out of Use" and the location of the substitute equipment must be clearly marked.

### Access to Communications or Alarm System

The Permittees shall ensure that all personnel shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice

contact with another employee whenever hazardous waste is being poured, mixed, spread or otherwise handled, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §264.34(a)). The alarm or communication device must be accessible without having to enter another building.

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

The Permittees shall ensure that any employee, when working alone without the immediate presence of another employee, shall have immediate access to a device, such as a hand-held two-way radio or a telephone at the area of operations, capable of summoning external emergency assistance. The communications device must be accessible without having to enter another building.

### Required Aisle Space

The Permittees shall maintain a minimum aisle space of three feet at all times to allow the *unobstructed* movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation, as specified in the applicable TA-specific permit chapter, Attachment A (*Facility Description*) and in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §264.35), unless it can be demonstrated to the Secretary that aisle space is not needed for any of these purposes.

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

### Arrangements with Local Authorities

The Permittees shall attempt to make preparedness and prevention arrangements with state and local authorities, tribal governments and contractors, in compliance with Permit Appendix C (*Contingency Plan, Arrangements with Local Authorities*), and 20.4.1.500 NMAC (incorporating 40 CFR, §264.37). These arrangements shall be in the form of a Memoranda of Understanding (MOU), a Memoranda of Agreement (MOA), or a Mutual Aid Agreement (MAA) between the Permittees and the off-site cooperating agencies, tribal governments and contractors. ~~Contractors usually have contracts~~ The following arrangements and agreements shall be attempted:

Deleted: .  
Deleted: .  
Deleted: .  
Deleted:

- Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility and associated hazards, places where Laboratory personnel are normally working, entrances to roads and roads within the facility and possible evacuation routes;
- Agreements designating primary emergency authority to a specific police and/or fire department when more than one police and/or fire department may respond to an emergency;
- Agreements with any other organization that may provide support to the primary emergency authority;
- Agreements with state and federal emergency response teams, emergency response contractors and equipment suppliers;
- Arrangements to familiarize adjacent tribal governments with the properties of the hazardous wastes handled at the Laboratory and the types of illnesses and injuries that could result from fires, explosions or releases; and

- Arrangements to familiarize hospitals with the properties of the hazardous wastes handled at the Laboratory and the types of illnesses and injuries that could result from fires, explosions or releases.

The Permittees shall maintain copies and descriptions of the MOU's, MOA's, or MAA's in the Facility operating record, in compliance with Permit Conditions 1.6 and 20.4.1.500 NMAC (incorporating 40 CFR, §264.37(b)). These agreements must be renewed on a \_\_\_\_\_ basis.

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

If state or local authorities refuse to enter into preparedness and prevention agreements or the renewal of an agreement, the Permittees shall document the refusal in the operating record and notify the Secretary in writing of the refusal.

**CONTINGENCY PLAN**

**Purpose and Implementation of Contingency Plan**

The Permittees shall have a contingency plan for the Facility that is designed to minimize hazards to human health and the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous wastes or hazardous waste constituents to air, soil, surface water or groundwater. The Permittees shall immediately implement Permit Appendix E (*Contingency Plan*), whenever there is a fire, explosion, or release of hazardous waste or hazardous constituents, which could threaten human health or the environment, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §264.51(b)).

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

**Content of the Contingency Plan**

**Need to address fire response, media and EJ issues**

The Permittees shall maintain a Contingency Plan that meets the following requirements:

- The Contingency Plan shall describe the actions that Laboratory personnel will take to comply with Permit Conditions \_\_\_\_\_ in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface or groundwater at the Facility;
- The Contingency Plan shall describe all arrangements agreed upon by local police and fire departments; hospitals; contractors; federal, state and local emergency response teams and tribal governments to coordinate emergency services, as outlined in Permit Condition \_\_\_\_\_;
- The Contingency Plan shall provide a list of names, addresses and phone numbers (office, home, cell and pager, as applicable) of all persons qualified to act as an emergency coordinator. The Permittees shall keep this list up to date and shall ensure that any amendments are promptly communicated to all relevant parties (e.g. local police and fire departments and outside emergency response teams). Where more than one person is listed, one individual shall be named as the Primary Emergency Coordinator and the others shall be listed in the order that they will assume responsibility as alternates;

- The Contingency Plan shall include a list of all emergency equipment at the Laboratory, which also describes where this equipment is located. In addition, the Permittees shall provide a physical description of each item on the list, a brief outline of its capabilities and TA-specific map illustrating equipment locations; and
- The Contingency Plan shall include an evacuation plan for Laboratory personnel where there is a possibility that evacuation may be necessary. The Permittees shall describe the signal(s) to be used to begin evacuation and primary and alternate evacuation routes. Because of the size of the Facility the Permittees shall develop individual evacuation plans for each TA that are coordinated, where applicable with the Laboratory-wide evacuation plan. Building site plans must be posted in each building or discrete outdoor work area, which clearly illustrate evacuation and \_\_\_\_ areas. **What about evacuation beyond the lab boundaries?**

**Distribution**

The Permittees shall maintain a copy of the Contingency Plan, which includes all applicable Building Emergency Plan (BEP's) for TA's with permitted units, and all revisions, at the Facility. The Permittees shall maintain a copy of the applicable BEP's at the TA administrative headquarters.

The Permittees shall also submit a copy of the Contingency Plan to the Secretary, local police and fire departments, hospitals, contractors, tribal governments and federal, state and local emergency response teams with which the Permittees have MOU's, MOA's, or MAA's required by Permit Condition \_\_\_\_ and 20.4.1.500 NMAC (incorporating 40 CFR §264.53. The Permittees shall promptly submit all Contingency Plan amendments and revisions to these same parties and maintain documentation of such distribution at the Facility.

- Deleted: .
- Deleted: .
- Deleted: .
- Deleted: .

**Amendments to Plan**

Pursuant to 20.4.1.500 NMAC (incorporating 40 CFR §264.54) the Permittees shall review the Contingency Plan and amend the Plan, if necessary, whenever:

- This Permit is revised;
- The Contingency Plan fails during a drill or an emergency;
- The Permittees modify the Facility, in either its design, construction, operation, maintenance or other circumstances, in a manner that materially increase the potential for fires, explosions, or releases of hazardous waste constituents and/or design changes the response necessary in an emergency;
- The Permittees modify the list of emergency coordinators; and/or
- The Permittees modify the list of emergency response equipment.

- Deleted: .
- Deleted: .
- Deleted: .
- Deleted: .

**Emergency Coordinator**

The Permittees shall designate at least one employee as an Emergency Coordinator who shall be responsible for coordinating all emergency response measures. The Emergency

Coordinator shall be either on call at all times and, if away from the Laboratory, must be able to reach the Facility in a short travel time. The Emergency Coordinator shall be thoroughly familiar with the Contingency Plan and shall have the authority to promptly commit the personnel and financial resources needed to implement the Contingency Plan, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.55). In the event of an imminent or actual emergency, the Emergency Coordinator shall activate the internal emergency alarms, notify the appropriate state, federal or local agencies with designated response roles, and implement the other requirements specified in 20.4.1.500 NMAC (incorporating 40 CFR §264.56) and the Contingency Plan. Tribal?

Deleted:

Deleted:

Where more than one person is listed, one individual shall be named as the Primary Emergency Coordinator and the others shall be listed in the order that they will assume responsibility as alternates.

## Required Emergency Procedures

### *Immediate Actions*

The Permittees shall ensure that in the event of an imminent or actual emergency situation the Emergency Coordinator, or designated alternate, shall immediately activate the internal facility alarm or communication systems to notify all potentially affected facility personnel and shall notify, if warranted, appropriate federal, state and local agencies with designated emergency response roles. Tribal?

### *Release, Fire or Explosions*

The Emergency Coordinator, or designated alternate, shall, in the event of a fire, release or explosion:

- Immediately identify the character, exact source, amount, and areal extent of any released materials. The Emergency Coordinator may do this by observation, a review of facility records and/or by chemical analysis and
- Assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment shall consider both direct and indirect effects of the release, fire or explosion.

### *Reporting Findings*

~~What about hazards from off-site that may cause emergency at lab (fire)?~~

In the event that the Emergency Coordinator, or designated alternate, determines that there has been a release, fire or explosion that may threaten the human health or the environment outside the boundaries of the Laboratory he or she shall report the findings as follows:

- If the Emergency Coordinator's, or designated alternate's, assessment indicates that evacuation of local areas may be advisable, he or she shall immediately notify the appropriate local and tribal authorities and shall be available to assist appropriate officials decide whether local should be evacuated and

- The Emergency Coordinator, or designated alternate, shall immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using the 24-hour, toll-free number 800-424-8802). This report shall include:
  - The name and telephone number of the person reporting the incident;
  - The specific location at the Laboratory where the incident occurred;
  - The time and type of incident;
  - Name and quantities of materials involved, to the extent known;
  - The extent of any injuries, if any; and
  - The possible hazards to human health and the environment outside the Facility.

### ***Mitigative Measures***

During an emergency, the Emergency Coordinator, or designated alternate, shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur or spread to other hazardous wastes at the Facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released waste and removing or isolating containers.

### ***Monitoring***

In the event that the Facility stops operations in response to a fire, release or explosion, the Emergency Coordinator, or designated alternate, shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes or other equipment, as appropriate.

### **Post-Emergency Procedures**

Immediately after an emergency, the Emergency Coordinator, or designated alternate, shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material or contaminated environmental media that results from the fire, explosion or release at the Laboratory.

The Emergency Coordinator, or designate alternate, shall also ensure that, in the affected area(s) of the Facility:

- No waste that may be incompatible with the released material is treated, stored or disposed of until cleanup procedures are completed and
- All emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use before operations are resumed.

### **Need For Further Corrective Action**

If, after implementation of the Contingency Plan in response to a release of a hazardous constituent, the Secretary determines that corrective action may be required to address the release, the Secretary may require Permittees to conduct corrective action pursuant to the Consent Order.

## Notification and Record Keeping

The Emergency Coordinator, or designated alternate, shall notify the Secretary and appropriate local and tribal authorities that the Facility is in compliance with Permit Condition \_\_\_ before operations are resumed in the affected area(s) of the Facility.

The Emergency Coordinator, or designated alternate, shall note the time, date and details of any incident that required the implementation of the Contingency Plan in the Facility Operating Record. Within 15 days after the incident, the Emergency Coordinator, or designated alternate, shall submit a written report on the incident to the Secretary. The Emergency Coordinator, or designated alternate, shall include the following information in this report:

- The name, address and telephone number of the owner/operator (Permittees);
- The name, address and telephone number of Facility;
- A description of the specific TA where the incident occurred;
- The name and quantity of the material(s) involved;
- The extent of injuries, if any;
- An assessment of actual or potential hazards to human health or the environment, where applicable; and
- The estimated quantity and disposition of recovered material that resulted from the incident.

### Special reporting requirements for incidents with off-site impacts?

## RECORD KEEPING, REPORTING AND NOTIFICATION

In addition to the record keeping and reporting requirements specified elsewhere in this Permit and 20.4.1.500 NMAC (incorporating 40 CFR §264.73(a)), the Permittees shall comply with the following conditions:

Deleted:

### Manifest Records

The Permittees shall comply with the manifest requirements of 20.4.1.500 NMAC (incorporating 40 CFR §§264.71, 264.72, and 264.76) whenever a shipment of hazardous waste is initiated from the Facility. The Permittees shall not accept any hazardous waste from an off-site source without the accompanying manifest.

Deleted:

### Operating Record

The Permittees shall maintain a written operating record at the Facility, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.73) and Permit Condition \_\_\_, until post-closure activities have been certified complete by the Secretary. The Permittees shall record the following information as soon as it becomes available:

Deleted: .

Deleted: .

Deleted: .

Deleted:

- A description of hazardous waste generated, the quantity generated and methods and dates of storage and/or treatment at the Facility as required by Appendix I of 40 CFR §264;
- The location of each type of hazardous waste within the facility and the quantity at each location;
- Records and results of waste analyses and waste determinations that are performed pursuant to Permit Conditions \_\_\_\_ and 40 CFR §§264.1083 and 268.7;
- Summary reports and details of all incidents that require the implementation of the Contingency Plan as specified in Permit Condition \_\_\_\_;
- Records and results of inspections as required in Permit Condition \_\_\_\_\_. These records and results shall be kept for a minimum of three years;
- Monitoring, testing, or analytical data and corrective action when required by Permit Module \_\_ and 40 CFR §§264.1088 through 1090;
- All closure cost estimates as required in Permit Condition \_\_\_\_; and
- Certification, at least annually, that there is a Facility program in place to reduce the volume and toxicity of hazardous waste that is generated to the degree that it is economically practicable.

**Availability of Operating Record**

The Permittees shall furnish and make available for inspection by NMED, upon request by NMED, the operating record and all other records required under 20.4.1.500 NMAC (incorporating 40 CFR §264), in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.74(a)). Information and records requested by NMED pursuant to this condition shall be made available for inspection in paper form or in an electronic format or both as NMED may specify.

- Deleted: .
- Deleted: .
- Deleted: .
- Deleted: Part
- Deleted: .

**Biennial Report**

The Permittees shall comply with the biennial reporting requirements of Permit Condition 1.5.10.g and 20.4.1.500 NMAC (incorporating 40 CFR §264.75).

**Personnel and Telephone Number Changes**

The Permittees shall inform the Secretary in writing of changes in their management personnel and telephone numbers within 15 days of the change.

## GENERAL CLOSURE REQUIREMENTS

The Permittees shall obtain clean closure of the Facility in compliance with the following permit conditions. If clean closure is not obtainable, the Permittees shall obtain an individual post-closure permit separate from this Permit.

### Closure Standards

Once the Permittees have stopped operation of a hazardous waste management unit, the Permittees shall close the unit in a manner that:

- Minimizes the need for further maintenance;
- Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground or surface waters or atmosphere;
- Meets the applicable closure requirements of 20.4.1.500 NMAC, (incorporating 40 CFR, §264, Subparts G, I, and N [6-14-00]);
- Ensures that all hazardous waste and hazardous waste residues are removed from the containment systems; and
- Removes or decontaminates all remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues to cleanup levels specified in the General Closure Plan, Section F.3.

Deleted: Subpart V,

Deleted: Part

### Content of Plan

The detailed closure plans for each permitted unit at the Facility and the Facility as a whole, which were submitted by the Permittees with the Permit application and approved by the Secretary, are an enforceable condition of this Permit. The closure plans for the various permitted units at the Laboratory and for final closure at the Facility identify the steps that are necessary to perform partial and/or final closure of each unit at any point during its active life. These closure plans must include, at a minimum:

- A description of how each unit will be closed in accordance with the closure performance standard in 40 CFR §264.111;
- A description of how final closure of the Facility will be conducted in accordance with the closure performance standard in 40 CFR §264.111. This description shall identify the maximum extent of the operations that will be unclosed during the active life of the Facility;
- An estimate of the maximum inventory of hazardous wastes ever onsite during the active life of the Facility (by unit, TA and for the entire Facility) and a detailed description of the methods to be used during partial and/or final closure, such as methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of the off-site hazardous waste management units to be used, if applicable;
- A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components,

equipment, structures, and soils during partial or final closure, including but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

- A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection and run-on and run-off control; and
- A schedule for closure of each hazardous waste management unit and for final closure of the Facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities, which will allow tracking of partial and final closure activities.

### **Verification of Closure**

The Permittees shall verify removal or decontamination of hazardous waste, hazardous waste residues, and hazardous constituents at closure of a hazardous waste management unit, as specified in the General Closure Plan and the applicable TA-specific Closure Plan. At closure of a hazardous waste management unit, the Permittees shall sample surfaces, soil, and groundwater for hazardous constituents and radiological components in compliance with the Closure Plans and Permit Condition 2.16.

### ***Decontamination Procedures for Equipment, Structures and Buildings***

The closure plans for each unit shall identify all areas requiring decontamination. Detailed procedures for cleaning, removing, or disposing of contaminated equipment, structures and buildings shall be provided.

The Permittees shall provide a list by individual hazardous waste management unit, of all equipment, structures and buildings that will require decontamination or off-site disposal during final closure, including, but not limited to, the following:

- Tanks and containers;
- Treatment process components;
- Equipment used prior to storage or treatment in tanks (e.g. waste feed systems and bypass systems);
- Piping, pumps and valves;
- Secondary containment systems;
- Drainage pits and sumps;
- Portable spill containment systems;
- Floors and walls of buildings and portable structures used to house hazardous waste management units;
- Truck staging areas;
- Equipment used in waste handling and emergency response;
- Equipment used in unit decontamination; and

- Personal protective equipment.

The Permittees may remove or decontaminate equipment and structures to achieve the closure performance standard in Permit Condition \_\_\_\_\_. The closure plans for each unit shall provide detailed procedures for decontaminating equipment and structures, including, but not limited to, the following:

- Waste removal from tanks, containers, treatment process equipment, sumps and other equipment used to store or treat hazardous wastes;
- Selection of decontamination for equipment and structures with justification for their suitability;
- Description of the decontamination equipment's capability and operating requirements; and
- Containment, temporary storage and subsequent disposal of decontamination residues as hazardous wastes.

#### ***Confirmation Sampling Plan for Containment Structures, Tanks and Equipment***

The closure plans for each unit shall contain a confirmation sampling plan to demonstrate that either:

- Contaminated equipment, structures and/or buildings have been properly decontaminated; that is, the closure performance standard has been met or
- Certain equipment, structures are not contaminated; therefore decontamination is not necessary.

The confirmation sampling plan shall contain the following elements:

- *Sampling objectives/purpose.* The specific objectives for sampling must describe the intended uses of the data;
- *Number and locations of the samples to be taken.* The Permittees shall provide the rationale for the number and locations of the samples proposed in the closure plan. A site plan showing the boundaries of the regulated unit and the sampling locations shall be included;
- *Type of samples.* The Permittees shall provide, for each individual hazardous waste management unit, a table listing the unit, the type of sample(s) and a summary of the rationale for choosing that type of sample. For example, surface sampling may be appropriate for surfaces contaminated with non-volatile analytes (e.g. wipe sampling for smooth and impervious solid surfaces such as metal tanks and epoxy coated concrete and vinyl liners and core or chip sampling for porous surfaces such as uncoated concrete, asphalt, wood and concrete) while a rinse water sample may be appropriate for pumps, piping and small equipment where potentially contaminated surfaces are inaccessible.
- *Field sampling methods.* The Permittees shall describe the procedures and equipment that will be used for each type of sample collected. The procedures must include the following information, where applicable:
  - Design and construction of the sampling equipment;
  - Step-by-step instructions for taking the sample; and
  - The type of sample containers.

- *Quality control samples.* The Permittees shall describe the quality control measures for each sample and each sample set, such as field replicates, travel blanks and equipment blanks.
- *Decontamination of sampling equipment.* The Permittees must describe how sampling equipment will be cleaned prior to its first use and between samples, if applicable.
- *Chain-of-custody.* The Permittees confirmation sampling plans must explain how chain-of-custody will be implemented and followed during all sampling and analysis and provide the following information:
  - Sample labeling;
  - Unique sample identification number;
  - Records of sample preparation and integrity prior to sampling;
  - Records of the sample collection (e.g. specific sample location, exact collection time and other pertinent information);
  - Types of container sealing for tamper control;
  - Maintenance of samples;
  - Transportation of shipment to the laboratory;
  - Procedures for filling out of chain-of-custody paperwork;
  - Procedures for accompanying the samples with the chain-of-custody; and
  - Maintenance of records.
- *Sample labeling, packaging and transportation.* The Permittees shall describe the information that will be recorded on all sample labels, including, but not limited to, site location, field identification number, collection date and time, the collector's name and preservation information. The confirmation sampling plan shall also describe how samples will be packaged and preserved to maintain sample integrity transportation. Lastly, the confirmation sampling plan shall describe how samples will be transported to the laboratory.
- *Documentation.* The confirmation sampling plan shall define the records that are required during sampling. The record shall include a bound field logbook, which must be used to document the following sampling information:
  - Date and time of entry;
  - Purpose of sampling;
  - Sampling equipment and procedures followed;
  - Names and affiliations of all sampling team members;
  - Name and address of field contact;
  - Sample description;
  - Identification number, location and size of sample collected;
  - Description of sampling point;
  - Date and time of sample collection; and
  - Field observations.

All data must be recorded in ink. Sketch maps, diagrams and photographs may be attached to the logbook.

Sampling and analytical procedures used for confirmation sampling must conform to the most recent version of *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, (U.S. EPA Publication SW-846). Compositing of samples is not accepted

without prior HWB approval. Under no circumstances is compositing allowed for samples that will be analyzed for volatile organic compounds.

If a biased sampling approach is used, samples must be collected from where they will most likely encounter contamination that could exceed the \_\_\_\_ criteria. Site-specific information concerning the potential release (e.g. stained areas or cracks in the secondary containment) and soil conditions should be used along with professional judgment to select appropriate soil sampling locations. Sampling locations should also focus on any preferential pathways for contaminant migration.

A statistical analysis of data generated from biased sampling is generally not appropriate. Since unexpected areas of contamination will not be identified through biased sampling alone, statistical sampling should often be used to supplement biased sampling. It may then be appropriate to combine analytical results from the statistical sampling with some or even all of the biased sampling results in a statistical analysis.

### Amendment of Closure Plan

The Permittees may submit a written request to the Secretary for a permit modification to amend any closure plan included in this Permit before the notification of final closure of the Facility. The Permittees must submit a written request to the Secretary for a permit modification to amend any closure plan included in this Permit whenever:

- Changes in operating plans or Facility design affect the closure plan;
- There is a change in the expected year of closure;
- Unexpected events encountered during partial or final closure activities require a modification of the approved closure plan; or
- The Permittees request the Secretary to apply alternative requirements under 40 CFR §264.110(c).

The Permittees must submit a written request for a permit modification, including a copy of the amended closure plan, to the Secretary for approval at least 60 days prior to the proposed change in Facility design or operation or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the Permittees must request a permit modification request no later than 30 days after the unexpected event.

The Secretary may request modifications to any closure plan included under this Permit under the conditions described in 40 CFR §264.112(c)(4). The Permittees shall submit the modified plan within 60 days of the Secretary's request or within 30 days if the change in Facility conditions occurs during partial or final closure.

Deleted: (2)

### Notification of Closure

The Permittees shall notify the Secretary in writing at least 45 days prior to the date on which they expect to begin closure of a hazardous waste management unit in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.112(d)). This date must be:

Deleted: .

Deleted: .

Deleted: .

Deleted: .

- No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous waste or
- If there is a reasonable possibility the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. The Secretary may approve an extension to this one year limit if the Permittees demonstrate to the Secretary that the hazardous waste management unit or Facility has the capacity to receive additional hazardous wastes and that they have taken all necessary steps to prevent threats to human health and the environment, including all applicable Permit requirements.

Nothing in this Permit Condition shall preclude the Permittees from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time prior to partial or final closure.

**Time Allowed For Closure**

Within 90 days after receiving the final volume of hazardous waste at a hazardous waste management unit, the Permittees shall treat or remove from the unit all hazardous waste, in compliance with the General Closure Plan, the applicable TA-Specific Closure Plan, and 20.4.1.500 NMAC (incorporating 40 CFR §§264.111 through 116), unless an extension is approved by the Secretary in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.113(a)).

Deleted:

Deleted:

The Permittees shall complete all partial or final closure activities in compliance with the General Closure Plan, the applicable TA-Specific Closure Plan, and 20.4.1.500 NMAC (incorporating 40 CFR §§264.111 through 264.116) within 180 days after receiving the final volume of hazardous waste at a hazardous waste management unit, unless an extension is approved by the Secretary in compliance with all requirements of 20.4.1.500 NMAC (incorporating 40 CFR §264.113(b)).

Deleted:

Deleted:

**Disposal or Decontamination of Equipment, Structures, and Soil**

The Permittees shall decontaminate or dispose of all hazardous waste and hazardous constituents and all contaminated equipment, structures, soil, and groundwater associated with the unit being closed, as required by the General Closure Plan, the applicable TA-Specific Closure Plan, and 20.4.1.500 NMAC (incorporating 40 CFR §264.114).

Deleted:

**Certification of Closure**

Within 60 days after the date of completion of closure, the Permittees shall provide to the Secretary by registered mail or an equivalent method a final closure report and written closure certification, signed by an independent professional engineer registered in New Mexico, that the Facility was closed in compliance with the General Closure Plan, the applicable TA-Specific Closure Plan, and 20.4.1.500 NMAC (incorporating 40 CFR §§264.111 through 264.116).

Deleted:

**PART 4**

**CONTAINERS**

**4.1 GENERAL DESCRIPTION**

**Table 4.1 Container Storage Areas, Waste Types and Design Capacities**

<b>Location</b>	<b>Type of Storage</b>	<b>EPA HW #</b>	<b>Dimensions</b>	<b>Maximum Volume</b>

**Insert brief description of each area with reference to TA-specific attachment**

**4.2 CONDITION OF CONTAINERS**

The Permittees shall ensure that all containers used to store wastes subject to this Permit are in good condition (e.g., no severe rusting or apparent structural defects). If a container is not in good condition or begins to leak, the Permittees shall:

- Transfer the waste from such a container into a container that is in good condition or
- Manage the waste in some other way that complies with this Permit and the requirements of 40 CFR §264.171

The Permittees shall only store hazardous waste in those container types identified in Table 4.2.

**Table 4.2 Acceptable Storage Containers**

<b>Technical Area</b>	<b>Location</b>	<b>Acceptable Containers by Type</b>

**4.3 COMPATIBILITY OF WASTE WITH CONTAINERS**

The Permittees shall ensure that the ability of the container to contain the hazardous waste is not impaired or compromised. The Permittees shall use a container made of or lined with materials that are compatible with and will not react with the hazardous waste to be stored in the container.

For all containers within a single secondary containment system, the Permittees shall ensure that all containers are compatible with all wastes within that containment system. The Permittees shall ensure compliance with this requirement by conducting pre-acceptance screening before the waste is accepted for storage, considering the precautions related to prevention of accidental ignition or reaction of ignitable, reactive or incompatible wastes.

#### 4.4 MANAGEMENT OF CONTAINERS

The Permittees shall always keep containers holding hazardous wastes closed during storage, except when necessary to add, remove or sample waste from the container. The objectives of this closed container requirement are to: minimize emission of volatile wastes, help protect ignitable or reactive wastes from sources of ignition or reaction, help prevent spills, reduce the potential for the mixing of incompatible wastes and reduce the potential for facility personnel to have direct contact with the waste. Examples of “closed containers” include, but are not limited to, the following:

- **Containers not being actively handles to routinely add or remove waste.** The container must have an affixed cover regardless of whether it contains solids or liquids.
- **Containers to which waste is being actively added or removed.**
  - *If the waste is solid:* The cover of the container must be in good condition and placed squarely on the container so there are no apparent cracks or gaps between the lid and the container, but it need not be secured. For example a lid may have a swinging door opened by a foot pedal.
  - *If the waste is a liquid:* All openings of the container must be covered with the cover securely affixed to the container. As an alternative, a cover must be squarely placed on a container that is otherwise protected from spilling and other hazards sought to be prevented by this rule. Containers for waste volatile liquids located in secondary containment and satellite containers placed or otherwise managed in areas protected from vehicles and material handling devices, or otherwise managed to prevent tipping or spilling, will be considered closed when bungs and rings are in place. Such containers may also be considered closed when equipped with funnels and funnel stem valves or gasketed funnels lids in good condition. Similarly, containers in secure locations may be determined to be closed if merely equipped with weighted and gasketed lids, bung stoppers, snap ring lids, overlapping covers, or other impermeable devices compatible with the waste, provided it fits without gaps or holes, minimizes emissions and protects wastes from ignition sources.
  - *If the waste is mixed (a combination of hazardous and radioactive wastes):* ~~address bung filters~~

The Permittees shall never open, handle or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak. When waste containers are opened for waste addition, volume reduction, and/or repackaging, the containers shall be opened within a work enclosure that provides for confinement of the waste and prevents the release of waste or waste constituents.

Damaged containers shall be repaired or overpacked or the contents of the container repackaged in a new container prior to placement in a container storage area.

The Permittees shall design, construct, maintain and operate the container storage areas to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden

release of hazardous or non-hazardous waste constituents to the air, soil or surface water, which could threaten human health or the environment.

#### 4.4.1 Storage Configuration

The Permittees shall maintain a minimum aisle space of three feet at all times to allow the *unobstructed* movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation, as specified in the applicable TA-specific permit chapter, Attachment A (*Facility Description*) and in compliance with 20.4.1.500 NMAC (incorporating 40 CFR, §264.35), unless it can be demonstrated to the Secretary that aisle space is not needed for any of these purposes.

Deleted: .  
Deleted: .  
Deleted: .  
Deleted: .

The Permittees shall not exceed a reasonable and safe stack height for containers. Fifty-five gallon drums or similar containers should be stored in rows that are no more than two drums high and two drums wide unless it can be demonstrated to the Secretary that a different configuration will not compromise the structural integrity of the containers and that the height will not cause undue safety hazards. Under no circumstances shall containers of ignitable or reactive wastes be stacked more than two high, in order to comply with the National Fire Protection Association's *Flammable and Combustible Liquids Code*.

The Permittees shall store containers in a manner that allows the containers to be inspected for leaks and for corrosion and deterioration without moving them.

#### 4.4.2 Storage Container Emission Controls

### 4.5 CONTAINMENT SYSTEMS

#### 4.5.1 Containers with Free Liquids

The Permittees shall maintain secondary containment systems for all containers containing free or residual liquids in \_\_\_\_\_ as required by \_\_\_\_\_. Containers shall be stored in a manner that prevents contact with any liquids that may be present within the secondary containment. Containers shall not be stored directly on a ground surface or other surface without an impervious base that is free of cracks or gaps and secondary containment.

F020, 21, 22, 23, 26 and/or 27

##### 4.5.1.1 Containment Design-General

The base shall be sufficiently impervious to contain leaks, spills, and/or accumulated precipitation until the collected liquids are detected and removed. The containment system shall have adequate structural strength to withstand the stresses of daily operations.

The base of the secondary containment system must be sloped or otherwise designed and operated to drain and remove liquids from leaks, spills, and/or accumulated precipitation, unless the containers are elevated or otherwise protected from contact with the accumulated waste or precipitation. If sumps or trenches are used to meet this requirement they must have sufficient capacity to prevent containers from contacting any accumulated liquids. Accumulated liquids may also be diverted to another container or tank. The containers may also be elevated on pallets or racks.

Container storage areas must have adequate containment area based on container management practice, such as stacking height. The containment system must have sufficient capacity to contain 10% of the total volume of the containers with free liquids or the volume of the largest container, whichever is greater. Additional capacity for a 25-year, 24-hour rainfall must be provided, if applicable. Capacity calculations must include volume displaced by structures, equipment, drums or other materials.

Spilled or leaked waste and accumulated precipitation must be removed from the sump or other collection area within 24-hours of detection. If the Permittees can demonstrate to the Secretary that the accumulated liquids cannot be removed within 24-hours, additional time may be allowed on a case-by-case basis. If the collected liquid is a hazardous waste it must be managed as such in accordance with all applicable regulatory requirements. If the collected liquid is discharged through a point source to the waters of the United States, it is subject to the requirements of Section 402 of the Clean Water Act.

#### ***4.5.1.2 Containment Design-Concrete***

Concrete structures shall be constructed according to acceptable industrial standards such as American Concrete Institute (ACI) standards. Because of the relative permeability of concrete, the Permittees shall seal or coat concrete secondary containment structures with a material that is compatible with and impervious to the wastes stored in the container storage area unless the Permittees can demonstrate to the Secretary that the concrete is impervious to the wastes stored and has the necessary integrity to resist cracking or other failure during the life of the unit. If a coating or sealant is used the Permittees must provide documentation that includes, but is not limited to, the manufacturer's specifications, that the coating or sealant was applied in accordance with the manufacturer's specifications and that the coating or sealant is re-applied in accordance with the manufacturer's specifications. A flexible liner may also be used if the Permittees provide documentation that includes, but is not limited to, the manufacturer's specifications, that the flexible liner was applied in accordance with the manufacturer's specifications and that the flexible liner is maintained in accordance with the manufacturer's specifications.

If the base of the containment unit has expansion or construction joints, the Permittees shall install chemically resistant water stops, which are embedded in the concrete, or equivalent external systems (e.g. sealant systems).

#### **4.5.1.3 Containment Design-Asphalt**

Containment systems constructed of asphalt are unacceptable unless the Permittees demonstrate to the Secretary that the asphalt is sufficiently impervious to the hazardous wastes stored there.

#### **4.5.1.4 Containment System-Inspection and Repair**

The Permittees shall inspect the permitted container storage units at least weekly for evidence of leaks or deterioration of the containment system by corrosion, cracking, differential settlement or other factors. If the base, concrete, liner or coating is cracked or otherwise damaged, the Permittees must repair the damage promptly and properly, within 15 calendar days of detecting the problem. Any concrete repair shall be performed using an appropriate repair method (e.g. ACI standards or manufacturer's recommendations), which will prevent future damage at the same location. Coatings or sealants shall be applied, if applicable, to the repaired area before waste storage activities resume.

#### **4.5.2 Container Storage Areas that Store Containers without Free Liquids**

For container storage areas that will only store wastes without free liquids, the Permittees shall ensure that the storage areas are sloped or otherwise designed and operated to drain and remove liquid resulting from precipitation or other liquids. All containers shall be elevated or otherwise protected from contact with any accumulated liquid. Containers that are not self-elevated by design shall be elevated (e.g. on pallets), not placed directly on the storage area surface, to prevent any contact with accumulated precipitation or other liquids.

#### **4.5.3 Container Storage Areas that Store Incompatible Wastes**

Prior to receipt of hazardous waste at a hazardous waste management unit at the Facility, the Permittees shall determine the waste constituents and applicable hazardous waste numbers for conformance with the U.S. Environmental Protection Agency (EPA) guidance manual "A Method for Determining the Compatibility of Hazardous Wastes," (EPA-600/2-80-076); the Facility's Waste Acceptance Criteria; and the Facility's Laboratory Implementation Requirement (LIR) 404-00-03.1, "Hazardous and Mixed Waste Requirements," to ensure that there are no incompatible wastes or materials together in the same container. The Permittees shall determine if wastes are incompatible, for purposes of complying with Permit Condition 2.11.2, by following the procedures in EPA 600/2-80-076 and the most current version of LIR 404-00-03.1. If incompatible wastes or materials are together in the same container, the Permittees shall not accept the container at the hazardous waste management unit or shall repackage the contents so that incompatible wastes and materials are in separate containers. Any



**PART 5**

**TANK SYSTEMS**

**5.1 GENERAL DESCRIPTION**

The Permittees are authorized to manage and store hazardous wastes in the following storage tank systems:

The Permittees are authorized to treat hazardous wastes in the following storage tank systems:

Brief description of each tank system

**5.2 DESIGNATED STORAGE TANK SYSTEMS**

The Permittees shall only store and/or treat hazardous wastes in tanks in the designated storage tank systems described in Permit Condition 5.1 above and as specified in Table 5.1 below. The Permittees shall not store and/or treat hazardous wastes in excess of the maximum capacities for each individual tank listed in Table 5.1.

**TABLE 5.1  
LANL STORAGE TANK SYSTEM WASTE TYPES AND DESIGN CAPACITIES**

<b>Storage tank system location and number of tanks</b>	<b>Tank Status (new or existing)</b>	<b>Design specifications</b>	<b>EPA hazardous waste number and waste form</b>	<b>Secondary containment</b>	<b>Maximum volume and size of tank</b>

The Permittees shall ensure that all hazardous wastes bear the appropriate hazardous waste numbers. The Permittees shall not store, manage, or treat any hazardous waste that is not described in Permit Condition 5.1 and Table 5.1.

**5.3 DESIGN AND CONSTRUCTION STANDARDS**

The Permittees shall ensure that the foundations, structural supports, seams, connections, and pressure controls, where applicable, are adequately designed. The Permittees shall also ensure that all tank systems have sufficient structural strength, waste compatibility, and corrosion protection to prevent collapse, rupture or failure.

Tanks holding hazardous waste before the effective date of the July 14, 1986 amendments to the RCRA hazardous waste tank regulations are defined as 'existing tanks'. "New tanks" are defined as tanks that started holding hazardous wastes after the effective date of July 14, 1986. New tanks also include reinstalled and replacement tank

systems or components. There are, therefore, separate standards for permitted existing and new tanks.

### **5.3.1 Design Standards for New Tanks and Ancillary Equipment**

The following tanks meet the definition of a “new tank” in \_\_\_\_\_. The Permittees shall have in the operating record a written assessment, which was performed prior to placing the new tank system or component in use and reviewed and certified by an independent, registered professional engineer attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

- All design standards for the construction of the tank;
- All design standards for the construction of the ancillary equipment;
- Hazardous characteristics of the wastes to be handled;
- Type and degree of external corrosion protection needed to ensure the integrity of the tank system during the use of the tank system or its components, including corrosion resistant materials of construction, corrosion resistant coatings with cathodic protection and electrical isolation devices;
- Design specifications, which demonstrate that the tank foundations will support the maximum load;
- Design specifications, which demonstrate that the tank foundations are anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone or located within a seismic fault zone subject to \_\_\_\_\_; and
- Design specifications that demonstrate the tank system will withstand the effects of frost heave.

### **5.3.2 Determination of Corrosion Potential for New Tanks and Components**

For all new tank systems or components with a metal tank or external metal components that will be in contact with soil or water, the Permittees shall have a written determination by a corrosion expert in the operating record of the following factors that may affect the potential for corrosion:

- Soil moisture content;
- Soil Ph;
- Soil sulfides level;
- Soil resistivity;
- Structure to soil potential;
- Influence of any nearby underground metal structures;
- Existence of stray electrical current; and
- Existing corrosion protection measures.

This determination must have been performed prior to placing the new tank system or component in use,

### **5.3.3 New Tank/Component Installation Inspection and Handling**

The Permittees shall have in the operating record a written inspection report, which was performed prior to placing the new tank system or component in use and reviewed and certified by either an independent, registered professional engineer or a qualified inspector, that includes the following conditions:

- Wed breaks;
- Punctures;
- Scrapes of protective coating;
- Cracks;
- Corrosion;
- Structural damage; and
- Inadequate construction/installation.

The documentation in the operating record shall also document any discrepancies that were identified during the inspection and how these discrepancies were remedied prior to placing the tank system or component into use.

### **5.3.4 System Performance Testing for New Tank Systems**

The Permittees shall have in the operating record a written testing report, which was performed prior to placing the new tank system or component in use, that demonstrates that the tank system or ancillary equipment is tight. The documentation in the operating record shall also document any leaks that were identified during the tightness testing and how these leaks were remedied prior to covering, enclosing or placing the tank system or component into use.

### **5.3.5 Installation Requirements**

The Permittees shall document in the operating record that the installation requirements in \_\_\_\_\_ were met as follows:

- Support. All ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction and
- Corrosion. All tank systems and ancillary equipment have the type and degree of corrosion protection that were recommended by the independent corrosion expert and in accordance with Permit Condition 5.3.2 to ensure the integrity of the tank systems during use. An independent corrosion expert supervised the installation of any components of corrosion protection systems that were fabricated in the field to ensure proper installation.

### **5.3.6 Certifications**

The Permittees shall maintain in the Facility operating record the written statements by those persons required to certify the design and installation of the tank system, which document that the design and installation was performed according to specifications and

any repairs or design changes that were made. These written statements must include the following certification statement required by 40 CFR §270.11(d):

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Deleted: and

## **5.4 SECONDARY CONTAINMENT**

### **5.4.1 Design and Construction**

The Permittees shall prevent the release of hazardous waste or hazardous constituents to the environment and shall provide secondary containment that meets the requirements of \_\_\_\_\_ for all new and existing tank systems.

The Permittees shall ensure that the secondary containment systems are designed, installed and operated to prevent any migration of wastes or accumulated liquids out of the system to the soil, surface water or groundwater at any time during the use of the tank system. In addition, the Permittees shall ensure that the secondary containment systems are capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

The secondary containment systems shall be, at a minimum, constructed of or lined with materials that are compatible with the waste(s) placed in the tank system and shall have sufficient strength and thickness to prevent failure owing to pressure gradients, physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operation.

The secondary containment systems shall be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression or uplift.

The secondary containment systems shall be provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24-hours. If such release detection cannot be performed within a 24-hour period the removal must be removed within the earliest practicable time as determined by the Secretary on a case-by-case basis.

The secondary containment systems shall be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. The Permittees shall remove spilled or leaked waste or accumulated precipitation from the secondary containment system within 24-hours. If such removal cannot be performed within a 24-hour period the removal must be removed within the earliest practicable time as determined by the Secretary on a case-by-case basis.

#### **5.4.2 Required Secondary Containment Design and Operation**

#### **5.4.3 Ancillary Equipment**

The Permittees shall provide ancillary equipment with secondary containment that meets the requirements of Permit Conditions \_\_\_\_\_. Such secondary containment may consist of trenches, jacketing and double-walled piping.

The Permittees are allowed the following exceptions for secondary containment of ancillary equipment:

- Piping that is visually inspected for leaks on a daily basis;
- Welded flanges, welded joints and welded connections that are visually inspected for leaks on a daily basis;
- Sealless or magnetic coupling pumps and sealless valves that are visually inspected for leaks on a daily basis; and
- Pressurized above ground piping systems with automatic shut-off devices that are inspected for leaks on a daily basis.

The Permittees shall maintain daily written records of these inspections for inclusion in the Facility operating record.

### **5.5 OPERATING REQUIREMENTS**

The Permittees shall not place hazardous wastes or treatment reagents in a tank system if the wastes could cause the tank, its ancillary equipment or the containment system to rupture, leak, corrode or otherwise fail.

The Permittees shall use appropriate controls and practices to prevent spills and overflows from tank or containment systems including, but not limited to, the following:

- Spill prevention controls;
- Overfill prevention controls; and
- Sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or precipitation.

The Permittees shall comply with the requirement of Permit Condition \_\_\_\_ if a leak or spill occurs in the tank system.

## 5.6 SPECIAL REQUIREMENTS FOR IGNITABLE, REACTIVE OR INCOMPATIBLE WASTES

### 5.6.1 Ignitable and Reactive Wastes

The Permittees shall not place ignitable or reactive wastes in tank systems, unless:

- The waste is treated, rendered or mixed before or immediately after placement in the tank system that the resulting waste, mixture or dissolved material no longer meets the definition of ignitable or reactive waste under 40 CFR §§261.21 and 261.23 and results in a waste, mixture or dissolved material that meets the requirements of Permit Condition \_\_\_\_;
- The waste is stored or treated in such a way that the waste is protected from any material or conditions that may cause the waste to ignite or react; or
- The tank system is used solely for emergencies.

Deleted: §

The Permittees shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets or adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's *Flammable and Combustible Liquids Code* (\_\_\_\_).

### 5.6.2 Incompatible Wastes

The Permittees shall not place incompatible wastes or incompatible wastes and materials, in the same tank system, unless the requirements of Permit Condition \_\_\_\_\_. In addition, the Permittees shall not place hazardous waste in a tank system that has not been decontaminated and previously held an incompatible waste or material, unless the requirements of Permit Condition \_\_\_\_ have been met.

## 5.6 RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from a tank system or secondary containment system, or if either system becomes unfit for use, the Permittees shall immediately remove the tank system from service and complete the following actions:

- Immediately stop the flow of hazardous waste into the tank or secondary containment system and inspect the system to determine the cause of the release;
- Remove the waste from the tank system and within 24-hours after detecting the leak remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed;
- Remove the waste from the secondary containment system and remove all released materials within 24-hours or as quickly as possible to prevent harm to human health and the environment;
- Immediately conduct a visual inspection of the release and, based upon that inspection the Permittees shall prevent further migration of the leak or spill to soils, surface water or groundwater and shall remove, and properly dispose of, any visible contamination to soils, surface water or groundwater. If the collected

material is a RCRA hazardous waste, the waste shall be managed in accordance with all applicable requirements in 40 CFR §§262-268. The Permittees shall note that if the collected material is discharged through a point source, it may be subject to the requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to the reporting requirements under 40 CFR §302;

Deleted: §

- Report any release to the environment to the Secretary within 24-hours of its detection, except as noted in Permit Condition \_\_\_\_ (40 CFR §264.196(d)). If the Permittees reported the release pursuant to 40 CFR §302, that report will satisfy this Permit Condition;
- The Permittees do not need to report a leak or a spill of hazardous waste if it is less than or equal to a quantity of one pound and immediately remediated with no impact to the environment;
- Within 30 days of a detection of release to the environment, the Permittees shall submit a report to the Secretary containing the following information:
  - The likely route of migration of the release;
  - The characteristic of the surrounding soil;
  - The results of any monitoring or sampling conducted in connection with the release, if applicable. If sampling or monitoring data relating to the release are not available within the 30 day period, the Permittees shall submit these data to the Secretary as soon as they become available;
  - The proximity to downgradient drinking water, surface water and populated areas; and
  - A description of the response actions taken and planned.
- The Permittees shall either close the system or make necessary repairs. The tank system shall be closed according to Permit Condition \_\_\_\_, unless the Permittees can satisfy the following:
  - If the cause of the release has not damaged the integrity of the system, the Permittees may return the system to service as soon as the released waste is removed and the necessary repairs have been made and
  - If the cause of the release was a leak from the primary tank system into the secondary containment system, the Permittees shall repair the system before returning it to service.
- If extensive repairs have been made to the tank system in accordance with Permit Condition \_\_\_\_, the Permittees shall not return the tank system to service unless the repair is certified by an independent, registered professional engineer in accordance with 40 CFR §270.11(d). This engineer shall certify that the repaired system is capable of handling hazardous wastes without releases of waste for the remainder of its intended life. The Permittees shall send a copy of this report to the Secretary within 7 calendar days after returning the tank system to use.

Deleted: .

## 5.7 INSPECTION SCHEDULES AND PROCEDURES

The Permittees shall comply with the following requirements for scheduling, conducting and documenting inspections:

- The Permittees shall develop and follow a schedule and procedure for inspecting overfill controls;
- The Permittees shall inspect at least once each operating day:
  - Aboveground portions of the tank system to detect corrosion or releases of waste;
  - Data gathered from monitoring and leak detection equipment to ensure that the tank is being operated according to design specifications; and
  - The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous wastes.
- At a minimum, the Permittees shall inspect cathodic protection systems, if present, according to the following schedule to ensure that they are functioning properly:
  - Confirm that the cathodic protection system is operating properly within six months after the initial installation and annually thereafter and
  - Inspect and/or test all sources of impressed current, as appropriate, at least every other month.

The Permittees shall document these inspections, in the Facility operating record.

## **5.8 AIR EMISSION STANDARDS**

## **5.9 PREPARATION FOR CLOSURE**

Upon removal of a tank system from operation and in preparation for closure, the Permittees shall remove or decontaminate all waste residues, contaminated containment system components, contaminated soils and structures and equipment contaminated with waste and manage them as hazardous waste, unless the waste does not meet the criteria for hazardous waste in \_\_\_\_\_.

**1.1 STORAGE OF HAZARDOUS WASTE IN THE STORAGE TANK SYSTEM**

**1.1.1 Storage Tank System Description**

This section specifies the regulatory requirements that the Permittees shall follow when managing and storing mixed TRU waste in the TA-55 Storage Tank System. Specific TA-55 and process information for the storage of hazardous waste and a description of the Storage Tank System are provided in TA-55 Attachment A (*TA-55 Facility Description*) and TA-55 Attachment L (*Storage Tank Management*).

The TA-55 Storage Tank System is used to store evaporator bottoms solutions prior to stabilization in the TA-55 Cementation Unit. The waste solutions are initially stored in the evaporator glove box tank component where they are sampled for radionuclides, oxides, and metals. They remain in the evaporator glove box tank component until the radionuclide content is known. If the sampling results show radionuclide concentrations below the discard limit, the solutions are transferred to the cementation unit pencil tanks component for storage pending the remaining analytical results. Upon completion of the remaining analyses, the solutions are transferred directly to the Cementation Unit for treatment. If the sampling results show concentrations above the discard limit, the solutions are recirculated.

The evaporator glove box component and the cementation unit pencil tanks are considered existing tank systems subject to 20.4.1.500 NMAC (incorporating 40 CFR §264.191). 7/14/86

Deleted: C.F.R.  
Deleted: §

The pencil tank component is not yet constructed and is a new tank system subject to 20.4.1.500 NMAC (incorporating 40 CFR §264.192).

Deleted: C.F.R.  
Deleted: §

Prior to placing the pencil tank component into service, the Permittees shall ensure that the pencil tanks and their ancillary equipment are tested for tightness and are further inspected, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §§264.192(b) and (d)). The Permittees shall obtain and keep on file written statements by those persons required to supervise the installation of the tank system, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.192(g)).

Deleted: C.F.R.  
Deleted: §

**1.1.1.a Storage Locations and Quantities**

Deleted: C.F.R.  
Deleted: §

TA-55 Attachment A (*TA-55 Description, Figure A-1*) shows the location of TA-55 within the Facility. The Storage Tank System is located in TA-55, Building 4, Room 401. The locations of the TA-55 CSU's are specified in TA-55 Attachment A (*TA-55 Description, Figures \_\_\_\_\_*).

**HOW DO WE TREAT SECURE DOCS?**

**1.1.1.b Evaporator Glove Box Tank Component**

The evaporator glove box tank component is located in the northwest corner of TA-55-4, Room 401. It is approximately eight feet high, four feet wide, and thirteen feet long and consists of two welded-steel trays, eight glass columns, and associated ancillary equipment. The overall capacity of the evaporator glove box tank component is approximately 270 liters or 71 gallons.

The evaporator glove box tank component is an existing tank and is subject to the requirements and in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.191). The Permittees shall design, construct, operate, and maintain the evaporator glove box tank according to the detailed plans and reports contained in TA-55 Attachment L (*Tank Storage Management*).

Deleted: C.F.R.  
Deleted: §

**1.1.1.c Cementation Unit Pencil Tanks Component**

The cementation unit pencil tanks component consists of five vertical tanks located perpendicular to the west wall of Building TA-55-4, Room 401. Each of the pencil tanks has a working capacity of 50 liters, or 13 gallons, an outside diameter of 6.625 inches, a straight side height of ten feet, a wall thickness of 0.28 inches, and a conical bottom, as shown on TA-55 Attachment L, (*Tank Storage Management, Figure H-6*).

The Cementation Unit Pencil Tanks are five identical tanks and are a new tank system and subject to 20.4.1.500 NMAC (incorporating 40 CFR §264.192). The Permittees shall design, construct, operate, and maintain the Cementation Unit Pencil Tanks, piping and ancillary equipment, and the foundation and support for the system in accordance with the detailed plans and reports contained in TA-55 Attachment L (*Tank Storage Management*).

Deleted: C.F.R.  
Deleted: §

**1.1.1.d Pencil Tanks Component**

The pencil tanks component are a new tank system and consist of ten vertical tanks located perpendicular to the west wall of Building TA-55-4, Room 401, as shown on TA-55 Attachment L (*Tank Storage Management, Figure H-1*). Each pencil tank has a capacity of 50 liters or 13 gallons, a 6.625-inch outer diameter, a straight side height of ten feet, a wall thickness of 0.28 inches, and a conical bottom, as shown on TA-55 Attachment L (*Tank Storage Management, Figure H-8*).

The pencil tanks are ten identical tanks and are a new tank system subject to the requirements of 20.4.1.500 NMAC (incorporating 40 CFR §264.192). The Permittees shall design, construct, operate, and maintain the pencil tanks, piping, ancillary equipment, and the foundation and support for the system in accordance with the detailed plans and reports contained in TA-55 Attachment L (*Tank Storage Management*).

Deleted: C.F.R.  
Deleted: §

**1.1.2 Permitted and Prohibited Waste Identification**

**1.1.2.a Permitted Waste**

The Permittees may store a total volume of 336 gallons of mixed TRU waste in 16 tanks, subject to the terms of this Permit and as follows. The Permittees are authorized to store mixed TRU waste at the TA-55 Storage Tank System.

Table 7-2

Storage Tank System

Capacity (Gallons)	Dimensions	Containment Required	Description of Hazardous Waste
336		yes	liquid mixed TRU waste

**1.1.2.b Prohibited Waste**

The Permittees are prohibited from storing hazardous waste that is not identified in Permit Condition 7.8.2.a.

The Permittees shall not store in the Storage Tank System more than the maximum amounts of hazardous waste shown on Table 7-2.

The Permittees shall not store ignitable, reactive, or incompatible wastes or materials in the Storage Tank System.

The Permittees are prohibited from storing hazardous waste with an organic concentration of greater than ten percent by weight in the Storage Tank System.

**1.1.3 Secondary Containment**

The Permittees shall design, construct, and operate the secondary containment system, in accordance with the detailed design plans and descriptions contained in TA-55 Attachment L (*Storage Tank Management, Section H-3*) and in compliance with 20.4.1.500 NMAC (incorporating 40 C.F.R §264.193).

Deleted: §

**1.1.4 Operating Requirements**

The Permittees shall not place hazardous wastes or treatment reagents in the tank system if they could cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.194(a)).

Deleted: C.F.R.

The Permittees shall prevent spills and overflows from the tank or containment systems using the methods described in TA-55 Attachment L (*Storage Tank Management*).

Deleted: §

**1.1.5 Response to Leaks Or Spills**

In the event of a leak or spill from the storage tank system, from the secondary containment system, or if a system becomes unfit for continued use, the Permittees shall remove the system from service immediately and complete the following actions, in compliance 20.4.1.500 NMAC (incorporating 40 CFR §264.196):

Deleted: C.F.R.

1. Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the releases.
2. Remove waste and accumulated precipitation from the system within 24 hours of the detection of the leak to prevent further release and to allow inspection and repair of the system. If the Permittees find that it will be impossible to meet this time period, the Permittees shall notify NMED and demonstrate that the longer time period is required.

Deleted: §

If the collected material is a RCRA hazardous waste, it must be managed in accordance with all applicable requirements of 2.4.1 NMAC (incorporating 40 CFR Parts 262 through 264). **264 ONLY?** The Permittees shall note that if the collected material is discharged through a point source to U.S. waters or to a POTW, it is subject to requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting under 40 CFR Part 302.

Deleted: C.F.R.

Deleted: C.F.R.

**THE ABOVE IS MODEL LANGUAGE BUT I DON'T LIKE IT**

3. Contain visible releases to the environment. The Permittees shall immediately conduct a visual inspection of all releases to the environment and based on that

inspection: (1) prevent further migration of the leak or spill to soils or surface water and (2) remove and properly dispose of any visible contamination of the soil or surface water.

4. Close the system in accordance with General Attachment F (*General Closure Plan*) and TA-55 Attachment F (*TA-55 Closure Plan*), unless the following actions are taken:
  - a. For a release caused by a spill that has not damaged the integrity of the system, the Permittees shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service.
  - b. For a release caused by a leak from the primary tank system to the secondary containment system, the Permittees shall repair the primary system prior to returning it to service.

#### 1.1.6 Inspection Schedules and Procedures

The Permittees shall inspect the storage tank system, in accordance with General Attachment C (*Inspection Plan*) and TA-55 Attachment C (*TA-55 Inspection Plan, Section C.3*) and in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.195), and shall complete the items in Permit Conditions \_\_\_\_\_ as part of those inspections.

Deleted: C.F.R.

Deleted: §

The Permittees shall inspect the overfill controls, in accordance with the schedule in \_\_\_\_\_, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.195(a)).

Deleted: C.F.R.

Deleted: §

The Permittees shall inspect the following components of the tank system once each operating day, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.195(b)):

Deleted: C.F.R.

Deleted: §

1. Aboveground portions of the tank system, to detect corrosion or releases of waste;
2. Data gathered from monitoring and leak detection equipment, for example pressure or temperature gauges, to ensure that the tank system is being operated according to its design;
3. Construction materials and the area immediately surrounding the externally accessible portion of the tank, including the secondary containment system, to detect signs of releases of hazardous waste, for example wet spots.

#### 1.1.7 Record Keeping and Reporting

##### 1.1.7.a Leak or Spill Reporting

The Permittees shall report to NMED, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.196(d)(1)).

Deleted: C.F.R.

Deleted: §

Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittees shall report the following information to NMED, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.196(d)(3)):

Deleted: C.F.R.

Deleted: §

1. Likely route of migration of the release;
2. Characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate;

3. Results of any monitoring or sampling conducted in connection with the release. If the Permittees find it will be impossible to meet this time period, the Permittees should provide NMED with a schedule of when the results will be available. This schedule must be provided before the required 30 day submittal period expires;

4. Proximity of downgradient drinking water, surface water, and populated areas; and

5. Description of response actions taken or planned.

**1.1.7.b Certification of Major Repairs**

The Permittees shall submit to NMED all certifications of major repairs to correct leaks within seven days from returning the system to use, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.196(f)).

Deleted: C.F.R.

**1.1.7.c Certifications of Design and Installation of New Tank System Components**

Deleted: §

The Permittees shall obtain, and keep on file at the Facility, the written statements by those persons required to certify the design and installation of the pencil tank component of the storage tank system, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §264.192(g)).

Deleted: C.F.R.

Deleted: §

**1.1.8 Closure**

At closure of the Storage Tank System, the Permittees shall remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with waste in compliance with General Attachment F (*General Closure Plan*), TA-55 Attachment F.2 (*TA-55 Closure Plan for Storage Tank System*), and 20.4.1.500 NMAC (incorporating 40 CFR §264.197).

Deleted: C.F.R.

**1.1.9 Preparedness and Prevention**

Deleted: §

The Permittees shall maintain and operate storage tank spill and overfill prevention controls as specified at TA-55 Attachment L (*Storage Tank Management, Section H-1*) and in compliance with 20.4.1.500 NMAC (incorporating 40 CFR §§264.194(b)(1) and (2)).

Deleted: C.F.R.

Deleted: §

The Permittees shall maintain and operate a waste release detection system within the storage tank secondary containment in the form of a continuous monitor of airborne alpha particles, as specified at TA-55 Attachment L (*Storage Tank Management, Section H-3*) and in accordance with 20.4.1.500 NMAC (incorporating 40 CFR §264.193(b)(2)).

Deleted: C.F.R.

**1.1.10 Air Emission Controls**

Deleted: §

**1.1.10.a Subpart BB**

The storage tank system is not subject to air emission standards for equipment leaks under at 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart BB), with the exception of the reporting requirements under 20.4.1.500 NMAC (incorporating 40 CFR §264.1064(k)), because the storage tank system does not contain or contact mixed waste with an organic concentration of at least ten percent by weight.

Deleted: C.F.R.

Deleted: C.F.R.

Deleted: §

The Permittees are prohibited from storing hazardous waste with an organic concentration of greater than ten percent by weight in the Storage Tank System.

**1.1.10.b**

**Subpart CC**

The storage tank system is not subject to air emission standards under 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart CC) because the storage tank system is exempt under 20.4.1.500 NMAC (incorporating 40 CFR §264.1080(b)(6)) as a unit that is used solely for the management of radioactive mixed waste in compliance with all applicable regulations under the federal Atomic Energy Act and Nuclear Waste Policy Act.

The Permittees are prohibited from storing non-mixed waste at the Storage Tank System.

Deleted: C.F.R.

Deleted: C.F.R.

Deleted: §