

Reemit



560 Golden Ridge Road, Suite 130
Golden, CO 80401
(303) 763-1188
(303) 763-8889 FAX
www.techlawinc.com

ENTERED

November 13, 2006

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

Reference: Work Assignment No. 06280.170.0002; State of New Mexico Environment Department, Santa Fe, New Mexico; General Permit Support Contract; Los Alamos National Laboratory Draft Permitting Support (Formatting Permit), Los Alamos, New Mexico; Draft Deliverable

Dear Mr. Cobrain:

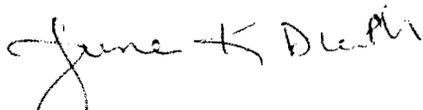
Enclosed please find the deliverable for the above-referenced work assignment. The deliverable consists of Part I of the LANL Permit in a format specified by Mr. Steve Pullen of NMED. A draft copy of this deliverable without the cover letter was e-mailed to Steve Pullen on Thursday, November 9, 2006.

I am sending you the cover letter in a separate file so that the deliverable which is part of the permit can easily be placed into the entire draft permit without having to delete the cover letter.

The document is formatted in Microsoft Word. The deliverable was emailed to Mr. David Cobrain on November 13, 2006 at Dave.Cobrain@state.nm.us. A formalized hard (paper) copy of this deliverable will be sent vial mail in a few days.

Please feel free to contact me at (303) 464-6525, if you have any questions.

Sincerely,


June K. Dreith
Project Manager



Enclosures

Cc. S. Pullen, NMED
Denver Files

**Los Alamos National Laboratories
Los Alamos, New Mexico**

**Formatting of Draft LANL Permit
Part I**

Submitted to:

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

Submitted by:

**Ms. June Dreith
TechLaw Inc.
3920 West 98th Place
Westminster, Co. 80031**

**Work Assignment No.
NMED Project Manager
Telephone No.
TechLaw Project Manager
Telephone No.**

**06110.270
Steve Pullen
(505) 428-2500
June Dreith
(303) 464-6525**

November, 2006

TABLE OF CONTENTS

Part 1: General Permit Conditions.....	1
I.A PERMITTEES	1
I.B PERMITTED ACTIVITY	1
I.C PERMIT CITATIONS.....	1
I.D EFFECT OF PERMIT	1
I.D.1 Effect of This Permit on Interim Status Units	2
I.D.2 Effect of This Permit on HSWA Corrective Action.....	2
I.E EFFECT OF INACCURACIES IN PERMIT APPLICATION.....	2
I.F PERMIT ACTIONS	3
I.F.1 Duration of Permit	3
I.F.2 Permit Modification.....	3
I.F.3 Transfer of Land Ownership.....	6
I.F.4 Permit Suspension, Termination, and Revocation and Re-issuance.....	7
I.F.5 Permit Reapplication	7
I.F.6 Continuation of Expiring Permit	7
I.G PERMIT CONSTRUCTION.....	8
I.G.1 Severability	8
I.G.2 Conflict in Language	8
I.H DEFINITIONS	8
I.I DUTIES AND REQUIREMENTS.....	13
I.I.1 Duty to Comply	13
I.I.2 Transfer of Permit.....	14
I.I.3 Need to Halt or Reduce Activity Not a Defense.....	14
I.I.4 Duty to Mitigate.....	14
I.I.5 Proper Operation and Maintenance	14
I.I.6 Duty to Provide Information.....	15
I.I.7 Inspection and Entry	15
I.I.8 Sampling and Records	16
I.I.9 Reporting Planned Changes.....	16
I.I.10 Reporting Anticipated Noncompliance	16

I.I.11	Twenty-Four Hour and Subsequent Reporting	17
I.I.12	Other Noncompliance	18
I.I.13	Other Information	18
I.I.14	Biennial Report	18
I.I.15	Signatory Requirement	18
I.I.16	Submissions to the New Mexico Environment Department.....	18
I.I.17	Confidential and Classified Information	19
I.J	Information Repository	19
I.K	GENERAL DOCUMENTS AND INFORMATION TO BE MAINTAINED AT FACILITY	19
I.L	PUBLIC E-MAIL NOTIFICATION LIST	20
I.M	COMMUNITY RELATIONS PLAN.....	20
I.N	DISPUTE RESOLUTION.....	20
I.N.1	Applicability	20
I.N.2	Notice to NMED.....	20
I.N.3	Informal Negotiations	21
I.N.4	Tier II - Final Decision of the Secretary	21
I.N.5	Actions Not Affected by Dispute	21

1

PART 1: GENERAL PERMIT CONDITIONS

2 **I.A PERMITTEES**

3 The Secretary of the New Mexico Environment Department (Secretary) issues this Permit
4 for the Los Alamos National Laboratory (LANL) to the United States Department of
5 Energy (DOE), the owner and co-operator of LANL (EPA ID Number NM 0890010515-
6 1), and Los Alamos National Security, LLC (LANS), co-operator of LANL.

7 **I.B PERMITTED ACTIVITY**

8 This Permit authorizes DOE and LANS (the Permittees) to manage, store, and treat
9 hazardous waste and to manage and store low-level mixed waste and transuranic (TRU)
10 mixed waste at LANL, and establishes the general and specific standards for these
11 activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§
12 74-4-1 *et seq.*, and the New Mexico Hazardous Waste Management Regulations
13 (HWMR), 20.4.1 NMAC.

14 This Permit also establishes standards for closure and post-closure care of Permitted
15 Units at LANL pursuant to the HWA and HWMR.

16 **I.C PERMIT CITATIONS**

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

20 Hazardous waste management regulations are frequently cited throughout this Permit.
21 The federal Hazardous Waste Management Regulations, 40 CFR Parts 260 through 273,
22 are generally cited rather than the New Mexico Hazardous Waste Management
23 Regulations, 20.4.1 NMAC. The federal regulations are cited because only the federal
24 regulations set forth the detailed regulatory requirements; the State regulations
25 incorporate by reference, with certain exceptions, the federal regulations in their entirety.
26 Citing only the federal regulations also serves to avoid encumbering each citation with
27 references to two sets of regulations. However, it is the State regulations that are legally
28 applicable and enforceable. Therefore, for the purpose of this Permit, and enforcement of
29 its terms and conditions, all references to provisions of federal regulations that have been
30 incorporated into the State regulations shall be deemed to include the State incorporation
31 of those provisions.

32 **I.D EFFECT OF PERMIT**

33 Compliance with this Permit for those management practices specifically authorized by
34 this Permit during its term constitutes compliance, for purposes of enforcement, with 40
35 CFR Parts 264, 266 and 268.

1 Compliance with this Permit shall not constitute a defense to any order issued or any
2 action brought under §§ 74-4-10, 74-4-10.1, or 74-4-13 of the HWA; §§ 3008(a),
3 3008(h), 3013, 7002(a)(1)(B), or 7003 of RCRA; §§ 104, 106(a), 107, or 196(a) of the
4 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),
5 42 U.S.C. §§ 9601 *et seq.*; or any other federal, state or local law providing for protection
6 of public health or the environment.

7 This Permit does not convey any property rights of any sort or any exclusive privilege,
8 nor authorize any injury to persons or property, any invasion of other private rights, or
9 any infringement of state or local laws or regulations. Compliance with this Permit does
10 not relieve Permittees from the responsibility of complying with all applicable state or
11 federal laws and regulations (40 CFR §§ 270.4, 270.30(g), and 270.32(b)(1)).

12 **I.D.1 Effect of This Permit on Interim Status Units**

13 Interim status units that the Permittees intend to permit in the future are listed in Table ___
14 in Attachment ___. These interim status units will continue to operate under the interim
15 status provisions in 40 CFR § 270.1(c)(4) and are not regulated under this Permit.

16 Interim status units that are no longer in service or will be taken out of service by the
17 Permittees are listed in Table ___ in Attachment ___. Closure for these units will be
18 addressed outside of this Permit.

19 **I.D.2 Effect of This Permit on HSWA Corrective Action**

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

23 **I.E EFFECT OF INACCURACIES IN PERMIT APPLICATION**

24 This Permit is based on the assumption that the information submitted in:

- 25 • The Part A Application, dated August __, 2002;
- 26 • The General Part B Permit Application, dated August __, 2003;
- 27 • The TA-16 Part B Permit Application, dated June __, 2003;
- 28 • The TA-50 Part B Permit Application, dated August __, 2002;
- 29 • The TA-54 Part B Permit Application, dated June __, 2003; and
- 30 • The TA-55 Part B Permit Application, dated September __, 2003.

31 These submittals, which are referred to collectively as the Application, are true and
32 correct and the Facility and Permitted Units were constructed and will be operated and
33 maintained as specified in the Application. Any inaccuracies found in the Application
34 may be grounds for the termination, revocation and re-issuance, or modification of the
35 Permit in accordance with 40 CFR §§ 270.41, 270.42, and 270.43 and for enforcement
36 action.

1 Permittees shall inform the New Mexico Environment Department (NMED) of any
2 deviation from or changes in the information contained in the Application, which would
3 affect the Permittees' ability to comply with this Permit. The Permittees shall promptly
4 provide this information in writing to the Secretary in accordance with Permit Condition
5 and 40 CFR §§ 270.30(l)(11) and 270.43(a)(2).

6 Add section on enforcement similar to NASA?

7 **I.F PERMIT ACTIONS**

8 **I.F.1 Duration of Permit**

9 This Permit shall be effective for a period of ten years from its effective date. The
10 effective date of this Permit shall be 30 days after notice of the Secretary's decision has
11 been served on the Permittees, or such later time as the Secretary may specify in
12 compliance with 40 CFR § 270.50(a).

13 **I.F.2 Permit Modification**

14 This Permit may be modified for both routine and significant changes as specified in 40
15 CFR §§ 270.41 through 270.43. The filing of a permit modification request by the
16 Permittees, or the notification by the Permittees of planned changes or anticipated
17 noncompliance, does not stay the applicability or enforceability of any Permit condition
18 (40 CFR § 270.30(f)).

19 **I.F.2.a Class 1 Modifications**

20 The Permittees may make a Class 1 permit modification under 40 CFR § 270.42(a),
21 Appendix I without obtaining approval from the Secretary under the following
22 conditions:

- 23 • The Permittees notify the Secretary concerning the modification by certified
24 mail or other means that establish proof of delivery within 7 calendar days
25 after the change has been put into effect. This notice shall specify the changes
26 being made to permit conditions or supporting documents referenced by the
27 Permit and shall explain why the changes are necessary. The Permittees shall
28 also provide, with the notice, the applicable information in 40 CFR §§ 270.13
29 through 270.21, 270.62 and 270.63 and
- 30 • The Permittees send a notice of the Class 1 modification to all persons on the
31 facility mailing list maintained by the Secretary in accordance with 40 CFR §
32 124.10(c)(viii) and the . The Permittees shall also post a link to
33 the notice for the public meeting on its web page in English and Spanish and
34 shall directly notify interested members of the public listed in the public
35 notification lists maintained by the Permittees under Permit Condition .
36 These notifications must be made within 90 calendar days after the change
37 was put into effect.

1 The Permittees may make a Class 1 permit modification under 40 CFR § 270.42(a), for
2 those Class 1 modifications identified in Appendix I with a superscript “1” after obtaining
3 approval from the Secretary under the following conditions:

- 4 • The Permittees submit a request to the Secretary concerning the modification
5 by certified mail or other means that establish proof of delivery prior to
6 putting the change into effect. This notice shall specify the proposed changes
7 to permit conditions or supporting documents referenced by the Permit and
8 shall explain why the changes are necessary. The Permittees shall also
9 provide, with the notice, the applicable information in 40 CFR §§ 270.13
10 through 270.21, 270.62 and 270.63 and
- 11 • The Permittees send a notice of the Class 1 modification to all persons on the
12 facility mailing list maintained by the Secretary in accordance with 40 CFR §
13 124.10(c)(viii) and the _____, as specified in 40 CFR § 124.10(c)(ix).
14 The Permittees shall also post a link to the notice for the public meeting on its
15 web page in English and Spanish and shall directly notify interested members
16 of the public listed in the public notification lists maintained by the Permittees
17 under Permit Condition _____. These notifications must be made within 90
18 calendar days after the Secretary approves the request.

19 **I.F.2.b Class 2 Modifications**

20 For Class 2 permit modifications under 40 CFR § 270.42(b), Appendix I, the Permittees
21 shall submit a permit modification request to the Secretary that:

- 22 • Identifies that the modification is a Class 2 modification;
- 23 • Explains why the modification is necessary; and
- 24 • Provides the applicable information in 40 CFR §§ 270.13 through 270.21,
25 270.62 and 270.63.

26 The Permittees send a notice of the Class 2 modification to all persons on the facility
27 mailing list maintained by the Secretary and the _____ as specified in 40 CFR §
28 124.10(c)(ix). The Permittees shall publish a copy of this notice in English and Spanish in
29 a major newspaper of general circulation. The Permittees shall also post a link to the
30 notice for the public meeting on its web page and shall directly notify interested members
31 of the public listed in the public notification lists maintained by the Permittees under
32 Permit Condition _____.

33 The Permittees' notice shall include the following:

- 34 • An announcement of a minimum 60-day comment period and the name and
35 address of the NMED contact to whom comments must be sent. This
36 announcement shall state that the comment period begins on the date the
37 Permittees publish the notice in the local newspaper;
- 38 • Announcement of the date, time and place for the public meeting;
- 39 • Name, telephone number and e-mail address of the NMED contact;
- 40 • Name, telephone number and e-mail address of the Permittees contact;

- 1 • The publicly accessible location in the vicinity of the Facility where copies of
2 the modification and any supporting documents may be viewed and copied;
3 • A webpage address where copies of the modification and any supporting
4 documents may be viewed; and

5 The following statement: *The Permittees compliance history during the life of the Permit*
6 *being modified is available from the NMED contact person.*

7 The Permittees shall mail, post, e-mail and publish this notice within 7 days before or
8 after the submission of the Class 2 modification request to the Secretary. The Permittees
9 shall provide evidence that they have met these notice requirements to the Secretary.

10 The Permittees shall hold a public meeting to solicit questions from the community and
11 inform the community of the proposed modifications no earlier than 15 days after the
12 publication of the notice. The Permittees shall provide for simultaneous Spanish and
13 Tewa interpreters during the public meeting and adequate accommodations for attendees
14 with disabilities consistent with the Americans with Disabilities Act _____ and
15 _____. The Permittee shall maintain a sign-in sheet or provide a method for
16 attendees to provide their names and addresses. The Permittees shall attempt to hold the
17 meeting, to the extent practicable, in the vicinity of the Facility.

18 **I.F.2.c Class 3 Modifications**

19 For Class 3 permit modifications under 40 CFR § 270.42(b), Appendix I, the Permittees
20 shall submit a permit modification request to the Secretary that:

- 21 • Identifies that the modification is a Class 3 modification;
22 • Describes the exact Permit changes proposed and the supporting documents
23 referenced by the Permit;
24 • Explains why the modification is necessary; and
25 Provides the applicable information in 40 CFR §§ 270.13 through 270.21, 270.62 and
26 270.63.

27 The Permittees send a notice of the Class 3 modification to all persons on the facility
28 mailing list maintained by the Secretary and the _____ as specified in 40 CFR §
29 124.10(c)(ix). The Permittees shall publish a copy of this notice in English and Spanish in
30 a major newspaper of general circulation. The Permittees shall also post a link to the
31 notice for the public meeting on its web page and shall directly notify interested members
32 of the public listed in the public notification lists maintained by the Permittees under
33 Permit Condition _____.

34 The Permittees' notice shall include the following:

- 35 • An announcement of a minimum 60-day comment period and the name and
36 address of the NMED contact to whom comments must be sent. This
37 announcement shall state that the comment period begins on the date the
38 Permittees publish the notice in the local newspaper;

- 1 • Announcement of the date, time and place for the public meeting;
- 2 • Name, telephone number and e-mail address of the NMED contact;
- 3 • Name, telephone number and e-mail address of the Permittees contact;
- 4 • The publicly accessible location in the vicinity of the Facility where copies of
- 5 the modification and any supporting documents may be viewed and copied;
- 6 • A webpage address where copies of the modification and any supporting
- 7 documents may be viewed; and

8 The following statement: The Permittees compliance history during the life of the Permit
9 being modified is available from the NMED contact person.

10 The Permittees shall mail, post, e-mail and publish this notice within 7 days before or
11 after the submission of the Class 3 modification request to the Secretary. The Permittees
12 shall provide evidence that they have met these notice requirements to the Secretary.

13 The Permittees shall hold a public meeting to solicit questions from the community and
14 inform the community of the proposed modifications no earlier than 15 days after the
15 publication of the notice. The Permittees shall provide for simultaneous Spanish and
16 Tewa interpreters during the public meeting and adequate accommodations for attendees
17 with disabilities consistent with the Americans with Disabilities Act [REDACTED] and
18 [REDACTED]. The Permittee shall maintain a sign-in sheet or provide a method for
19 attendees to provide their names and addresses. The Permittees shall attempt to hold the
20 meeting, to the extent practicable, in the vicinity of the Facility.

21 **I.F.2.d Unclassified Permit Modifications**

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

27 **I.F.3 Transfer of Land Ownership**

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

37 In addition to the requirements of 40 CFR § 270.42, a permit modification request for
38 transfer of land ownership for part of the Facility, shall:

- 1 • Identify the boundaries of the land proposed for transfer by providing NMED
2 with a _____ survey certified by a registered professional surveyor;
- 3 • Provide the new owner's name, address, telephone number, ownership status
4 and status as a federal, state, private, public or other entity;
- 5 • Describe the location and identity of any existing or prior solid waste
6 management unit , area of concern or Permitted Unit on the land proposed for
7 transfer;
- 8 • Describe any known or suspected presence of hazardous waste, mixed low-
9 level waste, mixed TRU waste, hazardous constituents, and/or radioactive
10 waste in soil, sediment, surface water or groundwater at any depth within the
11 boundaries of the land proposed for transfer;
- 12 • Describe the status of any past, present, or planned investigations or
13 remediation of contamination of soil or groundwater at any depth within the
14 boundaries of the land proposed for transfer; and
- 15 • Include a revised map of the Facility. (40 CFR §§ 264.101, 270.30(l)(1)) and
16 270.42)).

17 **I.F.4 Permit Suspension, Termination, and Revocation and Re-issuance**

18 This Permit may also be suspended, terminated, or revoked and re-issued for cause, as
19 specified in 40 CFR §§ 270.41 through 270.43. The filing of a request by the Permittees
20 for a Permit modification, or the notification by the Permittees of planned changes or
21 anticipated noncompliance, does not stay the applicability or enforceability of any Permit
22 condition (40 CFR § 270.30(f)).

23 **I.F.5 Permit Reapplication**

24 If the Permittees intend to continue an activity regulated by this Permit after the
25 expiration date of this Permit, the Permittees shall submit a complete application for a
26 new permit at least 180 days before the expiration date of this Permit, unless permission
27 for a later date has been granted by the Secretary in compliance with 40 CFR §§
28 270.10(h) and 270.30(b) and Permit Condition _____. The Secretary will not grant
29 permission for an application for a new permit that is submitted later than the expiration
30 date of this Permit (40 CFR §§ 270.10(h) and 270.30(b)).

31 In reviewing any application for a permit renewal, the Secretary will consider
32 improvements in the state of control and measurement technology and changes in
33 applicable regulations (40 CFR §§ 270.10(h) and 270.30(b)).

34 **I.F.6 Continuation of Expiring Permit**

35 If the Permittees have submitted a timely and complete application for renewal of this
36 Permit, in compliance with 40 CFR §§ 270.10 and 270.13 through 270.29 and Permit
37 Condition _____, this Permit shall remain in effect until the effective date of the new
38 permit if, through no fault of the Permittees, the Secretary has not issued a new permit on
39 or before the expiration date of this Permit (40 CFR § 270.51).

1 **I.G PERMIT CONSTRUCTION**

2 **I.G.1 Severability**

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

7 **I.G.2 Conflict in Language**

8 If there is a conflict between the language of a Permit condition and the language of the
9 Permit attachment, the language of the Permit condition shall control over the language in
10 the Permit attachment. This Permit and 40 CFR Parts 264, 266 and 268 establish the
11 minimum requirements for the design, construction, operation, and maintenance of the
12 Facility. Any language in an attachment, which states or implies discretion to not comply
13 with the minimum requirements of this Permit or 40 CFR § 270.32(b)(1) is not effective
14 and the requirements of this Permit and 40 CFR § 270.32(b)(1) shall control.

15 **I.H DEFINITIONS**

16 Terms used in this Permit shall have the same meanings as those in the HWA, RCRA,
17 and their implementing regulations, unless this Permit specifically provides otherwise.
18 Where a term is not defined in the HWA, RCRA, implementing regulations, or this
19 Permit, the meaning of the term shall be determined by a standard dictionary reference,
20 EPA guidelines or publications, or the generally accepted scientific or industrial meaning
21 of the term.

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

- 35
- 36 • Process design documents;
 - 37 • Preliminary and final safety analysis reports, un-reviewed safety question
determinations and technical safety requirements;

- 1 • Standard operating procedures and detailed operating procedures, which may
2 include a list of raw materials and reagents and descriptions of the wastes
3 generated and how they were handled;
- 4 • Waste packaging logs;
- 5 • Test plans or research project reports that describe the reagents and other raw
6 materials used in an experiment;
- 7 • Site databases;
- 8 • Documented interviews with site personnel that were directly involved in the
9 waste generation process;
- 10 • Vendor and other standard industry practice documents;
- 11 • Industry reports on a similar process when there is a clear connection between
12 the industrial process/experiment and the LANL process/experiment;
- 13 • Previous (pre-RCRA) analytical data relevant to the waste stream;
- 14 • Analytical data from studies of common industry processes that are similar to
15 LANL processes;
- 16 • Material safety data sheets, product labels and other product packaging
17 information;
- 18 • Sampling and analysis data from comparable waste streams;
- 19 • Documented visual inspections that were performed to confirm or identify the
20 physical characteristics and packaging of a waste;
- 21 • Laboratory notebooks that detail the research processes and raw materials
22 used in an experiment; and
- 23 • ER site characterization data, waste characterization data, waste
24 characterization strategy documentation and RCRA Facility Investigation
25 documentation.

26 **AEA:** Atomic Energy Act (**citation**)

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

30 **Contact-Handled (CH) Mixed Transuranic Waste** means transuranic mixed waste with a
31 surface dose rate not greater than 200 millirem per hour (Pub. L. 102-579 (1992)).

32 **"Corrective Action Order"** or "**CAO**" means the Order issued to Permittees pursuant to
33 _____ on _____, 2004 .

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

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

1 **DOE** means the United States Department of Energy, the owner and co-operator of
2 LANL.

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

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

20 **Facility** means the Los Alamos National Laboratory (LANL), EPA ID Number NM
21 0890010515-1, owned by the Department of Energy (DOE) and located on a 43 square
22 mile area in Los Alamos County, in north-central New Mexico, approximately 60 miles
23 north-northeast of Albuquerque and 25 miles northwest of Santa Fe, including all
24 contiguous land, and structures, other appurtenances, and improvements on the land, used
25 for treatment, storing, or disposal of hazardous waste, as designated in General Appendix
26 A (*Facility Description, Map A-2, LANL Boundary*). For the purpose of implementing
27 corrective action, "Facility" means all contiguous property under the control of the owner
28 or operator, as designated in General Appendix A (*Facility Description, Map A-2, LANL*
29 *Boundary*). This Facility consists of several hazardous waste treatment and storage units.

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

35 **Final Closure** occurs when all permitted units at the Facility have been closed. A facility
36 is "closed" for the purposes of a RCRA permit when the final closure of the permitted
37 units is complete even if the facility continues to operate.

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

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

- 1 **Hazardous constituent** means any constituent identified in 40 CFR Part 261, Appendix
2 VIII), any constituent identified in 40 CFR Part 264, Appendix IX, any constituent
3 identified as a hazardous waste listed in 40 CFR Part 261, Subpart D, or any constituent
4 identified as a toxicity characteristic waste in 40 CFR § 261.24, Table 1.
- 5 **HWA** means the New Mexico Hazardous Waste Act, NMSA 1978, §§ 74-4-1 *et seq.*
- 6 **Interim Status** applies to hazardous waste management facilities that were in operation
7 before the effective date of the statutory or regulatory amendments that caused the
8 facility of hazardous waste management unit to become subject to permitting
9 requirements.
- 10 **Intra-Facility Waste** means any hazardous waste transported from and to locations
11 within the Facility on a public or private right-of-way within or along the border of the
12 Facility (40 CFR § 262.20(f)).
- 13 **Land Disposal** means placement in or on the land and includes, but is not limited to,
14 placement in a landfill, surface impoundment, waste pile, injection well, land treatment
15 facility, salt dome formation, salt bed formation, underground mine or cave, or placement
16 in a concrete vault or bunker intended for disposal purposes.
- 17 **LANL** means the Los Alamos National Laboratory.
- 18 **LANS** means the Los Alamos National Security, LLC, the co-operator of LANL.
- 19 **LDR** means Land Disposal Restrictions. The LDR regulations are found at 40 CFR Part
20 268.
- 21 **Low-level waste** means radioactive waste that is not high-level radioactive waste,
22 transuranic waste, spent nuclear fuel or by-product material (as defined in §11(e)(2) of
23 the Atomic Energy Act, 42 U.S.C. §§ 2011 *et seq.*) or naturally occurring radioactive
24 material.
- 25 **LWA** means the 1992 WIPP Land Withdrawal Act (LWA) (Public Law 102-579, as
26 amended).
- 27 **Military munitions** means all ammunition products and components produced or used by
28 or for the U.S. Department of Defense or the U.S Armed Services for national defense
29 and security, including military munitions under the control of the Department of
30 Defense, the U.S. Coast Guard, the U.S Department of Energy and National Guard
31 personnel. The term military munitions includes: confined gaseous, liquid and solid
32 propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and
33 incendiaries used by DOD components, including bulk explosives and chemical warfare
34 agents, chemical munitions, rockets, guide and ballistic missiles, bombs, warheads,
35 mortar rounds, artillery ammunition, grenades, mines, torpedoes, depth charges, cluster
36 munitions, and dispensers, demolition charges and devices and components thereof.
37 Military munitions do not include wholly inert items, improvised explosive devices, and
38 nuclear weapons, nuclear devices and nuclear components thereof. However, the term

1 does include non-nuclear components of nuclear devices managed under DOE's nuclear
2 weapons program after all required sanitization operations under the Atomic Energy Act
3 of 1954, as amended, have been completed.

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

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

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

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

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

16 **Operator** means the person(s) responsible for the overall operation of the Facility. The
17 United States Department of Energy and Los Alamos National Security, LLC are co-
18 operators of LANL.

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

21 **Permittees** mean the United States Department of Energy and Los Alamos National
22 Security, LLC.

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

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

26 **Radioactive mixed waste** means a waste that contains both hazardous waste and source,
27 special nuclear, or by-product material, as defined in the AEA. The hazardous
28 component of mixed waste is subject to regulation under RCRA and the HWA, and the
29 source, special nuclear, or by-product material component is subject to the AEA. The
30 radioactive component of radioactive mixed waste may be TRU, low-level, or high-level
31 waste. (Waste produced as a result of operation of an accelerator, that is both radioactive
32 and hazardous, is not "radioactive mixed waste" because the accelerator produced
33 materials are not source, special nuclear, or by-product material, however, it should be
34 managed as "radioactive mixed waste" due to the dangers posed by both the radioactive
35 and hazardous component.)

36 **Radiography** is an x-ray technique used to determine the physical contents of containers.

1 **Regional Administrator** means the Regional Administrator of the U.S. Environmental
2 Protection Agency Region 6 or designee or authorized representative.

3 **Regulated Unit** means a surface impoundment, waste pile, land treatment unit, or landfill
4 at which hazardous waste was placed after July 26, 1982, as defined at 40 CFR §
5 264.90(a)(2).

6 **Remote-Handled (RH) Mixed Transuranic Waste** means a transuranic mixed waste with
7 a surface dose rate of 200 millirem per hour or greater. For RH mixed transuranic wastes
8 destined for disposal at the Waste Isolation Pilot Plant the surface dose rate shall not
9 exceed 1,000 rem per hour (Pub. L. 102-579 (1992)).

10 **Representative sample** means a sample of a universe or whole, which can be expected to
11 exhibit the average properties of the universe or the whole.

12 **STP** means the Site Treatment Plan _____.

13 **Secretary** means the Secretary of the New Mexico Environment Department or designee.

14 **Storage** means the holding of hazardous waste for a temporary period, at the end of
15 which the hazardous waste is treated, disposed of or stored elsewhere.

16 **Sump** means any pit or reservoir that meets the definition of a tank and those
17 troughs/trenches connected to it that serve to collect hazardous waste for transport to
18 hazardous waste storage.

19 **Transuranic (TRU) waste** means waste of more than 100 nanocuries of alpha-emitting
20 transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for
21 (1) high-level radioactive waste; (2) waste that the DOE Secretary has determined, with
22 the concurrence of the EPA Administrator, does not need the degree of isolation required
23 by the disposal regulations; or (3) waste that the Nuclear Regulatory Commission has
24 approved for disposal on a case-by-case basis in accordance with part 61 of title 10, Code
25 of Federal Regulations. [Pub. L. 102-579 (1992)]

26 **Visual Examination** is an alternative method of determining the physical contents of
27 containers.

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

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

31 **I.I DUTIES AND REQUIREMENTS**

32 **I.I.1 Duty to Comply**

33 The Permittees shall comply with all conditions in this Permit, except to the extent and
34 for the duration such noncompliance is authorized in an Emergency Permit pursuant to 40

1 CFR § 270.61. Any Permit noncompliance, except under the terms of an Emergency
2 Permit, constitutes a violation of the HWA and RCRA and is grounds for enforcement or
3 other Department action and may subject the Permittees to:

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

13 **I.I.2 Transfer of Permit**

14 The Permittees shall not transfer this Permit to any person except after prior written
15 approval of the Secretary. The Secretary will require modification or revocation and re-
16 issuance of the Permit, as specified in 40 CFR §§ 270.40(b) and 270.41(b)(2), to identify
17 the new Permittee and incorporate other requirements under the HWA, RCRA, and their
18 implementing regulations. The prospective new Permittee shall file a disclosure
19 statement with the Secretary, as specified at § 74-4-4.7 of the HWA, prior to modification
20 or revocation and re-issuance of the Permit.

21 Before transferring ownership or operation of the Facility, the Permittees shall notify the
22 new owner and/or operator in writing of all applicable requirements of 40 CFR §§
23 264.12(c) and 40 CFR 270.30(1)(3) and this Permit.

24 **I.I.3 Need to Halt or Reduce Activity Not a Defense**

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

28 **I.I.4 Duty to Mitigate**

29 In the event of noncompliance with this Permit, the Permittees shall take all reasonable
30 steps to minimize releases to the environment and shall carry out such measures as are
31 reasonable to prevent significant adverse impacts on human health or the environment
32 (40 CFR § 270.30(d)).

33 **I.I.5 Proper Operation and Maintenance**

34 The Permittees shall at all times properly operate and maintain all facilities and systems
35 of treatment and control and related appurtenances which are installed or used by the
36 Permittees to achieve compliance with the conditions of this Permit. Proper operation
37 and maintenance includes effective performance, adequate funding, adequate operator

1 staffing and training, and adequate laboratory and process controls, including appropriate
2 quality assurance and quality control procedures. This provision requires the operation of
3 back-up or auxiliary facilities or similar systems only when necessary to achieve
4 compliance with this Permit (40 CFR § 270.30(e)).

5 **I.I.6 Duty to Provide Information**

6 The Permittees shall furnish to the Secretary, within a reasonable time as specified by the
7 Secretary, any relevant information which the Secretary may request to determine
8 whether cause exists for modifying, suspending, terminating, or revoking this Permit or
9 to determine compliance with this Permit. The Permittees shall also furnish to the
10 Secretary, upon request, copies of records that are required to be kept by this Permit.
11 Information and records requested by the Secretary pursuant to this condition shall be
12 provided in paper form or in an electronic format acceptable to the Secretary or both as
13 the Secretary may specify. If the response to the information request will take longer than
14 10 working days, the Permittees shall promptly notify the Secretary in writing of the
15 reason for the extension and the date the information will be provided. The Permittees
16 shall, to the extent practicable, segregate classified material from the records that are
17 required to be kept under this Permit to minimize any delays in responding to the Secretary's
18 requests under this provision.

19 This Permit Condition shall not be construed to limit in any manner the Secretary's
20 authority under § 74-4-4.3 of the HWA, § 3007(a) of RCRA, or other applicable law (40
21 CFR § 264.74(a)) and § 270.30(h)).

22 **I.I.7 Inspection and Entry**

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

- 25 • Enter at reasonable times upon the Permittees' premises where the regulated
26 facility or activity is located or conducted, or where records must be kept
27 under the conditions of this Permit;
- 28 • Have access to and photograph, at reasonable times, any facilities, equipment,
29 including monitoring and control equipment, practices, or operations regulated
30 or required under this Permit;
- 31 • Have access to and copy, at reasonable times, any records that must be kept
32 under the conditions of this Permit;
- 33 • Inspect, at reasonable times, any facilities, equipment, including monitoring
34 and control equipment, practices, or operations regulated or required under
35 this Permit; and
- 36 • Sample or monitor, at reasonable times, for the purposes of ensuring Permit
37 compliance or as otherwise authorized by the HWA or RCRA, any substances
38 or parameters at any location (40 CFR § 270.30(i)).

39 To facilitate these inspections and minimize delays in receiving photographs, the
40 Permittees shall provide security personnel with appropriate clearance to accompany

1 NMED during inspections to ensure that NMED inspectors do not photograph any
2 classified equipment, facilities or processes. The security personnel will review the
3 digital photographs taken by NMED prior to the conclusion of the inspection to release
4 them.

5 The burden is on the Permittees to demonstrate that any records that must be kept under
6 the conditions of this Permit must undergo a security review prior to allowing NMED to
7 take copies at the conclusion of the inspection. The Permittees must clearly delineate any
8 classified or restricted information during the inspection and provide copies of the
9 remaining material prior to the conclusion of the inspection.

10 **I.I.8 Sampling and Records**

11 **I.I.8.a Representative Sampling**

12 All samples and measurements taken by the Permittees under any condition in this Permit
13 shall be representative of the waste, media, equipment or structure being sampled. To
14 obtain a representative sample the Permittees shall use an appropriate method from
15 Appendix I of 40 CFR Part 261 or an equivalent method approved by the Secretary.
16 Laboratory methods must be those specified in the current edition of *Test Methods for*
17 *Evaluating Solid Waste Physical/Chemical Methods SW-846*, or an equivalent method, as
18 specified in the *Waste Analysis Plan* in Attachment B and Permit Condition (40
19 CFR § 270.30(j)(1)).

20 **I.I.8.b Records Retention**

21 The Permittees shall retain copies of all reports and records required by this Permit
22 including, but not limited to; records of all data used to complete the Application; data
23 gathered or generated during the closure or post-closure process, including laboratory
24 reports, drilling logs, bench-scale or pilot scale data, and supporting information; and the
25 waste minimization certification required by 40 CFR § 264.73(b)(9) and Permit
26 Condition , until the date that final closure and post-closure care are approved as
27 complete by the Secretary. This period may be extended by request of the Secretary at
28 any time and is automatically extended during the course of any unresolved enforcement
29 action regarding the Facility (40 CFR § 270.30(j)(2)).

30 **I.I.9 Reporting Planned Changes**

31 The Permittees shall give notice to the Secretary, as soon as possible, of any planned
32 physical alterations or additions to the Facility, in compliance with 40 CFR §
33 270.30(l)(1).

34 **I.I.10 Reporting Anticipated Noncompliance**

35 The Permittees shall give advance notice to the Secretary of any planned changes to the
36 Facility or any activities that may result in noncompliance with Permit requirements in
37 compliance with 40 CFR § 270.30(l)(2).

1 **I.I.11 Twenty-Four Hour and Subsequent Reporting**

2 The Permittees shall report to the Secretary any noncompliance or incident at the Facility
3 that may endanger human health or the environment in compliance with [REDACTED] and
4 Permit Conditions [REDACTED] and [REDACTED].

5 **I.I.11.a Oral Report**

6 The Permittees shall make an initial oral report within 24 hours from the time the
7 Permittees become aware of the circumstances that includes the following:

- 8 • Information concerning the release of any hazardous or mixed waste or
9 hazardous constituent which may endanger public drinking water supplies;
- 10 • Information concerning the release or discharge of any hazardous or mixed
11 waste or hazardous constituents, or of a fire or explosion at the Facility, which
12 may threaten the environment or human health outside the Facility; and
- 13 • A description of the occurrence and its cause including:
 - 14 ○ Name, address, and telephone number of the owner and operator;
 - 15 ○ Name, address, and telephone number of the Facility;
 - 16 ○ Date, time, and type of incident;
 - 17 ○ Name and quantity of materials involved;
 - 18 ○ The extent of injuries, if any;
 - 19 ○ An assessment of actual or potential hazards to the environment and
20 human health outside the Facility, where this is applicable; and,
 - 21 ○ The estimated quantity and disposition of recovered material that
22 resulted from the incident (40 CFR § 270.30(1)(6)(i)).

23 **I.I.11.b Written Report**

24 The Permittees shall submit a written report within five calendar days after the time the
25 Permittees become aware of the circumstances under Permit Condition [REDACTED]. The
26 Permittees' written report shall contain a description of the noncompliance or incident
27 and its cause including the following:

- 28 • Name, address, and telephone number of the owner and operator;
- 29 • Name, address, and telephone number of the Facility;
- 30 • Date, time, and type of incident;
- 31 • The likely cause of the incident, if known;
- 32 • Name and quantity of materials involved;
- 33 • The extent of injuries, if any;
- 34 • An assessment of actual or potential hazards to the environment and human
35 health outside the Facility, where this is applicable;
- 36 • An estimated quantity and the disposition of recovered material that resulted
37 from the incident;

- 1 • The period of the noncompliance or incident including exact dates and times,
2 and, if the noncompliance or incident has not been corrected, the anticipated
3 time it is expected to be corrected; and
4 • Steps taken or planned to reduce, eliminate, and prevent recurrence of the
5 noncompliance, incident, or imminent hazard (40 CFR § 270.30(l)(6)(iii)).

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

8 **I.I.12 Other Noncompliance**

9 The Permittees shall report all instances of noncompliance not reported under Permit
10 Conditions [REDACTED] at the time monitoring reports are submitted. These reports shall
11 contain the information listed in Permit Condition [REDACTED] and 40 CFR 270.30(l)(10).

12 **I.I.13 Other Information**

13 Whenever the Permittees become aware that they have failed to submit any relevant facts
14 in a permit application or submitted incorrect information in a permit application or in
15 any report to the Secretary, the Permittees shall promptly report such facts or information
16 in compliance with 40 CFR 270.30(l)(11).

17 **I.I.14 Biennial Report**

18 The Permittees shall submit a biennial report, which includes all of the information
19 specified in 40 CFR § 264.75, to the Secretary by March 1 of each even numbered year.

20 **I.I.15 Signatory Requirement**

21 The Permittees shall sign and certify all applications, reports, or information submitted to
22 or requested by the Secretary or required by this Permit, in compliance with 40 CFR §§
23 270.11 and 270.30(k).

24 **I.I.16 Submissions to the New Mexico Environment Department**

25 The Permittees shall submit all reports, notifications, or other submissions required by
26 this Permit to be submitted to the NMED by certified mail or hand-delivery to:

27 **Program Manager**

28 Hazardous Waste Bureau

29 New Mexico Environment Department

30 2905 Rodeo Park Drive East, Building 1

31 Santa Fe, NM 87505-6303

1 **I.I.17 Confidential and Classified Information**

2 The Permittees may claim that any information required by this Permit or otherwise
3 submitted to NMED is confidential or classified, pursuant to the provisions of §§ 74-4-
4 4.3(D) and (F) of the HWA and 40 CFR §§ 260.2 and 270.12.

5 The Permittees shall segregate classified and confidential material during all record
6 keeping required under this Permit to facilitate NMED inspections and copying under
7 Permit Condition ____.

8 **I.J INFORMATION REPOSITORY**

9 The Permittees shall maintain an information repository at _____. Permittees shall
10 allow public access to the information repository during normal business hours and shall
11 maintain in the information repository, at a minimum, the administrative record for this
12 Permit issuance, the administrative record for the Consent Agreement, and all records,
13 which are required to be kept under Permit Condition ____ in compliance with 40 CFR §§
14 124.33 and 270.30(m).

15 **I.K GENERAL DOCUMENTS AND INFORMATION TO BE MAINTAINED**
16 **AT THE FACILITY**

17 The Permittees shall maintain at the Facility until completion of closure and post-closure
18 care in compliance with Permit Conditions 2.16 and 2.17 is approved by the Secretary, or
19 as otherwise specified below, the following documents and all amendments, revisions,
20 and modifications to these documents:

- 21 • This Permit, including all Attachments;
- 22 • A general description of the Facility as required by this Permit;
- 23 • A topographic map as required by 40 CFR §§ 264.18 and 270.13 and this
24 Permit.
- 25 • The chemical and physical analyses of the hazardous wastes, mixed low-level
26 wastes, mixed TRU wastes and hazardous debris managed or handled at the
27 Facility under this Permit. At a minimum these analyses shall contain all the
28 information required to treat or store the wastes properly under the
29 requirements of 40 CFR Part 264 and as required by this Permit.
- 30 • The Waste Analysis Plan as required by 40 CFR § 264.13(b) and this Permit;
- 31 • Security procedures and a listing of security equipment as required by 40 CFR
32 § 264.14 and this Permit;
- 33 • Inspection schedules and results, for three years from the date of the
34 inspection, as required by 40 CFR § 264.15(b)(2) and this Permit;
- 35 • Preparedness and prevention procedures and a listing of related equipment as
36 required by 40 CFR Part 264, Subpart C and this Permit;
- 37 • Personnel training, including both introductory and continuing training
38 programs, used to prepare employees to safely operate and maintain this
39 Facility in compliance with 40 CFR § 264.16(d) and this Permit;

- 1 • The Contingency Plan and any summary reports and details of all incidents
2 that require implementation of the Contingency Plan, and a copy of all
3 Memorandums of Agreement, Memorandums of Understanding, Mutual Aid
4 Agreements and contracts with emergency response contractors and suppliers
5 required by Permit Condition _____ and 40 CFR § 264.56(j);
6 • A description of procedures, structures or equipment used at the Facility to
7 prevent hazards in unloading/loading operations, prevent run-off from
8 hazardous waste handling areas to other areas of the Facility or environment
9 or to prevent flooding, prevent contamination of water supplies, mitigate the
10 effects of equipment failure and power outages, prevent undue exposure of
11 personnel to hazardous waste, and prevent releases to the atmosphere as
12 required under this Permit;
13 • Special precautions for ignitable, reactive, or incompatible wastes as required
14 by 40 CFR § 264.17 and this Permit;
15 • Traffic patterns, estimated volumes and control as required by this Permit;
16 • The Facility Operating Record, as required by 40 CFR § 264.73 and Permit
17 Condition 2.16.1;
18 • Closure plans for each Permitted Unit as required by 40 CFR § 264.112 and
19 this Permit;
20 • Contingent post-closure plans for _____; and
21 • Financial assurance _____.

22 The Permittees shall maintain the information and records by this Permit Condition
23 _____ in paper form or in an electronic form acceptable to NMED.

24 **I.L PUBLIC E-MAIL NOTIFICATION LIST**The Permittees shall develop and
25 maintain an e-mail list to notify members of the public concerning actions identified in
26 this Permit requiring e-mail notification. The Permittees shall provide a link on the
27 LANL Home Page <<http://www.lanl.gov>> whereby members of the public may review
28 the actions requiring e-mail notification and submit a request to be placed on this list.

29 **I.M COMMUNITY RELATIONS PLAN**

30 Do we need this with the addition of the e-mail notification and the existence of the
31 CAB? If we create one what do we want it to do?

32 **I.N DISPUTE RESOLUTION**

33 **I.N.1 Applicability**In the event the Permittees disagree, in whole or in part, with an
34 action on a _____ by NMED (as specified in Permit Condition _____) the Permittees
35 may seek dispute resolution. The dispute resolution procedure in this Permit Condition
36 shall be the exclusive mechanism for resolving disputes related to _____.

37 **I.N.2 Notice to NMED**

38

1 To invoke dispute resolution, the Permittees shall notify NMED in writing within 7
2 calendar days of _____ in dispute. Such notice shall be sent to the Hazardous Waste
3 Bureau Chief and must set forth the specific matters in dispute, the position the
4 Permittees assert should be adopted, a detailed explanation for the Permittees' position,
5 and any other matters considered necessary for the dispute resolution. NMED shall
6 acknowledge receipt of notification by e-mail sent to the Permittees' representative as
7 designated in their written notification

8 **I.N.3 Informal Negotiations**

9

10 The Permittees and NMED shall make all reasonable, good faith efforts to informally
11 resolve disputes related to _____. The Permittees and NMED shall meet or tele-
12 conference within fifteen (15) calendar days from NMED's receipt of notice to
13 commence negotiations to resolve the dispute. The Permittees and NMED shall have 30
14 calendar days from NMED's receipt of notice to resolve the dispute. If an agreement is
15 reached, NMED shall promptly inform the Permittees of the terms of the agreement in
16 writing. The Permittees shall comply with the terms of such agreement or, if appropriate,
17 submit a revised submittal and implement the same in accordance with such agreement. If
18 an agreement is not reached, NMED shall promptly inform the Permittees in writing that
19 an agreement has not been reached.

20 **I.N.4 Tier II - Final Decision of the Secretary**

21 In the event agreement is not reached within the 30 calendar day period, the Permittees
22 may submit a written Request for Final Decision to the Secretary. The Request must be
23 submitted within 7 calendar days after receipt of notification from NMED that an
24 agreement under Tier I was not reached. The Secretary will notify the Permittees in
25 writing of the decision on the dispute, and the Permittees shall comply with the terms and
26 conditions of the decision. Such decision shall be the final resolution of the dispute and
27 shall be enforceable under this Permit.

28 **I.N.5 Actions Not Affected by Dispute**

29 With the exception of those matters under dispute, the Permittees shall proceed to take
30 any action required by those portions of the submission and of this Permit that NMED
31 determines are not affected by the dispute.

32