



Permit

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November 14, 2006

Mr. David Cobrain  
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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-Part 2), 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 2** 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 Tuesday, November 14, 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 14, 2006 at [Dave.Cobrain@state.nm.us](mailto: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*

June K. Dreith  
Project Manager



Enclosures

Cc.

[REDACTED]

Denver Files

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

**Formatting of Draft LANL Permit  
Part II**

**Submitted to:**

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Mr. Steve Pullen  
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Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1,  
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**November, 2006**

1

## PART II: GENERAL FACILITY CONDITIONS

2

### II.A GENERAL WASTE ANALYSIS

3

#### II.A.1 Hazardous and Mixed Wastes Managed at LANL under the Permit

4

The following eight general types of hazardous wastes are managed by the Permittees  
5 under this Permit:

6

- Hazardous wastes from basic and applied chemistry research and development  
7 (R&D) Programs;
- 8 • Hazardous wastes from processing operations;
- 9 • High explosive wastes;
- 10 • Waste treatment residues;
- 11 • Wastes from decontamination and decommissioning projects;
- 12 • Wastes from environmental restoration activities;
- 13 • Mixed low-level wastes; and
- 14 • Mixed transuranic (TRU) wastes.

15

A more detailed description of the hazardous wastes managed under this Permit is  
16 provided in the Waste Analysis Plan (WAP) in Attachment \_\_\_.

17

#### II.A.2 Authorized Wastes

18

##### II.A.2.a Hazardous Wastes from On-Site Sources

19

The Permittees shall only accept, store, treat, or otherwise manage at Permitted Units at  
20 the Facility only those hazardous wastes, mixed low-level wastes and mixed TRU wastes  
21 bearing the U.S. Environmental Protection Agency (EPA) Hazardous Waste Numbers  
22 listed in Attachment I (*Authorized Wastes*)

23

##### II.A.2.b Hazardous Waste from Off-Site Sources

24

The Permittees shall accept, store, treat or otherwise manage at Permitted Units at the  
25 Facility only those hazardous, mixed low-level and mixed TRU wastes from the  
26 following off-site sources:

27

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

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

#### 4 **II.A.3 Prohibited Wastes**

##### 5 **II.A.3.a Hazardous Waste Imports**

6 The Permittees shall not accept, store, treat, or otherwise manage at Permitted Units at  
7 the Facility hazardous wastes from foreign sources.

##### 8 **II.A.3.b PCB-Contaminated Waste**

9 The Permittees shall not store liquid hazardous wastes containing polychlorinated  
10 biphenyls (PCBs) at concentrations greater than 50 parts per million (ppm) unless such  
11 storage is for less than one year from the date the waste is placed in storage and is in  
12 compliance with all requirements of 40 CFR § 761.65(b).

#### 13 **II.A.4 Waste Characterization Requirements**

14 The Permittees shall accept, store, treat, or otherwise manage at Permitted Units at the  
15 Facility only those hazardous, mixed low-level wastes and mixed TRU wastes that have  
16 been fully characterized in accordance with the requirements of 40 CFR § 264.13 this  
17 Permit and the WAP in Attachment B. At a minimum, the Permittees must obtain and  
18 document all of the information, which must be known to treat, store or otherwise  
19 manage a hazardous waste in accordance with 40 CFR Parts 264 and 268.

20 The Permittees shall characterize waste by using current sampling and analysis,  
21 acceptable knowledge (AK) or a combination of the two methods.

##### 22 **II.A.4.a Sampling and Analysis for Hazardous Wastes**

23 The Permittees shall perform all sampling and analytical procedures used for waste  
24 characterization in accordance with the most recent version of *Test Methods for*  
25 *Evaluating Solid Waste, Physical/Chemical Methods*, (U.S. EPA Publication SW-846) or  
26 an equivalent method, which has received prior approval from the Department. The  
27 Permittees shall perform chemical and physical sampling and analyses for mixed TRU  
28 wastes destined for disposal at the Waste Isolation Pilot Plant (WIPP) in accordance with  
29 both this Permit and the most recent version of the WIPP Hazardous Waste Facility  
30 Permit.

31 The Permittees shall ensure that samples collected and analyzed for waste  
32 characterization are representative of both the nature and the entire volume of the waste  
33 under consideration.

34 The Permittees shall ensure that the sampling and analytical procedures used to collect a  
35 representative sample of a waste preserve its original physical form and composition and  
36 ensure prevention of contamination or changes in concentration of the constituents to be

1 analyzed. The Permittees shall conduct a quality assurance program to ensure that  
2 sample collection and analytical procedures used to support waste characterization  
3 required under this Permit are technically accurate and statistically valid. This quality  
4 assurance program must comply with the quality assurance requirements in SW-846.  
5 The Permittees shall identify and perform the appropriate number of control samples  
6 associated with each sample collected (e.g. trip and field blanks, field duplicates, and  
7 field spikes).

8 When performing laboratory analysis the Permittees or the independent laboratory shall  
9 analyze the appropriate number of method blanks, laboratory duplicates, and laboratory  
10 control samples to assess the quality of the data resulting from laboratory analytical  
11 programs. The Permittees shall maintain a record of these quality assurance procedures in  
12 the Facility Operating Record in compliance with 40 CFR § 264.73 and Permit  
13 Condition.

14 If the Permittees use an independent contract laboratory to perform analyses, the  
15 Permittees shall enter into a written contract with the laboratory, which requires the  
16 analytical laboratory to operate under the waste analysis conditions set forth in this  
17 Permit. Copies of all such contracts with independent contract laboratories shall be kept  
18 in the Facility Operating Record.

19 If the Permittees chose to propose an analytical method that deviates from an established  
20 method in SW-846, the Permittees must demonstrate and document to the Secretary that  
21 the proposed analytical procedure that is equal to or superior to the corresponding method  
22 in SW-846 in terms of its sensitivity, accuracy and precision. The Permittees must  
23 submit a written request to the Department 90 days prior to using the proposed sampling  
24 or analytical procedure, which includes the following information:

- 25 • A statement of the need and justification for the proposed action;
- 26 • A full description of the proposed method (i.e a standard operating  
27 procedure), including all procedural steps and equipment used in the method;
- 28 • A description of the types of wastes or waste matrices for which the proposed  
29 method may be used;
- 30 • Performance data;
- 31 • Comparative results obtained from using the proposed method with those  
32 obtained from using the relevant or corresponding methods prescribed in SW-  
33 846 and 40 CFR Parts 261 and 264;
- 34 • An assessment of any factors which may interfere with or limit the use of the  
35 proposed method; and
- 36 • A description of the quality control procedures necessary to ensure the  
37 sensitivity, accuracy and precision of the proposed method.

38 The Department must issue a written approval of the alternative method before the  
39 Permittees may substitute it for an approved method under this Permit.

1 **II.A.4.b Acceptable Knowledge**

2 The Permittees may use AK to characterize waste in lieu of sampling and analysis or to  
3 supplement sampling and analysis. The Permittees shall include in the AK documentation  
4 all of the background information assembled and used in the characterization process,  
5 whether or not the information supports the decision to use AK. The AK record must  
6 document the resolution of any data discrepancies between different AK sources.  
7 Acceptable knowledge documentation must be maintained in an auditable form in  
8 Facility Operating Record for \_\_\_\_\_. The Permittees shall assign a traceable  
9 identification number to this documentation to facilitate access to this information by the  
10 Permittees and NMED.

11 The Permittees shall collect and use AK for mixed TRU wastes destined for disposal at  
12 WIPP in accordance with both this Permit and the most recent version of the WIPP  
13 Hazardous Waste Facility Permit.

14 **II.A.4.c Wastes Received from Off-Site**

15 As stated in Permit Condition \_\_\_\_, the Permittees shall only accept wastes from off-site  
16 waste generators from the sources listed in \_\_\_\_\_. The Permittees shall obtain from the  
17 off-site generator a detailed characterization of a representative sample of any hazardous  
18 waste received at the Facility, in compliance with 40 CFR § 264.13(c).

19 If AK is used for the waste characterization, the Permittees shall require the generator to  
20 provide all AK documentation used to characterize the waste. In addition, the Permittees  
21 shall ensure that all applicable waste characterization requirements specified in this  
22 Permit Condition \_\_\_\_ have been met and documented.

23 The Permittees shall ensure that the waste matches the identity of the waste designated on  
24 the accompanying manifest or shipping paper. If discrepancies between the waste  
25 received and the information on the manifest are found, the Permittees shall notify  
26 NMED of the discrepancy within five days, and shall return the waste to the off-site  
27 generator within 90 days, unless the generator provides an acceptable resolution to the  
28 discrepancy within 90 days after receipt of the waste at the Facility.

29 **II.A.4.d Treatment-Derived Waste**

30 The Permittees shall characterize treatment-derived wastes by determining whether the  
31 waste is a hazardous waste in compliance with the requirements of this Permit Condition  
32 2.4 and in compliance with the notification and record-keeping requirements specified at  
33 20.4.1.800 NMAC (incorporating 40 CFR § 268.7(b)(3)(ii)), Treatment Facility  
34 Paperwork Requirements Table, Requirement 1).

35 **II.A.5 Waste Characterization Review Requirements**

36 The Permittees shall ensure that the initial characterization of any hazardous waste  
37 managed under the Permit waste is reviewed or repeated according to the frequency

1 established in the Permit and the WAP in Attachment 1 to verify that the  
2 characterization is accurate and up-to-date in compliance with 40 CFR § 264.13(b)(4).

3 The Permittees shall:

- 4 • Annually re-characterize all hazardous, mixed low-level and mixed TRU  
5 wastes managed under this Permit, at a minimum, to verify the accuracy of  
6 initial characterization results. For wastes originally characterized through  
7 sampling and analysis, verification shall be achieved using the same sampling  
8 and analysis methodologies used in the initial analysis. For wastes  
9 characterized through AK, verification may be achieved through a review of  
10 AK information and/or sampling and analysis;
- 11 • Re-characterize a hazardous, mixed low-level or mixed TRU waste managed  
12 under this Permit whenever there is a change in waste-generating processes  
13 that may affect the physical or chemical properties or listed status of the  
14 waste; and
- 15 • Re-characterize a hazardous, mixed low-level or mixed TRU waste managed  
16 under this Permit whenever the Permittees are notified by an off-site facility  
17 that has received a hazardous waste from the Facility that the characterization  
18 of the waste received at the off-site does not match a pre-approved waste  
19 analysis certification or accompanying waste manifest or shipping paper. The  
20 Permittees shall notify NMED in writing within 24 hours of their receipt of  
21 such a discrepancy notice from a receiving facility.

22 Wastes listed at 40 CFR § 261.33 (i.e. discarded commercial chemical products, off-  
23 specification species, container residues and spill residues thereof) and for which the  
24 Permittees possess an MSDS or equivalent information from the manufacturer identifying  
25 chemical content are exempt from the re-evaluation requirements of Permit Condition  
26         .

27 The Permittees shall satisfy the waste characterization review requirements for mixed  
28 TRU wastes destined for disposal at WIPP contained in this Permit and the most recent  
29 version of the WIPP Hazardous Waste Facility Permit.

### 30 **II.A.6 Procedures to Ensure Compliance with RCRA Air Emission** 31 **Requirements**

32 The Permittees shall characterize hazardous wastes managed in containers to determine  
33 the average volatile organic compound (VOC) concentration relative to 500 parts per  
34 million by weight (ppmw) at the point of waste origination in compliance with 40 CFR  
35 Part 264, Subpart CC. The Permittees shall determine the average VOC concentration  
36 either by utilizing verifiable AK or by using the procedures specified in 40 CFR §  
37 264.1083(a). The Permittees shall review and update this determination at least once  
38 every 12 months following the date of the initial determination in compliance with 40  
39 CFR § 264.1082(c)(1).

1 The Permittees are not required to determine the average VOC concentration from  
2 hazardous waste containers if the Permittees control air pollution emissions from  
3 containers in accordance with the container construction specifications and operation  
4 requirements at 40 CFR § 264.1086(b).

5 The Permittees are not be required to determine the average VOC concentration of  
6 containers of mixed wastes as exempted at 40 CFR § 264.1080(b)(6).

## 7 **II.A.7 Land Disposal Restriction Requirements**

### 8 **II.A.7.a Hazardous Waste Analysis**

9 The Permittees shall determine if a hazardous waste managed under this Permit must be  
10 treated before it may be land disposed in accordance with 40 CFR §§ 268.40, 268.45, or  
11 268.49. The Permittees shall make this determination by sampling and analyses of a  
12 representative sample of the waste, AK, or a combination of the two methods.

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

21 The Permittees shall characterize treatment-derived wastes, including wastes that are de-  
22 characterized and are no longer hazardous waste, to determine whether the waste meets  
23 the applicable LDR treatment standards specified at 40 CFR §§ 268.40, 268.45, and  
24 268.49, in compliance with 40 CFR § 268.7(b). The Permittees shall characterize  
25 treatment-derived waste to determine the presence of any of the constituents of concern  
26 for hazardous waste codes F001 through F005 and F039, in compliance with 40 CFR §  
27 268.7(b)(3)(ii), and underlying hazardous constituents in characteristic wastes, as defined  
28 at 40 CFR § 268.2, unless the waste will be treated and monitored for all constituents, in  
29 compliance with 40 CFR § 268.7(b)(3)(ii).

### 30 **II.A.7.b Hazardous Waste Storage**

31 The Permittees shall ensure that each container or tank of hazardous waste, mixed low-  
32 level or mixed TRU waste that is placed into storage at a Permitted Unit is clearly  
33 marked to identify its contents and the date each period of accumulation began in  
34 accordance with 40 CFR § 268.50(2)(i) and (2)(ii).

35 The Permittees may store hazardous wastes that are restricted from land disposal under  
36 40 CFR Part 268, Subpart C for up to one year from the date that the wastes were first  
37 placed into storage at the Facility, unless NMED demonstrates that such storage was not  
38 solely for the purpose of accumulating such quantities of hazardous waste as are  
39 necessary to facilitate proper recovery, treatment or disposal.

1 The Permittees shall not store such wastes beyond one year from the date that the wastes  
2 were first placed into storage at the Facility unless the Permittees are able to demonstrate  
3 to NMED that such storage was solely for the purpose of accumulating such quantities of  
4 hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

5 **II.A.7.c Mixed Low Level Waste Storage**

6 The Permittees may store mixed low-level wastes that are restricted from land disposal  
7 under 40 CFR Part 268, Subpart C for up to one year from the date that the wastes were  
8 first placed into storage at the Facility, unless NMED demonstrates that such storage was  
9 not solely for the purpose of accumulating such quantities of hazardous waste as are  
10 necessary to facilitate proper recovery, treatment or disposal.

11 The Permittees shall not store such wastes beyond one year from the date that the wastes  
12 were first placed into storage at the Facility unless the Permittees demonstrate to NMED  
13 that the mixed low-level waste is included in the Site Treatment Plan (STP) under the  
14 FFCO, which was issued by the NMED on October 4, 1995, and such storage is  
15 otherwise in compliance with all requirements of the STP and FFCO. The STP, which  
16 was written to address treatment capacities and technologies to treat all of the Permittees'  
17 mixed wastes, is updated annually on or before March 31 pursuant to Section VII of the  
18 FFCO.

19 **II.A.7.d Mixed TRU Waste Storage**

20 The Permittees may store mixed TRU wastes that are restricted from land disposal under  
21 40 CFR Part 268, Subpart C for up to one year from the date that the wastes were first  
22 placed into storage at the Facility, unless NMED demonstrates that such storage was not  
23 solely for the purpose of accumulating such quantities of hazardous waste as are  
24 necessary to facilitate proper recovery, treatment or disposal.

25 The Permittees shall not store such wastes beyond one year from the date that the wastes  
26 were first placed into storage at the Facility unless the Permittees demonstrate to NMED  
27 that the mixed TRU waste is included in the STP under the FFCO.

28 **II.A.7.e Prohibition on Dilution as a Substitute for Treatment**

29 The Permittees shall not dilute a waste that is restricted from land disposal, or the residue  
30 from treatment of a restricted waste, as a substitute for treatment in compliance with 40  
31 CFR § 268.3. Dilution to avoid an applicable treatment standard includes, but is not  
32 limited to, the addition of solid waste to reduce a hazardous constituent's concentration or  
33 ineffective treatment that does not destroy, remove, or permanently immobilize  
34 hazardous constituents. The Permittees shall not aggregate a waste that is restricted from  
35 land disposal with other waste streams or materials as a substitute for compliance with 40  
36 CFR § 268.3. Aggregating or mixing wastes as part of a legitimate treatment process is  
37 not considered impermissible dilution for purposes of this Permit.

1 **II.A.8 Waste Characterization Documentation Requirements**

2 The Permittees shall maintain the waste characterization information specified in Table  
3 3.0, *Required Waste Characterization Information*, in the Facility Operating Record for  
4 [REDACTED]. For records that contain waste characterization information but are required to  
5 be archived elsewhere at the Facility, such as laboratory record books, the Permittees  
6 shall assign a traceable identification number to this documentation to facilitate access to  
7 this information by the Permittees and NMED for as long as required under [REDACTED].

8 The Permittees shall maintain waste characterization documentation for mixed TRU  
9 wastes destined for disposal at WIPP in accordance with both this Permit and the most  
10 recent version of the WIPP Hazardous Waste Facility Permit.

11 **II.B SECURITY**

12 The Permittees shall prevent the unknowing entry and minimize the possibility of  
13 unauthorized entry of persons or livestock onto active portions of the Facility. The  
14 Permittees shall comply with the security provisions and procedures specified in Permit  
15 Conditions 2.7.1 and 2.7.2, and [REDACTED] in compliance with 40 CFR § 264.14.

16 **II.B.1 Surveillance and Means to Control Entry**

17 The Permittees shall employ one or more of the following means to comply with the  
18 security requirements in 40 CFR § 264.14(a):

- 19
- 20 • A 24-hour surveillance system, which continuously monitors and controls  
21 entry onto the active portion of the Facility and/or
  - 22 • An artificial or natural barrier (e.g. a fence in good repair or a fence combined  
23 with a cliff), which completely surrounds the active portion of the Facility and
  - 24 • A means to control entry at all times, through gates or other entrances to the  
25 active portions of the Facility (e.g. attendants, television monitors, locked  
entrances and/or controlled roadway access).

26 The Permittees shall implement the specific means used for surveillance and to control  
27 entry for each Permitted Unit as set forth in Attachment [REDACTED].

28 **II.B.2 Warning Signs**

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

34 **DANGER - UNAUTHORIZED PERSONNEL KEEP OUT or DANGER –**  
35 **HAZARDOUS WASTE STORAGE AREA and EL PELIGRO – EL**  
36 **PERSONAL NO AUTORIZADO NO ENTRAR or EL PELIGRO - EL**

1           **ALMACENAMIENTO DEL DESECHO or EL PELIGRO - EL AREA DE**  
2           **LA ADMINISTRACIÓN PELIGROSO.**

3           The Permittees shall also post warning signs in Tewa along the common boundaries  
4           between the Facility and the Pueblo of San Ildefonso (PO WHO GEH) and the Santa  
5           Clara Pueblo (Kha-'Po) in sufficient numbers to be visible from all angles of approach to  
6           Permitted Units and visible from a distance of at least 25 feet. The Permittees shall  
7           include on these signs the following or equivalent language:

8           \_\_\_\_\_

9           **II.C    GENERAL INSPECTION REQUIREMENTS**

10          The Permittees shall inspect Permitted Units for malfunctions or deterioration, operator  
11          errors, or discharges during hazardous waste, mixed low-level waste and mixed TRU  
12          waste management activities in time to correct them before they harm human health or  
13          the environment. The Permittees shall implement the inspection program for the  
14          Permitted Units at the Facility contained in compliance with Permit Condition 2.8, and  
15          the inspection schedules and requirements in the Inspection Plan in Permit Attachment C  
16          and 40 CFR §§ 264.15, 264.174, and 264.602.

17          **II.C.1    Inspection Schedule**

18          The Permittees shall inspect Permitted Units at the Facility, including any containers,  
19          monitoring equipment, safety and emergency equipment, security devices, and operating  
20          and structural equipment, at least once a week, in compliance with the inspection  
21          schedules contained in the *Inspection Plan* in Permit Attachment C and 40 CFR §§  
22          264.15(a) and (b), 264.174, and 264.602.

23          The Permittees may vary the frequency of the inspections in the *Inspection Plan* in  
24          Permit Attachment C by item on the schedule, however, the Permittees shall base the  
25          frequency upon the rate of deterioration of the equipment and the probability of an  
26          environmental or human health incident if the deterioration, malfunction or operator error  
27          goes undetected between inspections. The Permittees shall inspect areas subject to spills,  
28          such as loading and unloading areas daily when in use in compliance with 40 CFR §  
29          264.15(b)(4).

30          **II.C.2    Repair of Equipment and Structures**

31          The Permittees shall remedy any deterioration or malfunction of equipment or structures  
32          discovered during an inspection on a timely and consistent basis, which ensures that the  
33          problem does not lead to an environmental or human health hazard. The Permittees shall  
34          immediately implement remedial action where a hazard is imminent or has already  
35          occurred in compliance with 40 CFR §§ 264.15(c) and 264.171.

36          The Permittees shall ensure that preventative maintenance activities are performed on  
37          timely and consistent basis and that detailed maintenance records are maintained in the

1 Facility Operating Records for a minimum of three years from the date the piece of  
2 equipment is permanently taken out of service.

3 **II.C.3 Inspection Logs and Records**

4 The Permittees shall record the results of inspections in an inspection log in the  
5 *Hazardous and Mixed Waste Facility Inspection Record Form* in the *Inspection Plan* in  
6 Permit Attachment C, or equivalent form approved by the Secretary, for each inspection  
7 conducted under Permit Condition 2.8. At a minimum, the Permittees shall record the  
8 date and time of the inspection, the name and Z-number of the inspector, a notation of the  
9 observations made, and the date and nature of any repairs or other remedial actions, in  
10 compliance with 40 CFR § 264.15(d). The Permittees shall ensure that these records are  
11 clearly legible, all handwritten information is in ink, and any errors are be crossed out  
12 with one line and initialed and dated by the inspector making the correction.

13 The Permittees shall maintain inspection logs in the Facility Operating Record for at least  
14 three years from the date of inspection, in compliance with Permit Condition 1.6 and 40  
15 CFR § 264.15(d).

16 The Permittees shall record the results of preventative maintenance activities in a written  
17 log. The Permittees shall maintain inspection logs in the Facility Operating Record for at  
18 least three years from the date that the piece of equipment is permanently taken out of  
19 service. The Permittees shall also maintain maintenance records on fire protection, testing  
20 and maintenance equipment in accordance with National Fire Protection Association  
21 (NFPA) standards.

22 **II.D PERSONNEL TRAINING**

23 The Permittees shall ensure that all Facility personnel who are involved in hazardous  
24 waste management activities that are regulated under this Permit successfully complete a  
25 training program, which complies with CFR § 264.16, within six months after their date  
26 of employment or assignment to a Facility or a new Facility, whichever is later. The  
27 Permittees shall ensure that personnel do not work in unsupervised positions until they  
28 have completed the appropriate level of training. The Permittees shall follow the  
29 personnel training program and procedures specified in the Personnel Training Plan in  
30 Permit Attachment D.

31 **II.D.1 Content of Training Program**

32 The Permittees shall ensure that all components of the training program are directed by a  
33 person trained in hazardous waste management procedures. The Permittees shall ensure  
34 that this training program includes instruction, which teaches Facility personnel  
35 hazardous waste management procedures, including *Contingency Plan* implementation,  
36 that are relevant to their position descriptions. At a minimum, the Permittees shall ensure  
37 that the training program has been designed to prepare Facility personnel to respond  
38 effectively to emergencies by familiarizing them with emergency procedures, emergency  
39 equipment, and emergency systems, including, where applicable:

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

8       *The Permittees shall ensure that Facility personnel who are involved in hazardous waste*  
9       *management activities that are regulated under this Permit complete an annual review of*  
10       *the initial training required in 40 CFR § 264.16(a).*

#### 11    **II.D.2    Personnel Training Records**

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

16    The Permittees shall ensure that training records include the following documentation:

- 17           • The job title for each hazardous waste management position at the Facility
- 18           and the name and Z-number of each employee filling the position;
- 19           • A written job description for each hazardous waste management position. This
- 20           description must include the requisite skill, education or other qualifications
- 21           and duties of employees assigned to each position;
- 22           • A written description of the type and amount of both introductory and
- 23           continuing training that will be given to each person filling a hazardous waste
- 24           management position; and
- 25           • Records that document Facility personnel have received and completed the
- 26           training and/or job experience required under Permit Conditions \_\_ through
- 27           \_\_. The records must be searchable by employee name, employee Z-number,
- 28           or position description.

#### 29    **II.E    SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR** 30    **INCOMPATIBLE WASTE**

31    The Permittees shall manage ignitable, reactive and incompatible hazardous, mixed low-  
32    level and TRU wastes in compliance with the requirements of 40 CFR § 264.17.

#### 33    **II.E.1    Ignitability and Ignition Precautions**

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

- 36           • Promptly follow up on project-specific fire protection program reviews related
- 37           to hazardous and mixed waste management at Permitted Units and verify that

- 1 proposed changes and modification have been implemented. The Permittees  
2 shall document the results of these follow up activities in the Facility  
3 Operating Record.
- 4 • Separate ignitable or reactive wastes and protect them from sources of ignition  
5 or reaction such as open flames, smoking, cutting and welding, hot surfaces,  
6 frictional heat, sparks (static, electrical or mechanical), spontaneous ignition  
7 and radiant heat;
  - 8 • Maintain adequate clearance around fire hydrants that serve Permitted Units;
  - 9 • Perform an ongoing review of fire protection, inspection, testing and  
10 maintenance to determine appropriate test criteria and preventative  
11 maintenance activities;
  - 12 • Ensure that system engineers perform trending analysis consistent with NFPA  
13 standards to anticipate impending failures of fire protection equipment or need  
14 for equipment replacement or enhanced testing requirements;
  - 15 • Confine smoking and open flames to designated areas while ignitable or  
16 reactive waste is being handled;
  - 17 • Post “No Smoking” and “No Fumar” in conspicuous locations wherever there  
18 is a hazard form ignitable or reactive waste; and
  - 19 • Maintain fire detection and fire suppression systems that automatically begin  
20 operation if there is a fire in a Permitted container storage unit and, in parallel,  
21 summon the Los Alamos Fire Department in compliance with 40 CFR §  
22 264.17(a) and (b). The Permittees shall ensure that each fire suppression  
23 system is compatible with the hazardous, low-level mixed or mixed TRU  
24 waste being managed in the Permitted Unit and that the Los Alamos Fire  
25 Department personnel are familiar with any hazards related to the wastes  
26 managed in the Permitted Unit.

### 27 **II.E.2 Reactivity Precautions**

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

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

### 38 **II.E.3 Documentation**

39 The Permittees shall document compliance with Permit Conditions \_\_ and \_\_ in the  
40 Facility Operating Record. The Permittees may base this documentation on references to  
41 published scientific or engineering literature, data from trial tests, waste analyses, or the

1 results of similar wastes by similar treatment processes and under similar operating  
2 conditions.

3 **II.F WASTE MINIMIZATION PROGRAM**

4 The Permittees shall institute a waste minimization program to reduce the volume and  
5 toxicity of hazardous wastes generated by the Facility's operation to the degree  
6 determined by the Permittee to be economically practicable; and the proposed method of  
7 treatment, storage, or disposal that is the practicable method currently available to the  
8 Permittees which minimizes the present and future threat to human health and the  
9 environment, in compliance with 40 CFR 264.73(b)(9).

10 The Permittees shall submit a copy of the annual certified statement regarding the waste  
11 minimization program required at Permit Condition \_\_ to the Secretary by December 1  
12 for the previous year ending September 30 in compliance with 40 CFR 264.75(i).

13 **II.G LOCATION STANDARDS**

14 **II.G.1 Seismic Location Standards**

15 The Permittees are not required to comply with the seismic location standards in 40 CFR  
16 § 264.18(a) because the hazardous waste management facility was in existence prior to  
17 the effective date of this standard.

18 **II.G.2 Floodplain Standards**

19 This doesn't apply but there is a potential hazard from flooding from runoff of hillsides  
20 de-forested by fire. Do we want to address this?

21 **II.H 2.7 PREPAREDNESS AND PREVENTION**

22 The Permittees shall maintain and operate the Facility in a manner that minimizes the  
23 possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous  
24 wastes or hazardous waste constituents to the air, soil or surface water that could threaten  
25 human health or the environment.

26 **II.H.1 Required Equipment**

27 At a minimum, the Permittees shall maintain at the Facility the equipment listed in *Table*  
28 *E-2 of the Contingency Plan*, in Permit Attachment E, in compliance with 40 CFR §  
29 264.32.

30 **II.H.2 Testing and Maintenance of Equipment**

31 The Permittees shall test and maintain the equipment specified in Permit Condition  
32 **2.12.1**, as necessary, to ensure its proper operation in time of emergency, in compliance  
33 with 40 CFR § 264.33.

1 The Permittees shall ensure that there is adequate water storage capacity available to the  
2 Facility to provide water for fire fighting purposes. The Permittees shall ensure that  
3 hydrants and block and pressure-regulating valves are inspected in accordance with the  
4 schedule in Attachment \_\_\_\_.

5 The Permittees shall ensure that adequate backup power supplies are available to operate  
6 emergency response equipment (e.g. external and internal communication and alarm  
7 equipment) in the event that the main power supply is disabled. The Permittees shall also  
8 ensure that it is possible to get fuel to backup generators under adverse conditions.

9 The Permittees shall ensure that the external communication equipment is compatible  
10 with the equipment used by the local authorities, emergency response organizations,  
11 medical providers and contractors that are identified in Attachment \_\_\_\_.

12 The Permittees shall ensure that if testing identifies any communication equipment, alarm  
13 system component or fire protection, spill control or decontamination equipment that is  
14 not functioning properly it is promptly repaired. The Permittees shall immediately  
15 provide substitute equipment or systems while the repairs are ongoing. The Permittees  
16 shall ensure that Facility employees and contractors are notified of the presence of  
17 substitute equipment and, if necessary, trained in its use. The Permittees shall ensure that  
18 malfunctioning equipment is clearly marked as "Out of Use" and the location of the  
19 substitute equipment is posted adjacent to the malfunctioning equipment.

### 20 **II.H.3 Access to Communications or Alarm System**

21 The Permittees shall ensure that all personnel shall have immediate access to an internal  
22 alarm or emergency communication device, either directly or through visual or voice  
23 contact with another employee whenever hazardous, mixed low-level or mixed TRU  
24 waste is being poured, mixed, spread or otherwise handled, in compliance with 40 CFR §  
25 264.34(a). The Permittees shall ensure that the communications device is accessible  
26 without personnel having to enter another building.

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

### 33 **II.H.4 Required Aisle Space**

34 The Permittees shall maintain adequate aisle space at all times to allow the unobstructed  
35 movement of personnel, fire protection equipment, spill control equipment, and  
36 decontamination equipment to any area of Facility operation, in compliance with 40  
37 CFR § 264.35, unless it can be demonstrated to the Secretary that aisle space is not  
38 needed for any of these purposes.

1 **II.H.5 Arrangements with Local Authorities**

2 The Permittees shall attempt to make preparedness and prevention arrangements with  
3 federal, state and local authorities, and tribal governments, in compliance with  
4 *Arrangements with Local Authorities* in the *Contingency Plan* in Permit Attachment C  
5 and 40 CFR § 264.37. These arrangements shall be in the form of a Memoranda of  
6 Understanding (MOU), a Memoranda of Agreement (MOA), or a Mutual Aid Agreement  
7 (MAA) between the Permittees and the off-site cooperating agencies and tribal  
8 governments. The following arrangements and agreements shall be attempted:

- 9 • Arrangements to familiarize police, fire departments, and emergency response  
10 teams with the layout of the facility and associated hazards, places where  
11 Facility personnel are normally working, entrances to roads and roads within  
12 the facility and possible evacuation routes;
- 13 • Agreements designating primary emergency authority to a specific police  
14 and/or fire department when more than one police and/or fire department may  
15 respond to an emergency;
- 16 • Agreements with any other organization that may provide support to the  
17 primary emergency authority;
- 18 • Agreements with state and federal emergency response teams, ;
- 19 • Arrangements to familiarize adjacent tribal governments with the properties of  
20 the hazardous, mixed low-level and mixed TRU wastes handled at the Facility  
21 and the types of illnesses and injuries that could result from fires, explosions  
22 or releases; and
- 23 • Arrangements to familiarize hospitals with the properties of the hazardous,  
24 mixed low-level and mixed TRU wastes handled at the Facility and the types  
25 of illnesses and injuries that could result from fires, explosions or releases.

26 The Permittees shall maintain copies and descriptions of the MOU's, MOA's, or MAA's  
27 in the Facility Operating Record, in compliance with Permit Conditions 1.6 and 40 CFR §  
28 264.37(b). These agreements must be renewed on an annual basis. The Permittees shall  
29 also place copies of any contracts with emergency response contractors and emergency  
30 suppliers related to preparedness and prevention and emergency response activities under  
31 this Permit in the Facility Operating Record for \_\_\_\_.

32 If federal, state or local authorities refuse to enter into preparedness and prevention  
33 agreements or the renewal of an agreement, the Permittees shall document the refusal in  
34 the Facility Operating Record and notify the Secretary in writing of the refusal.

35 **III CONTINGENCY PLAN**

36 **III.1 Purpose and Implementation of Contingency Plan**

37 The Permittees shall immediately implement the *Contingency Plan* in Permit Appendix  
38 \_\_\_\_ whenever there is a fire, explosion, or any unplanned sudden or non-sudden release of  
39 hazardous waste or hazardous constituents, which could threaten human health or the  
40 environment, in compliance with 40 CFR § 264.51(b). The Permittees shall ensure that an

1 adequate number of trained emergency response personnel are available at all times,  
2 including, but not limited to holidays, evenings and weekends.

### 3 **II.I.2 Content of the Contingency Plan**

4 The Permittees shall maintain the *Contingency Plan* in Permit Attachment    to ensure  
5 that it:

- 6 • Describes the actions that Facility personnel will take to comply with Permit  
7 Conditions    in response to fires, explosions, or any unplanned sudden or  
8 non-sudden release of hazardous or mixed waste or hazardous waste  
9 constituents to air, soil, surface or groundwater at the Facility;
- 10 • Describes all arrangements agreed upon by local police and fire departments;  
11 hospitals; federal, state and local emergency response teams and tribal  
12 governments to coordinate emergency services, as required in Permit  
13 Condition   ;
- 14 • Describes contracts with emergency response contractors and equipment  
15 suppliers as required in Permit Condition   ;
- 16 • Describes how this RCRA document is integrated into the emergency  
17 response structure at LANL;
- 18 • Provides a list of names, addresses and phone numbers (office, home, cell and  
19 pager, as applicable) of all persons qualified to act as an Emergency  
20 Coordinator;
- 21 • Defines a procedure for its controlled distribution;
- 22 • Includes a list of all on-site emergency equipment related to Permitted Units.  
23 In addition, the *Contingency Plan* shall provide a description of where this  
24 equipment is located, a physical description of each item on the list, a brief  
25 outline of its capabilities and TA-specific map illustrating equipment  
26 locations;
- 27 • Includes a comprehensive evacuation plan for Facility personnel where there  
28 is a possibility that evacuation may be necessary. The *Contingency Plan* shall  
29 also include individual Building Emergency Plans (BEPs), or equivalents, for  
30 Technical Areas with Permitted Units. The Permittees shall describe the  
31 signal(s) to be used to begin evacuation and primary and alternate evacuation  
32 routes;
- 33 • Includes procedures for sheltering-in-place as an alternative to evacuation;
- 34 • Includes procedures for responding to spills of hazardous and mixed wastes  
35 and hazardous constituents;
- 36 • Includes procedures for responding to explosions and any resultant releases of  
37 hazardous or mixed wastes or hazardous constituents;
- 38 • Includes procedures for responding to fires and any resultant releases of  
39 hazardous or mixed wastes or hazardous constituents; and
- 40 • Includes procedures for responding to unplanned, non-sudden releases of  
41 hazardous or mixed wastes or hazardous constituents.

1 **II.I.3 Distribution**

2 At a minimum, the Permittees shall maintain controlled copies of the *Contingency Plan*,  
3 which include all revisions, in the Facility Operating Record and in the office(s) of the  
4 Emergency Coordinator(s). The Permittees shall also maintain a copy of the applicable  
5 BEPs at each Technical Area with Permitted Units.

6 The Permittees shall also submit a controlled copy of the *Contingency Plan* to the  
7 Secretary, local police and fire departments, hospitals, contractors, tribal governments  
8 and federal, state and local emergency response teams with which the Permittees have  
9 MOU's, MOA's, MAA's or contracts required by Permit Condition ~~10~~ and 40 CFR §  
10 264.53. The Permittees shall promptly submit all *Contingency Plan* amendments and  
11 revisions to these same parties and maintain documentation of such distribution at the  
12 Facility. The Permittees shall send all copies of the *Contingency Plan* and any  
13 amendments and revisions that are distributed outside the Facility by certified mail with  
14 return receipt or an equivalent method

15 **II.I.4 Amendments to Plan**

16 Pursuant to 40 CFR § 264.54 the Permittees shall review the *Contingency Plan* and  
17 amend the Plan, if necessary, whenever:

- 18 • This Permit is revised;
- 19 • The LANL Emergency Management Plan is revised;
- 20 • The Los Alamos County Emergency Management Plan is revised;
- 21 • A BEP for a building which houses a Permitted Unit is changed;
- 22 • The *Contingency Plan* fails during a drill or an emergency;
- 23 • The Permittees modify the Facility, in either its design, construction,  
24 operation, maintenance or other circumstances, in a manner that materially  
25 increase the potential for fires, explosions, or releases of hazardous waste  
26 constituents and/or design changes the response necessary in an emergency;
- 27 • The Permittees modify the list of emergency coordinators; and/or
- 28 • The Permittees modify the list of emergency response equipment.
- 29 • 2.8.5 Emergency Coordinator

30 The Permittees shall designate at least one employee as an Emergency Coordinator who  
31 shall be responsible for coordinating all emergency response measures related to the  
32 management of hazardous or mixed wastes. The Emergency Coordinator shall be either  
33 on call at all times and, if away from the Facility, must be able to reach the Facility in a  
34 short travel time. The Emergency Coordinator shall be thoroughly familiar with the  
35 *Contingency Plan* and shall have the authority to promptly commit the personnel and  
36 financial resources needed to implement the *Contingency Plan*, in compliance with 40  
37 CFR § 264.55.

38 In the event of an imminent or actual emergency, the Emergency Coordinator shall  
39 activate the internal emergency alarms, notify the appropriate federal, tribal, state and  
40 local agencies with designated response roles, and implement the other requirements

1 specified in 40 CFR § 264.56 and the *Contingency Plan*. Where more than one person is  
2 listed, one individual shall be named as the Primary Emergency Coordinator and the  
3 others shall be listed in the order that they will assume responsibility as alternates.

#### 4 **II.I.5 Required Emergency Procedures**

##### 5 **II.I.5.a Immediate Actions**

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

##### 11 **II.I.5.b Release, Fire or Explosions**

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

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

##### 20 **II.I.5.c Reporting Findings**

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

- 25 • If the Emergency Coordinator's, or designated alternate's, assessment  
26 indicates that evacuation of local areas may be advisable, he or she shall  
27 immediately notify the appropriate local and tribal authorities and shall be  
28 available to assist appropriate officials decide whether local should be  
29 evacuated and
- 30 • The Emergency Coordinator, or designated alternate, shall immediately notify  
31 either the government official designated as the on-scene coordinator for that  
32 geographical area, or the National Response Center (using the 24-hour, toll-  
33 free number 800-424-8802). This report shall include:
  - 34 ○ The name and telephone number of the person reporting the incident;
  - 35 ○ The specific location at the Laboratory where the incident occurred;
  - 36 ○ The time and type of incident;
  - 37 ○ Name and quantities of materials involved, to the extent known;
  - 38 ○ The extent of any injuries, if any; and

- 1           ○ The possible hazards to human health and the environment outside the  
2           Facility.

3   **II.1.5.d    Mitigative Measures**

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

9   **II.1.5.e    Monitoring**

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

13   **II.1.6      Post-Emergency Procedures**

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

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

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

24   **II.1.7      Need for Further Corrective Action**

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

29   **II.1.8      Notification and Record Keeping**

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

33   The Emergency Coordinator, or designated alternate, shall note the time, date and details  
34   of any incident that required the implementation of the *Contingency Plan* in the Facility  
35   Operating Record. Within 15 days after the incident, the Emergency Coordinator, or

1 designated alternate, shall submit a written report on the incident to the Secretary. The  
2 Emergency Coordinator, or designated alternate, shall include the following information  
3 in this report:

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

## 13 **II.J RECORD KEEPING, REPORTING AND NOTIFICATION**

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

### 17 **II.J.1 Manifest Records**

18 The Permittees shall comply with the manifest requirements of 40 CFR §§ 264.71,  
19 264.72, and 264.76 whenever a shipment of hazardous waste is initiated from the  
20 Facility. The Permittees shall not accept any hazardous waste from an off-site source  
21 without the accompanying manifest.

### 22 **II.J.2 Operating Record**

23 The Permittees shall maintain a written Operating Record at the Facility, in compliance  
24 with 40 CFR § 264.73 and Permit Condition \_\_, until post-closure activities have been  
25 certified complete by the Secretary. The Permittees shall record the following  
26 information as soon as it becomes available:

- 27 • A description of hazardous waste generated, the quantity generated and  
28 methods and dates of storage and/or treatment at the Facility as required by  
29 Appendix I of 40 CFR Part 264;
- 30 • The location of each type of hazardous waste within the facility and the  
31 quantity at each location;
- 32 • Records and results of waste analyses and waste determinations that are  
33 performed pursuant to Permit Conditions \_\_\_\_ and 40 CFR § 264.1083 and  
34 268.7;
- 35 • Summary reports and details of all incidents that require the implementation  
36 of the Contingency Plan as specified in Permit Condition \_\_\_\_;
- 37 • Records and results of inspections as required in Permit Condition \_\_\_\_ . These  
38 records and results shall be kept for a minimum of three years;

- 1           • Monitoring, testing, or analytical data and corrective action when required by  
2           Permit Module \_\_ and 40 CFR § 264.1088 through 1090;  
3           • All closure cost estimates as required in Permit Condition \_\_\_\_; and  
4           • Certification, at least annually, that there is a Facility program in place to  
5           reduce the volume and toxicity of hazardous waste that is generated to the  
6           degree that it is economically practicable.

7           **II.J.3      Availability of Operating Record**

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

13          **II.J.4      Biennial Report**

14          The Permittees shall comply with the biennial reporting requirements of Permit  
15          Condition 1.5.10.g and 40 CFR § 264.75.

16          **II.J.5      Waste Minimization Program**

17          The Permittees shall annually, by December 1 for the previous year ending September  
18          30, enter into the Operating Record a certified statement specifying that the Permittee has  
19          a waste minimization program in place, in accordance with Permit Condition \_\_\_\_\_. A  
20          current description of the waste minimization program shall also be maintained in the  
21          Operating Record.

22          **II.J.6      Personnel and Telephone Number Changes**

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

25          **II.K        GENERAL CLOSURE REQUIREMENTS**

26          **II.K.1      Closure Performance Standard**

27          Once the Permittees have stopped operation of a Permitted Unit, the Permittees shall  
28          close the unit in a manner that satisfies the closure performance standard in 40 CFR §  
29          264.111 by:

- 30               • Minimizing the need for further maintenance;  
31               • Controlling, minimizing, or eliminating, to the extent necessary to protect  
32               human health and the environment, the post-closure escape of hazardous  
33               waste, hazardous constituents, leachate, contaminated runoff, or hazardous  
34               waste decomposition products to the ground or surface waters or atmosphere;  
35               • Meeting the applicable closure requirements of 40 CFR §§ 264.111 and  
36               264.178;

- 1           • Ensuring that all hazardous waste and hazardous waste residues are removed
- 2           from the containment systems; and
- 3           • Removing or decontaminating all remaining containers, liners, bases, and soil
- 4           containing or contaminated with hazardous or mixed waste or hazardous
- 5           waste residues to cleanup levels specified in \_\_\_\_\_.

## 6   **II.K.2   Content of Plan**

7   The detailed closure plans for each Permitted Unit at the Facility and the Facility as a  
8   whole, which were submitted by the Permittees with the Permit application and approved  
9   by the Secretary, are an enforceable condition of this Permit. The closure plans for the  
10   various Permitted Units at the Facility and for final closure at the Facility identify the  
11   steps that are necessary to perform partial and/or final closure of each Permitted Unit at  
12   any point during its active life. These closure plans shall include, at a minimum:

- 13           • A description of how each unit will be closed in accordance with the closure
- 14           performance standard in 40 CFR § 264.11;
- 15           • A description of how final closure of the Facility will be conducted in
- 16           accordance with the closure performance standard in 40 CFR § 264.11. This
- 17           description shall identify the maximum extent of the operations that will be
- 18           unclosed during the active life of the Facility;
- 19           • An estimate of the maximum inventory of hazardous wastes ever onsite
- 20           during the active life of the Facility (by unit, TA and for the entire Facility)
- 21           and a detailed description of the methods to be used during partial and/or final
- 22           closure, such as methods for removing, transporting, treating, storing or
- 23           disposing of all hazardous wastes, and identification of the type(s) of the off-
- 24           site hazardous waste management units to be used, if applicable;
- 25           • A detailed description of the steps needed to clean, remove, decontaminate or
- 26           dispose all hazardous waste residues and contaminated containment system
- 27           components, equipment, structures, and soils during partial or final closure,
- 28           including but not limited to, procedures for cleaning equipment and removing
- 29           contaminated soils, methods for sampling and testing surrounding soils and
- 30           criteria for determining the extent of decontamination required to satisfy the
- 31           closure performance standard;
- 32           • A detailed description of any necessary closure verification activities;
- 33           • A detailed description of other activities necessary during the closure period
- 34           to ensure that all partial closures and final closure satisfy the closure
- 35           performance standards; and
- 36           • A schedule for closure of each Permitted Unit and for final closure of the
- 37           Facility. The schedule must include, at a minimum, the total time required to
- 38           close each Permitted Unit and the time required for intervening closure
- 39           activities, which will allow tracking of partial and final closure activities.

## 40   **II.K.3   Amendment of Closure Plan**

41   The Permittees may submit a written request to the Secretary for a permit modification to  
42   amend any closure plan included in this Permit before the notification of final closure of

1 the Facility. The Permittees shall submit a written request to the Secretary for a permit  
2 modification to amend any closure plan included in this Permit whenever:

- 3 • Changes in operating plans or Facility design affect the closure plan;
- 4 • There is a change in the expected year of closure;
- 5 • Unexpected events encountered during partial or final closure activities  
6 require a modification of the approved closure plan; or
- 7 • The Permittees request the Secretary to apply alternative requirements under  
8 40 CFR § 264.110(c).

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

15 The Secretary may request modifications to any closure plan included under this Permit  
16 under the conditions described in 40 CFR § 264.112(c)(2). The Permittees shall submit  
17 the modified plan within 60 days of the Secretary's request or within 30 days if the  
18 change in Facility conditions occurs during partial or final closure.

#### 19 **II.K.4 Notification of Closure**

20 The Permittees shall notify the Secretary in writing at least 45 days prior to the date on  
21 which they expect to begin closure of a Permitted Units in compliance with 40 CFR §  
22 264.112(d). This date must be:

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

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

#### 36 **II.K.5 Time Allowed For Closure**

37 Within 90 days after receiving the final volume of hazardous or mixed waste at a  
38 Permitted Unit, the Permittees shall treat or remove from the unit all hazardous or mixed

1 waste, in compliance with the General Closure Plan, the applicable TA-Specific Closure  
2 Plan, and 40 CFR §§ 264.111 through 116, unless an extension is approved by the  
3 Secretary in compliance with 40 CFR § 264.113(a).

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

9 **II.K.6 Disposal or Decontamination of Equipment, Structures, and Soil**

10 The Permittees shall decontaminate or dispose of all hazardous and mixed wastes and  
11 hazardous constituents and all contaminated equipment, structures and environmental  
12 media associated with the Permitted Unit being closed, as required by the General  
13 Closure Plan, the applicable TA-Specific Closure Plan, and 40 CFR § 264.114.

14 **II.K.7 Certification of Closure**

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

20 **II.K.8 Verification of Closure**

21 The NMED will verify closure certifications by reviewing the information submitted by  
22 the Permittees in support of the certification, the closure plan for the Permitted Unit, any  
23 documentation or information generated by the NMED during oversight of closure  
24 activities and any other pertinent information and documentation. NMED may visit the  
25 site as part of closure verification. If the NMED determines that the closure of the  
26 Permitted Unit has satisfied the closure performance standard, was performed in  
27 accordance with the approved closure plan and accepts the closure certification, NMED  
28 will inform the Permittees of the acceptance in writing.

29 If the NMED is unable to verify the certification of closure and, therefore, unable to  
30 accept the closure certification, NMED may require additional sampling of  
31 environmental media, structures or equipment or monitoring of groundwater to verify the  
32 closure certification or may require the Permittees to submit an application for a post-  
33 closure permit. If sampling or monitoring is required, NMED will extend the closure  
34 period to cover the time period for the required sampling or monitoring.

35 **II.L ALTERNATIVE CLOSURE REQUIREMENTS**

36 NMED may replace all or part of the closure requirements in 40 CFR Part 264, Subpart G  
37 with alternative requirements set out in a permit or in an enforceable document as defined  
38 in 40 CFR § 270.1(c)(7), where the Secretary determines that:

- 1           • The Permitted Unit is located among solid waste management units or areas of  
2           concern, a release has occurred, and both the Permitted Unit and one or more  
3           solid waste management units or areas of concern are likely to have  
4           contributed to the release; and
- 5           • It is not necessary to apply the closure requirements of 40 CFR Part 264,  
6           Subpart G because the alternative requirements will protect human health and  
7           the environment and will satisfy the closure performance standard of 40 CFR  
8           §§ 264.111 (a) and (b).

9           Factors NMED may choose to consider include, but are not limited to, site conditions,  
10          availability of resources, the owner/operators' preference, the public's preference and the  
11          compliance status of the owner/operator.

12          The preamble stresses the importance of public participation particularly early in the  
13          process *prior* to remedy selection. The EPA stated that in situations where the  
14          owner/operator implements an action that could be considered a remedy prior to agency  
15          involvement or oversight the owner/operator should provide notice and opportunity to  
16          comment on the prospective remedy and its underlying assumptions. otherwise any  
17          enforceable document developed later may not be eligible to substitute for a post-closure  
18          permit. EPA also stresses that all public involvement must be meaningful (more than  
19          notice and comment) and incorporate the EPA's model environmental justice public  
20          participation plan. How do we want to address this?