



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

June 13, 1991

E. J. [Signature]
Elizabeth [Signature]
Bruce [Signature]

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

JUN 20 1991

Mr. Benito Garcia, Chief
Hazardous and Radioactive Waste Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502

RE: Transmittal of Hazardous Waste Permit for
Safety-Kleen - Farmington Service Center NMD980698849

Dear Mr. Garcia:

I have enclosed the Hazardous and Solid Waste Amendments (HSWA) permit for the Safety-Kleen - Farmington Service Center in New Mexico. If you have any questions, please contact Bill Gallagher of my staff at (214) 655-6775.

Sincerely yours,

Allyn M. Davis

Allyn M. Davis
Director
Hazardous Waste Management Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 6

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

PERMITTEE: Safety-Kleen - Farmington Service Center
OWNER: Comet Corporation, Farmington
OPERATOR: Safety-Kleen Corporation
LOCATION: 4200A Hawkins Road
Farmington, New Mexico 87401
I.D. NUMBER: NMD980698849
EFFECTIVE DATE: July 18, 1991
EXPIRATION DATE: April 4, 2001

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended by the RCRA Statute (42 U.S.C. 6901, et seq.), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), a permit is issued to the Comet Corporation and the Safety-Kleen Corporation, doing business as the Safety-Kleen Farmington Service Center (hereafter called the Permittee) to operate a hazardous waste storage facility at the location stated above.

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

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

Any inaccuracies found in the application may be grounds for termination or modification of this permit (see 40 CFR 270.41, 270.42 and 270.43) and potential enforcement action.

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

Issued this 13th day of June, 1991

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

NOTICE OF PERMIT DECISION

SAFETY-KLEEN FARMINGTON SERVICE CENTER

HSWA PERMIT (MODULE V)

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the RCRA statute (42 USC 6901 et seq., commonly known as RCRA), and the regulations promulgated thereunder by the U.S. Environmental Protection Agency (EPA) (codified in Title 40 of the Code of Federal Regulations), as amended by the Hazardous Solid Waste Amendment of 1984 (HSWA), a permit is issued to the Safety-Kleen Farming Service Center, to operate a hazardous waste facility located in Farmington, New Mexico.

This Permit, in conjunction with the Hazardous Waste Permit issued by the State of New Mexico, constitutes the full RCRA permit for this facility. Any person who commented on this permit during the comment period may petition the Administrator to review any condition of this permit, within 30 days of issuance, pursuant to 40 CFR 124.19.

The Federal Law that has required permits for hazardous waste facilities is RCRA. The State of New Mexico has been authorized by EPA to carry out regulatory activities which were required by RCRA prior to November of 1984.

In November of 1984, Congress passed extensive changes to RCRA, known as the Hazardous and Solid Waste Amendments (HSWA), which resulted in additional permit requirements. The State has not yet been authorized to act in lieu of EPA for this portion of the program, and EPA still retains the authority for this portion of the permit.

This permit has been finalized under a joint effort between the State and EPA. The New Mexico Environmental Division (NMED) developed both the RCRA and HSWA portions of the permit; however, EPA will issue and enforce this portion (Module V) of the permit until the State is authorized to run this portion of the program.

This Module of the joint permit requires the following:

1. Submission of waste minimization plan annually to EPA;
2. Dust suppression prohibition for hazardous wastes;
3. Hazardous Waste Land prohibition requirements;
4. Notification requirements for Areas of Concerns; and
5. Emission Standards for process vent and equipments leaks.

In addition there is a notification requirement to EPA if new Solid Waste Management Units (SWMU's) are found at the facility. Also, there is corrective action requirements if the facility finds releases to the environment from SWMUs.

I. BACKGROUND INFORMATION

1. Facility location:

The Safety-Kleen Farmington Service Center is located in Farmington, New Mexico at 4200A Hawkins Road

2. Facility Activities and Waste Handling: Safety-Kleen collects spent cleaning solvents of three different types from its customers and ships these solvents to a recycling facility for reclamation. The three kinds of solvents are 1) mineral spirits, used primarily by automotive and equipment-repair businesses; 2) an immersion cleaner containing methylene chloride, cresylic acid, and other solvents and surfactants, used primarily by mechanical repair businesses; and 3) fabric dry-cleaning solvents, composed almost entirely of perchloroethylene. These solvents are stored at the Safety-Kleen facility until truckload quantities are accumulated, at which time they are shipped to a recycling facility.

3. Public Notice: The public notice of the proposed permit satisfied the public notice requirements specified in 40 CFR 124.17. The public notice was published in the Farmington Dailey Times on January 7, 1991, and was broadcasted on the local radio station in Farmington. The announcement was also sent to the facility, appropriate State agencies, and interested parties. The public comment period closed on February 21, 1991. No HSWA comments were received from the facility or the public.

II. CHANGES MADE IN FINALIZING THE EPA PERMIT

Below are the changes which EPA made to the Safety-Kleen Farmington Service Center. Some provisions had minor word, typographical corrections or sentence phases changed.

The waste minimization provision has been changed to the following:

1. Waste Minimization

a. Pursuant 40 CFR 264.73(b)(2), the Permittee shall document in the operating record all hazardous waste present at the facility. The Permittee shall document all hazardous waste produced at the facility, by quantity and type and by building/area.

document all hazardous waste produced at the facility, by quantity and type and by building/area.

- b. Pursuant to 40 CFR 264.73(b)(9), the Permittee shall maintain in the operating record a certification that the Permittee, as a generator of hazardous waste, has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined to be economically practicable; and that the proposed method of treatment, storage, or disposal is the practicable method which is currently available to the Permittee and that minimizes the present and future threat to human health and the environment. The certification shall include:
1. a narrative description of methods or efforts undertaken during each calendar year to reduce the volume and toxicity of waste generated. This description shall include methods for source reduction and recycling of hazardous waste generated at the facility;
 2. the results of the program through documentation of the changes in volume and toxicity of waste actually achieved during each calendar year; and
 3. a discussion of the factors that have prevented implementation of source reduction and/or recycling.

The Permittee shall annually submit the certification in accordance with 40 CFR §270.11 to the Administrative Authority. The first certification will be due on March 1, 1992, for the previous year ending December 31, 1990, (e.g., For this permit the first annual certification will be due March 1, 1992 and will include waste minimization efforts done for the 1991 year).

- c. Pursuant to 40 CFR §264.75(h), the Permittee shall include with the Biennial Report a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- d. Pursuant to 40 CFR §264.75(i), the Permittee shall include in the Biennial Report a description of the changes in the volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

The Emission Standards provision has been changed to the following:

F. EMISSION STANDARDS FOR PROCESS VENTS AND EQUIPMENT LEAKS

The Permittee must comply with the requirements of 40 CFR §264 Subpart AA and BB, as applicable. Within 90 days of the effective date of this permit, the Permittee shall submit to the Administrative Authority a report which must contain, at a minimum, the following information:

1. An equipment list which includes all of the information required under §264.1064(b)(1) for equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight, and a list of all process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, and air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 percent by weight.
2. For the process vents listed above, the amount of vent emissions in lb/hr or kg/hr or kg/yr.
3. If the emissions in paragraph 2 of this section exceed the emission limits cited in §264.1032(a)(1), the report must detail the manner in which compliance will be obtained, i.e., by the reduction of total organic emissions to the limits in §264.1032(a)(1), or reduction by means of a control device per §264.1032(a)(2).
4. If a closed-vent system and control device is installed to comply with the requirements in §264.1032(a)(2), provide the following:
 - a. An implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation (§264.1033(a)(2)).
 - b. The type of control device under §264.1033 to be installed (e.g., vapor recovery, flare, etc...).
5. If the Permittee feels any of the requirements of Module V, Section F, or 40 CFR §264 Subparts AA and BB, are not applicable to this facility, the Permittee must provide justification for this decision as part of the report.

MODULE V
SPECIAL CONDITIONS PURSUANT TO THE
1984 HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA) TO RCRA
FOR SAFETY-KLEEN FARMINGTON SERVICE CENTER, I.D. NUMBER
NMD980698849

A. DEFINITIONS

For purposes of this [MODULE/PERMIT CONDITION] the following definitions shall apply:

"Area of Concern" (AOC) means any discernable unit or area which, in the opinion of the Administrative Authority, may have received solid or hazardous waste or waste containing hazardous constituents at any time. The Administrative Authority may require investigation of the unit as if it were a SWMU. If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly-identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

"Facility" means all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

"Solid Waste Management Unit" (SWMU) means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

"Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste includes hazardous constituent as defined below.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

"Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.

"Administrative Authority" means the [Director] or, in case of HSWA provisions for which the State is not authorized, the U.S. Environmental Protection Agency shall be the Administrative Authority. If, subsequent to the issuance of this permit, these terms are redefined in promulgated regulations, the Administrative Authority may, at its discretion, apply the new definition to this permit.

B. SPECIFIC CONDITIONS

1. Waste Minimization

- a. Pursuant 40 CFR 264.73(b)(2), the Permittee shall document in the operating record all hazardous waste present at the facility. The Permittee shall document all hazardous waste produced at the facility, by quantity and type and by building/area.
- b. Pursuant to 40 CFR 264.73(b)(9), the Permittee shall maintain in the operating record a certification that the Permittee, as a generator of hazardous waste, has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined to be economically practicable; and that the proposed method of treatment, storage, or disposal is the practicable method which is currently available to the Permittee and that minimizes the present and future threat to human health and the environment. The certification shall include:
 1. a narrative description of methods or efforts undertaken during each calendar year to reduce the volume and toxicity of waste generated. This description shall include methods for source reduction and recycling of hazardous waste generated at the facility;
 2. the results of the program through documentation of the changes in volume and toxicity of waste actually achieved during each calendar year; and

3. a discussion of the factors that have prevented implementation of source reduction and/or recycling;

The Permittee shall annually submit the certification in accordance with 40 CFR §270.11 to the Administrative Authority. The first certification will be due March 1992, for the previous year ending December 31, 1991 (e.g. for this permit the first annual certification will be due March 1992 and will include waste minimization efforts done for the 1991 year).

- c. Pursuant to 40 CFR §264.75(h), the Permittee shall include with the Biennial Report a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- d. Pursuant to 40 CFR §264.75(i), the Permittee shall include in the Biennial Report a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

2. Dust Suppression

Pursuant to 40 CFR 266.23(b), the Permittee shall not use waste or used oil or any other material, which is contaminated with dioxin, or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

3. Permit Review

This Permit may be reviewed by the Administrative Authority five years after the date of permit issuance and may be modified as necessary as provided for in 40 CFR 270.41.

4. Compliance with Permit

Compliance with this Permit during its term constitutes compliance, for the purposes of enforcement, with 40 CFR Parts 264 and 266 only for those management practices specifically authorized by this permit. The Permittee is also required to comply with Parts 260, 261, 262, and 263 to the extent the requirements of those Parts are applicable.

5. Specific Waste Ban

- a. The Permittee shall not place in any land disposal unit the wastes specified in RCRA Section 3004 after

the effective date of the prohibition unless the Administrator has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this permit.

- b. The Permittee may store wastes restricted under 40 CFR 268 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of 40 CFR 268.50 (a)(2) including, but not limited to, clearly marking each tank or container.
- c. The Permittee is required to comply with the all the requirements of 40 CFR 268.7, as amended, regarding waste analysis. Testing of the waste, or an extract of the waste or treatment residue, must be performed according to the frequency specified in the facility's waste analysis plan as required by 40 CFR 264.13. Changes to the waste analysis plan will be processed as minor modifications pursuant to 40 CFR 270.42. Results of waste analysis shall be maintained in the operating record.
- d. Compliance with a RCRA permit during its term constitutes compliance, for the purpose of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute, or which are promulgated under Part 268 of this chapter restricting the placement of hazardous wastes in or on the land.

C. ADDITIONAL WASTE DISPOSAL BAN REQUIREMENTS

The Permittee shall not land dispose any hazardous waste prohibited by 40 CFR 268 unless:

- 1. the waste meets treatment standards specified in 40 CFR 268.40, .41, .42, or .43;
- 2. a variance from the treatment standards has been granted pursuant to 40 CFR 268.44;
- 3. a petition has been granted on a case-by-case extension to the effective date, pursuant to 40 CFR 268.5;
- 4. a "no-migration" petition has been granted pursuant to 40 CFR 268.6; or
- 5. the surface impoundment is exempt under 40 CFR 268.4.

D. EMISSION STANDARDS FOR PROCESS VENTS AND EQUIPMENT LEAKS

The Permittee must comply with the requirements of 40 CFR §264 Subpart AA and Subpart BB, as applicable. Within 90 days of the effective date of this permit, the Permittee shall submit to the Administrative Authority a report which must contain, at the minimum, the following information:

1. An equipment list which includes all of the information required under § 264.1064 (b)(1) for equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight, and a list of all process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous waste with organic concentrations of at least 10 percent by weight.
2. For the process vents listed above, the amount of vent emissions in lb/hr or kg/hr, and in lb/yr or kg/yr.
3. If the emissions in paragraph 2 of this section exceed the emission limits cited in §264.1032 (a)(1), the report must detail the manner in which compliance will be obtained, i.e., by the reduction of total organic emissions to the limits in §264.1032 (a)(1), or reduction by means of a control device per §264.1032 (a)(2).
4. If a closed-vent system and control device is installed to comply with the requirements in §264.1032 (a)(2), provide the following:
 - a. An implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation (§264.1033(a)(2)).
 - b. The type of control device under §264.1033 to be installed (e.g., vapor recovery, flare, etc...).
5. If the Permittee feels any of the requirements of Module V, Section D, or of 40 CFR §264 Subparts AA and BB, are not applicable to this facility, the Permittee must provide justification for this decision as part of the report.

E. CORRECTIVE ACTION FOR CONTINUING RELEASES

1. Section 3004(u) of RCRA, as amended by HSWA, and 40 CFR 264.101 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste including hazardous constituents from any solid waste management unit (SWMU) at the facility, regardless of when the waste was placed in the unit.

Section 3004 (v) of RCRA as amended by HSWA and Federal regulations promulgated as 40 CFR 264.101(c), require corrective actions beyond the facility property boundary, where necessary to protect human health and the environment, unless the permittee demonstrates that, despite the permittee's best efforts, the permittee was unable to obtain the necessary permission to undertake such actions. The permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied. Assurances of financial responsibility for such corrective action shall be provided.

2. If any corrective action is required either at a SWMU identified in the RCRA Facility Assessment (RFA) or at any newly discovered area of concern (AOC) or SWMU, all plans and schedules developed to address the necessary corrective action will require modification of this permit according to the procedures outlined in 40 CFR 270.42.
3. Pursuant to 40 CFR 270.43, failure to submit the information required in Module V or falsification of any submitted information, is grounds for termination of this Permit. The Permittee shall ensure that all notifications and other submissions to the Administrative Authority required in Module V are signed and certified in accordance with 40 CFR 270.11. Two copies and one compatible disk copy each of the notifications and submissions shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

U.S. EPA, Region 6
Hazardous Waste Management
Division
1445 Ross Avenue
Dallas, Texas 75202-2733

New Mexico Environment
Department
Hazardous & Radioactive
Waste Bureau
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, New Mexico 87503

F. NOTIFICATION REQUIREMENTS FOR EVIDENCE OF NEW AREAS OF CONCERN (AOCs)

1. The Permittee shall notify the Administrative Authority, in writing, of evidence of new AOCs (i.e., discovered during the course of ground water monitoring, field investigations, environmental audits, or other means no later than fifteen (15) calendar days after discovery.
2. The notification shall include, at a minimum, the following information for each new AOC:
 - a. the location of the new AOC in relation to other units;

- b. the type and function of the area;
 - c. the period during which the area may have received waste;
 - d. the specifics on all wastes that the area may have received or is receiving, to the extent available;
 - e. a description of the activity that resulted in the detection of the release(s) of hazardous waste, including hazardous constituents, which resulted in the identification of the new AOC; and
 - f. the results of any sampling and analysis which resulted in the identification of the new AOC.
2. Based on the results of this Notification, the Administrative may require investigation of the area as if it were a SWMU. If shown to be a SWMU during the investigation, the AOC must be reported by the Permittee as a newly-identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that not further action is necessary and notify the Permittee in writing.

G. NOTIFICATION REQUIREMENTS FOR AN ASSESSMENT OF NEWLY-IDENTIFIED SOLID WASTE MANAGEMENT UNIT(S) (SWMUS)

1. The Permittee shall notify the Administrative Authority, in writing, of any newly-identified SWMU(s) (i.e, a unit not specifically identified during the course of ground water monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery.
2. The Permittee shall submit a SWMU Assessment Report to the Administrative Authority no later than ninety (90) calendar days from notification. The SWMU Assessment Report shall describe all results obtained from the SWMU investigation. At a minimum, the Report shall provide the following information for each newly identified SWMU:
 - a. the location of the newly-identified SWMU in relation to other SWMUs;
 - b. the type and function of the unit;
 - c. the general dimensions, capacities, and structural description of the unit (supply and available drawings);
 - d. the period during which the units was operated;

- e. the specified on all wastes that have been or are being managed at the SWMU, to the extent available;
 - f. a description of the activity that resulted in the detection of the release(s) of hazardous waste, including hazardous constituents, which resulted in the identification of the new SWMU; and
 - g. the results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes including hazardous constituents have occurred, are occurring, or are likely to occur from the unit.
3. Based on the results of this Notification, the Administrative Authority may determine the need for further investigations or corrective measures at specific unit(s) covered in the Notification. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Permittee to prepare a plan for such investigations. The Administrative Authority will provide requirements for the investigative plan, including the intended objectives and schedule for submittal. The requirements for the investigative plan, including the intended objectives and schedule for submittal. The requirements of this plan shall be implemented through a modification of this module.

H. NOTIFICATION REQUIREMENTS FOR NEW-DISCOVERED RELEASES AT SWMU(s)

The Permittee shall notify the Administrative Authority, verbally, within 24 hours of discovery (for any release that has the potential to migrate off-site), and in writing, of any release(s) of hazardous waste including hazardous constituents discovered during the course of ground water monitoring, field investigation, environmental auditing, or other activities undertaken by the facility, no later than fifteen (15) calendar days after discovery. Such newly-discovered releases may be from newly-identified units, from units for which, based on the findings of the RFA, the Administrative Authority has previously determined that no further investigation was necessary, or from units investigated as part of the RCRA Facility Investigation (RFI). The Administrative Authority may require further investigation and/or Interim Measures for the newly-identified release(s).

I. MODIFICATION OF MODULE V

- 1. If at any time the Administrative Authority determines that modification of this Module is necessary, he or she may initiate a modification to this Module according to the procedures of 40 CFR 270.41 and 42.

2. Modifications to Module V of this permit do not constitute a reissuance of the permit.

MODULE V

SPECIAL CONDITIONS PURSUANT TO THE 1984 HAZARDOUS AND SOLID WASTE
AMENDMENTS TO RCRA FOR
SAFETY-KLEEN FARMINGTON, NM FACILITY
EPA I.D. NO.: NMD980698849

A. DEFINITIONS

For purposes of the Module, the following definitions shall apply:

"Administrative Authority" means the Secretary of the New Mexico Environment Department, or his/her designee or, in case of HSWA provisions (Module V) for which the State is not authorized, the U.S. Environmental Protection Agency shall be the Administrative Authority.

"Area of Concern" (AOC) means any discernable unit or area which may have received solid or hazardous waste or waste containing hazardous constituents at any time.

"Facility" means all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

"Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.

"Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste includes hazardous constituent as defined below.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

"Solid waste management unit" (SWMU) means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at or around a facility at which solid wastes have been routinely and systematically released.

If subsequent to the issuance of this permit, these terms are redefined in promulgated regulations, the Administrative Authority may, at its discretion, apply the new definition to this permit.

B. SPECIFIC CONDITIONS

1. Waste Minimization

- (a) Pursuant to 40 CFR 264.73(b)(2), the Permittee shall document in the operating record all hazardous waste present at the facility. The Permittee shall document all hazardous waste produced at the facility, by quantity and type and by building/area.
- (b) Pursuant to 40 CFR 264.73(b)(9), the Permittee shall maintain in the operating record a certification that the Permittee, as a generator of hazardous waste, has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined to be economically practicable; and that the proposed method of treatment, storage, or disposal is the practicable method which is currently available to the Permittee and that minimizes the present and future threat to human health and the environment. The certification shall include:
 - (1) a narrative description of methods or efforts undertaken during each calendar year to reduce the volume and toxicity of waste generated. This description shall include methods for source reduction and recycling of hazardous waste generated at the facility;
 - (2) the results of the program through documentation of the changes in volume and toxicity of waste actually achieved during each calendar year; and
 - (3) a discussion of the factors that have prevented implementation of source reduction and/or recycling;

The Permittee shall annually submit the certification in accordance with 40 CFR § 270.11 to the Administrative Authority by December 1, for the previous year ending September 30.

- (c) Pursuant to 40 CFR § 264.75(h), the Permittee shall include with the Biennial Report a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- (d) Pursuant to 40 CFR 264.75(i), the Permittee shall include in the Biennial Report a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

2. Dust Suppression

Pursuant to 40 CFR 266.23(b), the Permittee shall not use waste or used oil or any other material, which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment.

3. Specific Waste Ban

- (a) The Permittee shall not place in any land disposal unit the wastes specified in RCRA Section 3004 after the effective date of the prohibition unless the Administrator has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this permit.
- (b) The Permittee may store wastes restricted under 40 CFR 268 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of 40 CFR 268.50(a)(2) including, but not limited to, clearly marking each tank or container.
- (c) The Permittee is required to comply with all the requirements of 40 CFR 268.7, as amended, regarding waste analysis. Testing of the waste, or an extract of the waste or treatment residue, must be performed according to the frequency specified in the facility's waste analysis plan as required by 40 CFR 264.13. Changes to the waste analysis plan will be processed as minor modifications, pursuant to 40 CFR 270.42. Results of waste analysis shall be maintained in the operating record.

4. Additional Waste Disposal Ban Requirements

The Permittee shall not land dispose any hazardous waste restricted by 40 CFR 268 unless:

- (a) The waste meets treatment standards specified in 40 CFR 268.40, 268.41, 268.42, or 268.43;
- (b) A variance from the treatment standards has been granted pursuant to 40 CFR 268.44;
- (c) A petition has been granted on a case-by-case extension to the effective date, pursuant to 40 CFR 268.5;
- (d) A "no-migration" petition has been granted pursuant to 40 CFR 268.6; or
- (e) The surface impoundment is exempt under 40 CFR 268.4 for treatment.

C. CORRECTIVE ACTION FOR CONTINUING RELEASES

- 1. Section 3004(u) of RCRA, as amended by HSWA, and 40 CFR 264.101 require that permits issued after November 8, 1984, address corrective action for releases of hazardous waste including hazardous constituents from any solid waste management unit (SWMU) at the facility, regardless of when the waste was placed in the unit.

Section 3004(v) of RCRA as amended by HSWA and Federal regulations promulgated as 40 CFR 264.101, require corrective action beyond the facility boundary, where necessary to protect human health and the environment unless the owner or operator was unable to obtain the necessary permission to undertake such actions. The permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where offsite access is denied.

- 2. If any corrective action is required either at a SWMU identified in the RCRA Facility Assessment (RFA) or at any newly discovered area of concern (AOC) or SWMU, all plans and schedules developed to address the necessary corrective action will require modification of this permit according to the procedures outlined in 40 CFR 270.42.

D. NOTIFICATION REQUIREMENTS FOR EVIDENCE OF NEW AREAS OF CONCERN (AOCs)

- 1. The Permittee shall notify the Administrative Authority, in writing, of evidence of new AOCs (i.e., an area not specifically identified during the RFA) discovered during the course of ground water monitoring, field investigations, environmental audits, or other means no later than fifteen (15) calendar days after discovery.
- 2. The notification shall include, at a minimum, the

following information for each new AOC:

- (a) The location of the new AOC in relation to other units;
- (b) The type and function of the area;
- (c) The period during which the area may have received waste;
- (d) The specifics on all wastes that the area may have received or is receiving, to the extent available;
- (e) A description of the activity that resulted in the detection of the release(s) of hazardous waste, including hazardous constituents, which resulted in the identification of the new AOC;
- (f) The results of any sampling and analysis which resulted in the identification of the new AOC.

2. Based on the results of this Notification, the Administrative may require investigation of the area as if it were a SWMU. If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly-identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

E. NOTIFICATION REQUIREMENTS FOR AND ASSESSMENT OF NEWLY-IDENTIFIED SOLID WASTE MANAGEMENT UNIT(S) (SWMUs)

1. The Permittee shall notify the Administrative Authority, in writing, of any newly-identified SWMU(s) (i.e., a unit not specifically identified during the RFA) discovered during the course of ground water monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery.
2. The Permittee shall submit a SWMU Assessment Report to the Administrative Authority no later than ninety (90) calendar days from notification. The SWMU Assessment Report shall describe all results obtained from the SWMU investigation. At a minimum, the Report shall provide the following information for each newly-identified SWMU:
 - (a) The location of the newly-identified SWMU in relation to other SWMUs;
 - (b) The type and function of the unit;

- (c) The general dimensions, capacities, and structural description of the unit (supply any available drawings);
 - (d) The period during which the unit was operated;
 - (e) The specifics on all wastes that have been or are being managed at the SWMU, to the extent available;
 - (f) A description of the activity that resulted in the detection of the release(s) of hazardous waste, including hazardous constituents, which resulted in the identification of the new SWMU; and
 - (g) The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes including hazardous constituents have occurred, are occurring, or are likely to occur from the unit.
3. Based on the results of this Notification, the Administrative Authority may determine the need for further investigations or corrective measures at specific unit(s) covered in the Notification. If the Administrative Authority determines that such investigations are needed, the Administrative Authority may require the Permittee to prepare a plan for such investigations. The Administrative Authority shall provide requirements for the investigative plan, including the intended objectives and schedule for submittal. The requirements of this plan shall be implemented through a modification of this module.

F. EMMISSION STANDARDS FOR PROCESS VENTS AND EQUIPMENT LEAKS

The Permittee must comply with the requirements of 40 CFR § 264 Subpart AA and Subpart BB, as applicable. Within 90 days of the effective date of this permit, the Permittee shall submit to the Administrative Authority a report which must contain, at the minimum, the following information:

1. An equipment list which includes all of the information required under § 264.1064(b)(1) for equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight, and a list of all process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, and air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 percent by weight.

2. For the process vents listed above, the amount of vent emissions in lb/hr or kg/hr, and in lb/yr or kg/yr.
3. If the emissions in paragraph 2 of this section exceed the emission limits cited in § 264.1032(a)(1), the report must detail the manner in which compliance will be obtained, i.e., by the reduction of total organic emissions to the limits in § 264.1032(a)(1), or reduction by means of a control device per § 264.1032(a)(2).
4. If a closed-vent system and control device is installed to comply with the requirements in § 264.1032(a)(2), provide the following:
 - a. An implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation per § 264.1033(a)(2).
 - b. The type of control device under § 264.1033 to be installed (e.g., vapor recovery, flare, etc...).
5. If the Permittee feels any of the requirements of Module V, Section F, or of 40 CFR § 264 Subparts AA and BB, are not applicable to this facility, the Permittee must provide justification for this decision as part of the report.

G. MODIFICATION OF MODULE V

1. If at any time the Administrative Authority determines that modification of this Module is necessary, he or she may initiate a modification to this Module according to the procedures of 40 CFR 270.41 and 42.
2. Modifications to Module V of this permit do not constitute a reissuance of the permit.

H. COMPLIANCE WITH PERMIT

1. Compliance with this Permit during its term constitutes compliance, for the purposes of enforcement, with 40 CFR Parts 264 and 266 only for those management practices specifically authorized by this permit. The Permittee is also required to comply with 40 CFR Parts 260, 261, 262, and 263 to the extent the requirements of those Parts are applicable.
2. Pursuant to 40 CFR 270.4(a), compliance with this RCRA permit during its term constitutes compliance, for the

purpose of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute, or which are promulgated under Part 268 of RCRA restricting the placement of hazardous wastes in or on the land.

3. Pursuant to 40 CFR 270.43, failure to submit the information required in Module V or falsification of any submitted information, is grounds for termination of this Permit. The Permittee shall ensure that all notifications and other submissions to the Administrative Authority required in Module V are signed and certified in accordance with 40 CFR 270.11. Two copies and one compatible disk copy each of the notifications and submissions shall be submitted to the Administrative Authority by Certified Mail or hand delivered to:

U.S. EPA, Region 6
Hazardous Waste Management
Division
1445 Ross Avenue
Dallas, TX 75202-2733

New Mexico Environment
Department
Hazardous and Radioactive
Waste Bureau
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502

I. PERMIT REVIEW

This Permit may be reviewed by the Administrative Authority five years after the date of permit issuance and may be modified as necessary as provided for in 40 CFR 270.41.