

## PERMIT PART 7 POST-CLOSURE CARE

### 7.1 GENERAL PROVISIONS FOR POST-CLOSURE CARE

The Permittees shall conduct all post-closure care activities at the Permitted Units identified in Attachment J (*Hazardous Waste Management Units*) Table J-2 (*Hazardous Waste Management Units Undergoing Post-Closure Care*) in accordance with this Permit Part, the provisions in 40 CFR §§ 264.117 through 264.120, which are incorporated herein by reference, and in accordance with the provisions of a Department-approved post-closure plan for the unit developed pursuant to Permit Section 7.1.1. (*See* 40 CFR § 264.117(d)).

For the Corrective Action Management Unit (CAMU), the Permittees shall conduct all post-closure activities in accordance with this Permit Part, Permit Section 7.3, the provisions in 40 CFR §§ 264.117 through 264.120, and in accordance with Permit Attachment H.

In accordance with 40 CFR § 264.117(a)(1), post-closure care for any Permitted Unit subject to these requirements must begin after completion of closure of the unit, continue for 30 years after that date, and must consist of at least the following:

1. Monitoring and reporting in accordance with the applicable requirements of 40 CFR Part 264, Subparts F, N, S, and X; and
2. Maintenance and monitoring of waste containment systems in accordance with the applicable requirements of 40 CFR Part 264, Subparts F, N, S, and X.

Any time preceding closure of a Permitted Unit subject to post-closure care requirements, or at any time during the post-closure period, the Department may, in accordance with the permit modification procedures in 40 CFR Parts 124 and 270:

1. Shorten the post-closure care period applicable to the Permitted Unit if all disposal units have been closed, if it is found that the reduced period is sufficient to protect human health and the environment; or
2. Extend the post-closure care period applicable to the Permitted Unit if it is found that the extended period is necessary to protect human health and the environment

(*See* 40 CFR §§ 264.117(a)(2)(i) and (ii)).

#### 7.1.1 Post-Closure Plan

The Permittees shall ensure that the post-closure plan identifies all the activities after closure of each Permitted Unit for which clean closure is not achieved, and the frequency of these activities, including but not limited to:

1. A description of the planned monitoring activities and frequencies at which they will be performed to comply with 40 CFR Part 264, Subparts F, N, S, and X;
2. A description of the planned maintenance activities, and frequencies at which they will be performed to ensure, at a minimum:
  - a. the integrity of the cap and final cover or other containment systems, if applicable, in accordance with the requirements of 40 CFR Part 264, Subparts F, N, S, and X;

- b. the function of the monitoring equipment in accordance with the requirements of 40 CFR Part 264, Subparts F, N, S, and X;
3. The name, address and phone number of the person(s) or office to contact regarding the unit during the post-closure care period;
4. Sampling and analysis of waste, contaminated media, or both, during the post-closure period;
5. Security requirements during the post-closure period;
6. Inspection requirements, including schedules;
7. Alternative requirements, if any, under 40 CFR § 264.110(c), that apply to the closed unit, or a reference to the enforceable document containing those requirements; and
8. Post-closure plans shall define the beginning date and duration of post-closure care in accordance with this Permit Section 7.1. (*See* 40 CFR §§ 264.118(a) and (b)).

After certification of final closure has been approved by the Department, the person or office specified in Section 7.1.1(3) of this Permit Part shall keep the approved post-closure plan during the remainder of the post-closure care period. (*See* 40 CFR § 264.118(c)).

#### **7.1.2 Amendment of the Post-Closure Plan**

At any time during the post-closure care period, the Permittees may submit a written request to the Department to approve a permit modification to amend the requirements of this Permit Part or the requirements of an approved post-closure plan. The Permittees shall submit a written request for such a permit modification whenever modifications are needed because of changes in regulatory requirements or if modifications are needed to ensure protection of human health or the environment.

The Permittees shall submit a request for a permit modification in accordance with 40 § CFR 264.118(d). The written request must include a copy of the proposed amended post-closure plan for review and approval by the Department.

### **7.2 NOTICES, CERTIFICATIONS, AND RECORDS FOR POST-CLOSURE CARE**

#### **7.2.1 Notification Requirements**

The Permittees shall maintain in the Facility Operating Record copies of all documentation submitted to the local zoning authority or the authority with jurisdiction over local land use. For units closed with wastes in place, no later than 60 days after certification of closure the Permittees shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Department a record of the type, location, and quantity of hazardous wastes and hazardous constituents remaining within each Permitted Unit. (*See* 40 CFR §§ 264.119(a)). Such a record has already been submitted by the Permittees for the CAMU and does not need to be resubmitted when this Permit becomes effective.

#### **7.2.2 Record Requirements**

The Permittees shall maintain documentation of closure of all hazardous waste management units. (*See* 40 CFR § 264.119(b) and 40 CFR § 270.32(b)(2)).

For Permitted Units subject to post-closure care, the Permittees shall record a notation on the deed to the Facility property, or on some other instrument that is normally examined during the title search, that will in perpetuity notify any potential purchaser of the property of the following:

1. The land has been used to manage hazardous wastes;
2. Its use is restricted under 40 CFR Part 264, Subpart G; and
3. The survey plat and record of the type, location, and quantity of hazardous wastes managed at the Permitted Unit at the Facility has been filed with the Department.

The Permittees shall maintain training, operating, inspection and monitoring, and other required records. (*See* 40 CFR 264.73).

The Permittees shall maintain copies of all reports submitted to the Department during post-closure care period until the end of post-closure care. (*See* 40 CFR §§ 264.119(b)(1) and 270.32(b)(2)).

### **7.2.3 Completion of Post-Closure Care Requirements**

No later than 60 days after completion of the post-closure care period for a hazardous waste management unit for which post-closure care is required, the Permittees shall submit to the Department a certification that the post-closure care for the hazardous waste management unit was performed in accordance with the requirements of the approved Post-Closure Plan developed pursuant to Permit Section 7.1.1, and for the CAMU, Permit Attachment H. The certification must be signed by the Permittees and an independent, New Mexico registered professional engineer. Documentation supporting the independent, registered professional engineer's certification must be furnished to the Department in conjunction with the certification. (*See* 40 CFR §§ 264.120 and 270.32(b)(2)).

### **7.3 POST-CLOSURE CARE OF THE CAMU**

In addition to those specified in Permit Section 7.1, the Permittees shall comply with the requirements at 40 CFR § 264.552(e)(6)(v). As part of the requirements in this Permit, the Permittees shall conduct the following activities at the CAMU to protect human health and the environment:

1. Maintain the integrity and effectiveness of the final cover by making repairs as necessary to correct the effects of settling, subsidence, erosion, plant or animal intrusion, or other events that compromise the final cover;
2. Maintain and monitor the LCRS and the VZMS as specified herein;
3. Use engineering controls to minimize erosion damage to the final cover from run-on and run-off of surface water;
4. Maintain fencing, security signs, and locks;
5. Maintain training, operating, inspection and monitoring, and other required records; and
6. Submit an annual report to the Department in accordance with Permit Attachment H, Section H.9.