

PERMIT PART 2: GENERAL FACILITY CONDITIONS

2.0 INTRODUCTION

This Permit requires the Permittees to conduct post-closure care of the Chemical Waste Landfill (CWL), which is located at Technical Area III (TA-III), in compliance with the post-closure care requirements at 40 C.F.R. §§ 264.117 through 264.120 and this Permit.

The Permittees must comply with the groundwater protection standard at 40 C.F.R. § 264.92. Trichloroethene (TCE), chromium, and nickel have been detected in groundwater in the uppermost aquifer underlying the CWL. Therefore, in accordance with 40 C.F.R. § 264.91(a)(1), the Permittees must institute a compliance monitoring program meeting the requirements of 40 C.F.R. § 264.99.

2.1. HAZARDOUS WASTE PROHIBITION

The Permittees shall not accept hazardous waste for treatment, storage or disposal at the CWL.

2.2. SECURITY

In order to prevent the unknowing entry and to minimize the possibility of unauthorized entry of persons or livestock into the CWL, the Permittees shall comply with the security provisions and procedures described in Section 1.6 of Permit Attachment 1, in accordance with 40 C.F.R. § 264.14.

2.3. GENERAL INSPECTION REQUIREMENTS

In accordance with 40 C.F.R. § 264.15, the Permittees shall implement the inspection schedule required by Section 1.10 of Permit Attachment 1 and shall remedy any container and equipment malfunctions and deteriorations, operator errors, and discharges in accordance with 40 C.F.R. § 264.15(c). Records of inspection shall be kept in accordance with 40 C.F.R. § 264.15(d).

2.4. PREPAREDNESS AND PREVENTION

2.4.1. Required Equipment

The Permittees shall maintain at the Facility the equipment required by 40 C.F.R. § 264.32 as well as the additional equipment set forth in Permit Attachment 6, Tables 6-2, 6-3 and 6-4.

2.4.2. Testing and Maintenance of Equipment

The Permittees shall test and maintain the equipment specified in Permit Attachment 6, as necessary, to assure its proper operation in time of emergency in accordance with 40 C.F.R. § 264.33.

2.4.3. Access to Communications or Alarm System

The Permittees shall maintain at the CWL access to a communications or alarm system in accordance with 40 C.F.R. § 264.34.

2.4.4. Arrangements with Local Authorities

The Permittees shall maintain coordination agreements with the New Mexico Department of Homeland Security and Emergency Management, the KAFB 377th Air Base Wing, and the City of Albuquerque as well as with Lovelace Medical Center and Presbyterian Health Care Services, as

described in Permit Attachment 6, Table 6-1. These arrangements shall be either Memoranda of Understanding (MOU) or Mutual Aid Agreements

(MAA) between the Permittees and the off-site cooperating agencies, and shall include the elements required by 40 C.F.R. § 264.37(a). Copies and descriptions of these MOUs and MAAs shall be maintained at the Facility office in the operating record. If such coordination agreements cannot be reached through Permittees' best efforts, the Permittees shall document their attempts to reach such agreements which failed.

2.5. CONTINGENCY PLAN

2.5.1. Implementation of Contingency Plan

The Permittees shall immediately implement the Contingency Plan contained in Permit Attachment 6 whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment in accordance with 40 C.F.R. § 264.51(b).

2.5.2. Copies of the Contingency Plan

The Permittees shall maintain copies of the Contingency Plan and all revisions and amendments to the Plan at the CAMU Administration Office, the Facility EOC and the Facility Records Center, in accordance with 40 C.F.R. § 264.53 and Section 6-1 of Attachment 6 of this Permit. Any person working at the CWL shall have a copy of the current Contingency Plan in their possession while at the CWL, or shall have ready access and be aware that a copy of the CWL Contingency Plan is available at the CAMU Administration Office. The Permittees shall provide copies of the current Contingency Plan and all revisions of the Plan to the Department and all entities with which the Permittees have emergency MOUs or MAAs in accordance with 40 C.F.R. § 264.53.

2.5.3. Amendments to Contingency Plan

In accordance with 40 C.F.R. § 264.54, the Permittees shall review and immediately amend, if necessary, the Contingency Plan whenever:

1. The Facility permit is revised;
2. The plan fails in an emergency;
3. The Facility or CWL changes—in design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
4. The list of emergency coordinators changes; or
5. The list of emergency equipment changes.

2.5.4. Emergency Coordinator

An Emergency Coordinator (EC) and an alternate EC, as specified in Permit Attachment 6, shall be available at all times in case of an emergency. The EC and alternate EC shall be thoroughly familiar with the Contingency Plan and shall have the authority to commit the resources needed to implement the Contingency Plan in accordance with 40 C.F.R. § 264.55. In the event of an imminent or actual emergency, the EC shall activate the internal emergency alarms, notify the

appropriate State or local agencies with designated response roles, and implement other procedures in accordance with 40 C.F.R. § 264.56, and as described in Permit Attachment 6.

2.6. RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in this Permit and 40 C.F.R. § 264.73(a), the Permittees shall comply with the following conditions:

2.6.1. Data Retention

All raw data, such as laboratory reports, drilling logs, bench scale or pilot scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained at the Facility during the term of this Permit, including any reissued Permits. In accordance with 40 C.F.R. § 270.32(b)(2), raw data shall be made available to the Department upon request.

2.6.2. Operating Record

The Permittees shall maintain a written Operating Record at the Corrective Action Management Unit administration trailer, and at the Environmental Safety and Health Records Center.

2.6.3. Annual Report

The Permittees shall submit a post-closure care report to the Department on an annual basis, as specified in Section 1.12 of Attachment 1 of this Permit.

2.6.4. Personnel and Telephone Number Changes

The Permittees shall inform the Department in writing of changes in their responsible corporate and principal executive officers (or their duly authorized representatives) within 30 days of the changes, and Emergency Coordinators and their telephone numbers and addresses within fifteen (15) calendar days of the changes. Changes to responsible corporate officers and the principal executive officers (or their duly authorized representatives) are not permit modifications. Changes in name, address, or phone number for Emergency Coordinators are Class 1 permit modifications under 40 C.F.R. § 270.42.

2.6.5. Post-Closure Notices

A copy of the post-closure notice required by 40 C.F.R. § 264.119 shall be submitted to the local zoning authority (Bernalillo County Zoning, Building, and Planning Commission and County Clerk) and the Department within 60 days of certification of closure. The post-closure notice shall include a legal description of the CWL and associated land-use restrictions. The following general restrictions apply to the CWL:

1. Industrial land-use designation shall be maintained;
2. The elevation of the surface of the landfill (the engineered cover) shall not be lowered;
3. The cover and surrounding area shall not be altered in any manner such that drainage onto and infiltration of moisture into the landfill is increased; and

4. Excavation, drilling, or construction involving intrusive activities are prohibited during the post-closure care period, unless authorized by the Department.

2.6.6. Certification of Completion of Post-Closure Care

In accordance with 40 C.F.R. § 264.120, within 60 days of the end of the post-closure care period for the CWL, the Permittees shall submit to the Department, by registered mail, a written certification that post-closure care for the CWL was performed in accordance with the specifications of this Permit. Responsible officials of the Permittees, as well as an independent professional engineer, registered in the State of New Mexico, shall sign the certification. The Permittees shall furnish documentation supporting the independent registered professional engineer's certification of completion of post-closure care to the Department upon request and at cost to the Permittees. In addition, the Permittees shall prepare a final post-closure care report containing, in an appendix, all Post-Closure Care Inspection Forms (PCIFs) generated during the post-closure care period. The final post-closure care report shall summarize pertinent PCIF information regarding post-closure care and compliance monitoring, inspections, maintenance, and repair activities and any variances from this Permit and the reasons for the variances, summarize results of groundwater and soil gas monitoring conducted during the compliance and post-closure care periods, and summarize the results of any corrective actions taken. The final post-closure care report shall be provided with the certification to the Department for approval within 60 days of the end of the post-closure period. Transmittal of the report shall include a request from the Permittees for the Department to approve termination of the post-closure care period for the CWL. However, submittal of the latter request does not obligate the Department to terminate post-closure care, and the Department, instead, may extend the period of post-closure care if necessary to protect human health and the environment in accordance with 40 C.F.R. 264.117(a)(2)(ii).

2.7. COST ESTIMATE AND FINANCIAL ASSURANCE FOR FACILITY POST-CLOSURE CARE

Pursuant to 40 C.F.R. § 264.140(c), DOE as an agency of the Federal government is exempt from the requirement to provide a cost estimate for post-closure care as required by 40 C.F.R. § 264.144 and to provide for financial assurance for post-closure care as required by 40 C.F.R. § 264.145. Pursuant to Pub. L. 108-199 (Jan. 23, 2004), NTESS is not required to fulfill any financial responsibility requirement relating to closure or post-closure care and monitoring of Sandia National Laboratories and is therefore exempt from the requirement to provide a cost estimate for post-closure care as required by 40 C.F.R. § 264.144 and to provide for financial assurance for post-closure care as required by 40 C.F.R. § 264.145.

2.8. FINANCIAL RESPONSIBILITY

Reserved.

2.9. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittees shall maintain at the Facility, until post-closure care is approved as completed by the Department, the following documents and all amendments, revisions, and modifications to these documents:

1. This Permit and its Attachments;

2. The Inspection Plan described in Permit Attachment 1 and the inspection schedules and results in accordance with 40 C.F.R. § 264.15(b);
3. The Operating Record described in Permit Attachment 1, in accordance with 40 C.F.R. § 264.73;
4. The Personnel Training documents and records described in Permit Attachment 5, in accordance with 40 C.F.R. § 264.16(d) and (e);
5. The Contingency Plan described in Permit Attachment 6, in accordance with 40 C.F.R. § 264.53(a), and including summary reports and details of all incidents or emergencies that require implementation of the Contingency Plan, in accordance with 40 C.F.R. § 264.56(j);
6. The names, addresses, and phone numbers of the Emergency Coordinator (EC) and all persons designated as alternate EC, in accordance with Permit Condition 2.6.4, and as contained in Permit Attachment 6;
7. A list of all emergency equipment, as contained in Permit Attachment 6;
8. Groundwater monitoring and soil gas sampling analytical results and data included in the semi-annual and annual reports required under Part 3, Permit Conditions 3.4 and 3.5, and as described in detail in Attachments 2 and 3 of this Permit; and
9. Copies of manifests for any shipments off-site of any hazardous waste generated at the CWL.