

PERMIT PART 2

GENERAL FACILITY CONDITIONS

HIGHLIGHTS

This Part contains the standards and conditions covering general Facility requirements for the Triassic Park Waste Disposal Facility (the Facility). The Facility is located on approximately 480 acres in Chaves County, New Mexico, T11S, R31E, Sections 17 and 18. By road, it is approximately 43 miles east of Roswell and 36 miles west of Tatum.

The Facility is a commercial Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste treatment, storage, and disposal operation. The Facility is permitted to store hazardous waste in the Drum Handling Unit, the Roll-Off Container Storage Unit, and the Liquid Waste Storage Tanks; treat hazardous waste by evaporation in the Surface Impoundment and by solidification in the Stabilization Bins; and dispose of hazardous waste in the Landfill. Permit Conditions for these permitted units are contained at Permit Parts 3 through 6. Other units at the Facility are operated as 90-day generator storage units or satellite accumulation points. These units are not permitted under this Permit but are regulated under RCRA. These units are identified at Permit Part 10, Table 10-1.

Permit Conditions for vadose zone monitoring in lieu of ground water monitoring are contained at Permit Part 7. Conditions for closure of the Facility and for post-closure care for the Landfill are contained at Permit Part 8. Permit Parts 9 and 10 contain conditions for corrective action.

General information regarding the Facility and Facility operations is contained at Permit Attachments A, *General Facility Description and Process Information*; L, *Engineering Report*, Section 2.1, *General Facility Design Elements*; and L1, *Engineering Drawings*. The Facility layout is provided at Permit Attachment L1, Drawing No. 4.

Hazardous wastes which may be managed, treated, stored, and disposed by the Permittee at this Facility are listed at Permit Part 2, Table 2-1, *Permitted Hazardous Wastes*, by U.S. Environmental Protection Agency (EPA) Hazardous Waste Number as

identified at 20.4.1.200 NMAC (incorporating 40 CFR 261, Subparts C and D). The Facility may also manage certain polychlorinated biphenyl (PCB)-contaminated wastes.

1.1 CONSTRUCTION AND OPERATION

The Permittee shall construct, maintain, and operate the Facility as specified at Permit Attachments A, Section 2.0, *Treatment, Storage, and Disposal*; L; L1; L2, *Specifications for the Landfill, Surface Impoundment and Associated Facilities Liner and Cover System Construction*; M, *Construction Quality Assurance Plan for Landfill, Surface Impoundment and Associated Facilities Construction*; and N, *Operations and Maintenance Plan*; and as required by 20.4.1 NMAC (incorporating 40 CFR 260 through 273) and this Permit. The Permittee shall follow the specifications contained at Permit Attachments L; L1; L2; and M; for construction of the Surface Impoundment and the Landfill, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.19) and this Permit. The Permittee shall ensure that the construction, maintenance, and operation of the Facility minimizes the possibility of a fire, explosion, or any unplanned, sudden, or nonsudden release of hazardous waste to air, soil, ground water, or surface water which could threaten human health or the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31).

1.2 RUN-ON/RUN-OFF CONTROLS

The Permittee shall construct the Stormwater Detention Basin and Facility run-on diversion ditches and run-off collection ditches as specified at Permit Attachments L, Section 2.1.4, *Facility Storm Water Control*; and L1.

1.3 PERMITTED AND PROHIBITED WASTE SOURCES

1.3.1 Hazardous Waste from Sources Located Outside of the United States

The Permittee shall accept hazardous waste from a generator of hazardous waste located outside of the United States of America (i.e., foreign waste) in accordance with Permit Condition 2.3.2, *Hazardous Waste from an Off-site Source*, Permit Condition 2.5.3.e, *Waste Acceptance from Foreign Generators*, and shall notify both the Regional Administrator of the U.S. Environmental

Protection Agency and the Secretary in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.12(a)(1)).

1.3.2 Hazardous Waste from an Off-Site Source

The Permittee shall accept hazardous waste from off-site sources [i.e., generators of hazardous waste located within the United States of America, but outside the boundary of the Facility, as defined at 20.4.1.900 NMAC (incorporating 40 CFR 270.2)], in accordance with Permit Attachment F, *Waste Analysis Plan*, Sections 4.3, *Pre-Acceptance Procedures for Off-Site Waste*, and 4.4, *Procedures for Incoming Waste Acceptance*.

1.3.3 Hazardous Waste Generated at the Facility

The Permittee shall manage hazardous waste generated at the Facility in accordance with Permit Attachments A, Section 2.0; F, Section 4.5.6, *Waste Analysis Requirements for Waste Generated On-Site*; and L; and this Permit.

1.4 PERMITTED AND PROHIBITED WASTE

1.4.1 Permitted Waste

1.4.1.a Permit Application, Part A

The Permittee shall accept only the hazardous wastes identified at Permit Attachment K, *Permit Application - Part A*; and listed at Table 2-1 of this Permit Part.

1.4.1.b Other Permitted Waste

1.4.1.b.i Certain PCB-Contaminated Liquids

The Permittee may accept non-ignitable liquids containing PCBs in concentrations of less than 50 parts per million (ppm) in accordance with 20.4.1.800 NMAC (incorporating 40 CFR 268.5(h)(2)(vi) and 268.50(f)).

1.4.1.b.ii Certain PCB-Contaminated Soils

The Permittee may accept soils containing PCBs in concentrations of less than 50 ppm.

1.4.1.b.iii Bulk PCB-Contaminated Remediation waste

The Permittee may accept bulk PCB-contaminated remediation waste subject to concentration limits described in Part Condition 2.4.1.b.ii. PCB-contaminated remediation waste includes, but is not limited to, the following non-liquid PCB-contaminated remediation wastes: soil, sediments, dredged materials, muds, PCB sewage sludge, and industrial sludge. (40 CFR 761.61(a)(4)(i) and 761.3)

1.4.1.c Acceptance of Waste on an Emergency Basis

The Permittee may accept hazardous waste that is not identified at Permit Conditions 2.4.1.a or 2.4.1.b or that is prohibited at Permit Condition 2.4.2 only if the waste has been approved for receipt by the Secretary on an emergency basis and the Facility has obtained an Emergency Permit in accordance with Permit Condition 1.5.1 and as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.61).

1.4.2 Prohibited Waste Streams

1.4.2.a General Prohibition

The Permittee is prohibited from accepting, storing, treating, or disposing the following wastes at the Facility: the wastes not listed in Permit Attachment K, *Permit Application - Part A*; and the wastes specified at Permit Attachment F, Section 4.1.2, *Prohibited Waste*.

Wastes prohibited from acceptance at the Facility include, but are not limited to:

- **certain hazardous debris.** - Hazardous debris means debris that contains a hazardous waste listed in 20.4.1.200 NMAC (incorporating 40 CFR 261, Subpart D), or that exhibits a characteristic of hazardous waste identified in 20.4.1.200 NMAC (incorporating 40 CFR, 261 Subpart C). The Permittee shall not accept hazardous debris that does not meet the LDR treatment standards;
- **certain lab packs.** - Lab packs which contain wastes [identified at 20.4.1.800 NMAC

(incorporating 40 CFR 268, Appendix IV)] excluded from lab packs under the alternative treatment standards contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.42(c));

- **certain liquids containing PCBs.** - Ignitable liquids containing PCBs or liquids with PCB concentrations greater than or equal to 50 ppm;
- **certain soils containing PCBs.** - Soils with PCB concentrations greater than or equal to 50 ppm, except for those soils (and other solids) defined as bulk PCB-contaminated remediation waste;
- **compressed gases.** - Gases stored at pressures higher than atmospheric;
- **dioxin-contaminated waste.** - Dioxin-containing wastes listed at 20.4.1.800 NMAC (incorporating 40 CFR 268.31) (i.e., wastes with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, F027, and F028);
- **explosives.** - Any substance or article, including a device, which is designed to function by explosion (i.e., an extremely rapid release of gas and heat) or which, by chemical reaction within itself, is able to function in a similar manner even if not designed to function by explosion;
- **infectious waste.** - Infectious waste, defined at 20.9.1.105.AL NMAC (Oct. 1995), means a limited class of substances that carry a probable risk of transmitting disease to humans, including but not limited to:
 - (1) microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;

- (2) pathological wastes, including human or animal tissues, organs, and body parts, removed during surgery, autopsy, or biopsy;
 - (3) disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases;
 - (4) human blood and blood products, including waste blood, blood serum, and plasma;
 - (5) used sharps, including hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and
 - (6) contaminated animal carcasses, body parts, and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the "in vitro" testing of pharmaceuticals;
- **medical wastes.** - Medical wastes include infectious/biologic/pathogenic solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals;
 - **radioactive/nuclear wastes.** - Radioactive/nuclear wastes mean naturally-occurring radioactive materials (NORM) defined in 20.3.1.14 NMAC; or other naturally-occurring materials which contain radioactivity concentrations, as specified at Permit Attachment F1, *Rationale for Analytical Parameter Selection*, above the concentration levels regulated under 20.3.1.14 NMAC; or materials regulated under the Atomic Energy Act of 1954, as amended (including source, special nuclear materials, and byproduct materials as defined in 10 CFR 1003);
 - **uncharacterized wastes.** - Uncharacterized wastes cannot be accepted at the Facility except by special provision and direction from the

Secretary (e.g., emergency clean-up operations) under an Emergency Permit, or until full characterization has been performed.

1.4.2.b Prohibited Waste at Specific Units

1.4.2.b.i 40 CFR, Subparts BB and CC

The Permittee is prohibited from managing, treating, storing, or disposing of hazardous wastes subject to the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subparts BB and CC), in the Liquid Waste Storage Tank Area, the Stabilization Building, and the Surface Impoundment.

The Permittee is prohibited from storing hazardous wastes subject to the Container Level 3 standards contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(e)) in the Container Storage Areas.

1.4.2.b.ii Land Disposal Restrictions

The Permittee is prohibited from treating or disposing any hazardous waste in the Surface Impoundment or the Landfill respectively that does not meet the Land Disposal Restrictions (LDR) treatment standards contained at 20.4.1.800 NMAC (incorporating 40 CFR Part 268).

1.5 WASTE ANALYSIS PLAN

1.5.1 General Waste Analysis Requirements

The Permittee shall keep a copy of Permit Attachments F; F1; F2, *Waste Profile Form*; and F3, *Chain-of-Custody Form*; at the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.13), until the completion of closure has been approved by the Secretary.

The Permittee shall follow the waste analysis procedures required by 20.4.1.500 NMAC (incorporating 40 CFR 264.13) and 20.4.1.800 NMAC (incorporating 40 CFR 268.7), and specified at Permit Attachment F. The Permittee shall use analytical methods contained at Permit Attachment F; or methods contained in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods* (EPA Publication SW-846, latest edition). Alternative SW-846 methods may be approved by the Secretary through permit

modification under 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations.

1.5.2 Specific Waste Analysis Requirements

The Permittee shall perform the following waste analyses as presented at Permit Attachment F, Section 4.5, *Waste Analysis*:

- pre-shipment characterization of a representative sample from each waste stream prior to shipment as described at Permit Condition 2.5.2.a;
- fingerprint analysis of a select portion of waste upon arrival and continued fingerprint analysis of waste as specified at Permit Condition 2.5.2.b;
- annual re-analysis as specified at Permit Condition 2.5.2.c;
- additional analysis as specified at Permit Condition 2.5.2.d; and
- characterization of waste generated on-site as specified at Permit Condition 2.5.2.e.

Analytical parameters for each waste analysis requirement are specified at Permit Conditions 2.5.2.a through 2.5.2.e and shall be selected, as applicable, to meet waste characterization requirements, and to ensure compliance with LDR treatment standards and with regulations and operational limits as specified at Permit Attachment F.

The Permittee shall use analytical methods contained at Permit Attachment F, Tables 4-1 through 4-3; or in EPA publication SW-846. If the Permittee wishes to use an alternative method, the Permittee shall demonstrate to the Secretary that such alternative method is equivalent to the approved method contained in Permit Attachment F or EPA publication SW-846.

1.5.2.a Representative Sample Analysis

Following Permittee approval of the Waste Profile Form and associated characterization information and prior to initial acceptance of a waste stream, the Permittee shall obtain a representative waste stream sample from the generator for each waste stream. The Permittee shall submit the representative sample to a qualified laboratory other than that used by the generator for analysis as described at Permit Attachment F, Sections 4.3.3, *Representative Sample Assessment*, and 4.5.2, *Representative Sample Analysis*. Representative sample analysis shall include, at a minimum, testing for each hazardous waste code contained in the waste stream and parameters listed in Permit Attachment F, Table 4-1, *Parameters and Methods for Pre-Acceptance Representative Sample Analysis*; as well as applicable parameters listed in Tables 4-2, *Tests and Analytical Methods for Fingerprint Samples* and 4-3, *Additional Tests and Analytical Methods*; as required to ensure complete analysis. Additional parameters not listed in Tables 4-2 and 4-3 may also be selected. The Permittee shall assess these data as required at Permit Condition 2.5.3.a.ii.

1.5.2.b Fingerprint Sampling and Analysis

Fingerprint sampling and analysis shall be performed upon acceptance of each waste stream shipment and prior to storage, treatment, or disposal, as specified at Permit Attachment F, Sections 4.4.3.1, *Fingerprint Test Procedure*, and 4.5.4, *Fingerprint Analysis*. All waste, except for debris waste, is subject to fingerprint sampling and analysis upon waste acceptance. Fingerprint analyses shall include, at a minimum, the parameters listed at Permit Attachment F, Table 4-2, and shall be sampled and analyzed following protocols and analytical frequencies specified at Permit Attachment F, Section 4.4.3.1. Reduction in fingerprint sampling and analysis frequency shall occur in accordance with waiver provisions presented at Permit Attachment F, Section 4.4.3.1, or through Permit modification. If discrepancies between fingerprint analysis and waste stream characterization information exist upon completion of discrepancy resolution as presented at Permit Attachment F, Section 4.4.4.1, *Discrepancy Resolution*, the waste shall be rejected by the Permittee. The Permittee shall ensure that the generator re-assumes responsibility for the rejected waste or shall ensure proper disposal of the waste at an appropriate facility within 30 days of the waste rejection.

1.5.2.c Annual Sampling and Analysis

The Permittee shall obtain a representative sample analysis from each off-site generator prior to initial acceptance of a waste stream, in accordance with Permit Condition 2.5.2.a, and annually thereafter, as specified at Permit Attachment F, Section 4.5.3, *Annual Analysis*. The annual analysis shall include, at a minimum, parameters presented at Permit Attachment F, Table 4-1, in addition to any parameters included during analysis of the pre-shipment representative sample of the waste stream and additional parameters identified by the Permittee. If the annual analysis indicates waste stream changes such that the hazardous waste code assignment and/or LDR determination is modified, a new Waste Profile Form shall be obtained from the generator. The annual analysis shall be conducted as part of the Facility quality assurance program, as specified at Permit Attachment F, Section 4.4.3.2, *Annual Analysis Procedure*.

1.5.2.d Additional Sampling and Analysis

Additional sampling and analysis shall be performed to assess chemical characteristics of wastes in specific management units as specified at Permit Attachment F, Section 4.5.5, *Additional Analysis for Specific Management Units*. Sampling and analysis required for specific management units include, but are not limited to, the following:

- **storage units.** - Wastes managed in the Drum Storage Building, Roll-Off Container Storage Area, and the Liquid Waste Storage Tanks shall undergo pre-acceptance representative sample analysis, annual analysis, and initial and on-going fingerprint sample analysis as described at Permit Attachment F, Section 4.5.5.2, *Waste Analysis Requirements Specific to Storage Units*. Ignitability, reactivity, and incompatibility of each waste stream shall be determined using procedures listed at Permit Attachment F, Table 4-2; and as addressed at Permit Attachment F1;
- **Surface Impoundment.** - Wastes placed in the Surface Impoundment shall undergo pre-acceptance representative sample analysis as specified at Permit Attachment F, Section 4.5.5.3, *Waste*

Analysis Requirements Specific to the Surface Impoundment. Compatibility, ignitability, and reactivity determination shall also be performed for wastes placed in the Surface Impoundment, as specified at Permit Attachment F, Section 4.5.5.3; and as addressed at Permit Attachment F1. Waste removed from the Surface Impoundment shall undergo analysis to ensure continued LDR compliance as specified at Permit Attachment F, Section 4.5.5.3.;

- **Stabilization Tanks.** - Wastes placed in the Stabilization Tanks shall be analyzed as specified at Permit Attachment F, Section 4.5.5.4, *Waste Analysis Requirements Specific to the Stabilization Tanks*, and shall be characterized to ensure compatibility with the tank liner and previous wastes placed in the Stabilization Tanks. This may be accomplished through pre-acceptance representative sample analysis for wastes placed directly into the Stabilization Tanks, or through analysis performed on waste removed from the Surface Impoundment.

A second representative sample of any waste requiring stabilization shall be collected and shall be used for bench-scale testing to determine treatability. Bench-scale tests shall also be conducted as part of the representative sample analysis for incoming waste streams that are directly placed in the Stabilization Tanks. After stabilization, wastes shall be re-tested to ensure LDR requirements are met prior to placement into the Landfill. Compatibility, ignitability, and reactivity determination shall also be performed as specified at Permit Attachment F1; and

- **Landfill.** - Waste analysis for landfilled wastes is specified at Attachment F, Section 4.5.5.5, *Waste Analysis Requirements Specific to the Landfill*. All waste placed directly into the Landfill shall undergo pre-acceptance

representative sample analysis as specified at Permit Condition 2.5.2.a. In addition to fingerprint analysis performed on all incoming waste as required at Permit Condition 2.5.2.b, a minimum of 10 percent of incoming wastes that are to be directly landfilled shall be sampled to verify conformance with LDR requirements, as specified at Permit Attachment F1, Section 4.5.5.5.

1.5.2.e Waste Analysis Requirements for Waste Generated On-Site

The Permittee shall comply with the waste analysis requirements for waste generated on-site specified at Permit Attachment F, Section 4.5.6.

1.5.2.f Compatibility Analysis

The Permittee shall include a compatibility determination on all pre-acceptance representative sample analyses, annual analyses, and additional sampling analyses conducted as required at Permit Conditions 2.5.2.a, 2.5.2.c, and 2.5.2.d; and at Permit Attachment F1; to ensure that potentially incompatible wastes are not stored, treated, or disposed in the same location.

1.5.3 Waste Acceptance Criteria

The Permittee shall ensure that all waste managed at the Facility meets the criteria for acceptance and management specified at Permit Attachment F, Section 4.2, *Criteria for Waste Management at the Facility*; these criteria include characterization to acquire all the information that must be known to treat, store, or dispose of the waste as required by 20.4.1.500 NMAC (incorporating 40 CFR 264) and 20.4.1.800 NMAC (incorporating 40 CFR 268).

1.5.3.a Waste Acceptance from Off-Site Generators

The Permittee shall accept hazardous waste from off-site generators only in accordance with Permit Attachment F, Sections 4.3 and 4.4; and Permit Attachment N, Section 3.0, *Operations*.

1.5.3.a.i Waste Profile Form

The Permittee shall use the Waste Profile Form contained at Permit Attachment F2. The Permittee shall acquire a completed Waste Profile Form and accompanying characterization information from the generator for each new waste stream, as specified at Permit Attachment F, Section 4.3.1, *Waste Characterization Information Provided by the Generator*. The Permittee shall ensure that the generator submits a new Waste Profile Form for each new waste stream and for an existing waste stream if it is significantly modified.

The Permittee shall evaluate information provided by the generator as specified at Permit Attachment F, Sections 4.3, and 4.3.2, *Paperwork Evaluation*. If acceptable knowledge information is used, the information provided must be traceable (e.g., the information provided for a selected drum must be traceable back to the process which produced it) and auditable (i.e., "auditable" records mean those records that are readily available, that can be correlated to specific waste shipments or specific containers of waste, and that verify the characterization of such wastes).

Any revision of the Waste Profile Form and associated characterization information shall be accomplished through Permit modification.

1.5.3.a.ii Representative Sample Evaluation

Following Permittee approval of the Waste Profile Form and associated characterization information, the Permittee shall obtain a representative waste stream sample, which the Permittee shall submit to a qualified laboratory other than that used by the generator for analysis. The Permittee shall assess these data with respect to the Waste Profile Form and characterization information, as specified at Permit Attachment F, Section 4.3.3.

Discrepancy analysis shall include, but not be limited to, items listed at Permit Attachment F, Section 4.3.3.1, *Major Discrepancies*. If a major discrepancy is identified, the Permittee shall require the generator to submit a sampling plan for generator analysis of the waste. The generator's sampling plan must be consistent with EPA guidance, as specified at Permit Attachment F, Section 4.3.3.1, and must address the discrepant information in accordance with Permit Attachment F,

Sections 4.3.3.1, *Major Discrepancies*, and 4.3.3.2, *Minor Discrepancies*. The sampling plan shall be documented in the Facility Operating Record within 15 days after receipt and approval by the Facility. The Permittee shall determine whether additional sampling is necessary to ensure that the elements listed at Permit Attachment F, Section 4.3.3.3, *Additional Waste Acceptance Conditions*, are appropriately addressed.

1.5.3.b Incoming Waste Acceptance

Incoming waste shipments shall be evaluated in accordance with Permit Attachment F, Section 4.4. If manifest discrepancies or discrepancies noted during visual examination are not resolved within 90 days of identifying the discrepancy, waste will not be accepted for storage or disposal, and the waste will either be returned to the sender or disposed at an appropriate permitted Facility by the Permittee.

The Permittee shall ensure that a generator shipping hazardous debris or contaminated soil to the Facility has first complied with the certification requirements identified in the Table contained at 20.4.1.800 NMAC (incorporating 40 CFR 268.7).

1.5.3.c Air Emissions Requirements

The Permittee shall comply with the air emissions testing requirements contained at Permit Conditions 2.15.1.b, 2.15.2.b, and 2.15.2.c.

1.5.3.d Other Waste Management Requirements

The Permittee shall ensure that all waste analyses, reports, documentation, notifications, and certifications required under 20.4.1.800 NMAC (incorporating 40 CFR 268.7) are provided by off-site generators or off-site treatment facilities that ship waste to the Facility, including, where appropriate, the certification requirement for treatment of hazardous debris.

1.5.3.e Waste Acceptance from Foreign Generators

The Permittee shall accept hazardous waste from foreign generators in accordance with, in addition to all of the requirements for off-site generators, Permit Attachment F4, *Waste Characterization Using Acceptable Knowledge*, and Permit Attachment F, Section 4.7.4, *Laboratory Requirements for Foreign*

Generators as required in part by the Final Order from the Secretary dated March 18, 2002, through his authority stipulated at 20.4.1.900 (incorporating 40 CFR 270.32(b)(2)).

1.5.4 Sampling Plan

1.5.4.a Facility Sampling Plan

The Permittee shall follow the procedures specified at Permit Attachment F, Section 4.6, *Sampling Plan*. Modifications to this Sampling Plan are expected to be necessary, and revised sampling methods shall be EPA-approved methodologies included in the EPA publication, SW-846. Alternative SW-846 methods may be approved by the Secretary through permit modification under 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

The modification may also include changes to the individual sampling and analysis protocols specific to individual waste streams presented in Attachment F, Section 4.6, which identify the fingerprint analysis to be used and sampling and analytical requirements prior to acceptance of an individual waste stream, as specified at Permit Attachment F, Section 4.3.4, *Notification and Approval of Waste Shipment*.

1.5.5 Laboratory Quality Assurance/Quality Control Plan

The Permittee shall follow the Laboratory QA/QC Plan described at Permit Attachment F, Section 4.7.2, *Facility Laboratory QA/QC Plan*.

1.5.6 Individual Sampling and Analysis Protocols

The Permittee shall also develop and place into the Operating Record individual sampling and analysis protocols specific to individual waste streams identifying the fingerprint analysis to be used and sampling and analytical requirements prior to acceptance of an individual waste stream, as specified at Permit Attachment F, Section 4.3.4.

1.5.7 Quality Assurance Objectives

The Permittee shall review, validate, and verify all analytical data; reconcile analytical results with data quality objectives; satisfy data reporting requirements; and identify, document, and

report all nonconformances and operational variances to the Secretary.

1.5.8 Quality Control Checks

The Permittee shall take additional samples as quality control checks as specified at Permit Attachment F, Section 4.7.2.3, *Laboratory QA/QC Samples*. Upon request, the Permittee shall split samples with NMED.

1.5.9 Disposal of Laboratory Samples

The Permittee shall dispose of on-site laboratory samples with compatible waste batches.

1.5.10 Contract Laboratory Requirements

The Permittee shall inform each contract laboratory in writing that it shall operate under the waste analysis conditions set forth at Permit Attachment F, Section 4.7.3, *Requirements for Off-Site Laboratories*.

1.6 SECURITY

The Permittee shall comply with the security provisions specified at Permit Attachment B, *Procedures to Prevent Hazards*, Section 5.1, *Security Provisions to Prevent Hazards*. [20.4.1.500 NMAC (incorporating 40 CFR 264.14)]

1.6.1 Means to Control Entry

Access to the Facility shall be only through a controlled access point that is manned by security guards, as specified at Permit Attachment B, Section 5.1.1, *Barrier and Means to Control Entrance*; as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(b)(2)(ii)).

1.6.2 Barriers

In order to prevent unknowing entry and minimize the possibility for unauthorized entry of persons, livestock or wildlife, the Facility shall have the following barrier as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(b)(2)(i)). The active portion of the Facility shall be bounded by a six-foot chain link fence topped with a three strand barbed wire access barrier with two access gates located in the northern portion of

the Facility. The fence shall have metal flashing around its base constructed to protrude a minimum of 18-inches above ground and a minimum of 10-inches below ground. The fence shall be regularly maintained to ensure proper barriers..

1.6.3 Warning Signs

Warning signs in English and Spanish, e.g., "DANGER, NO UNAUTHORIZED PERSONNEL, KEEP OUT", and "PELIGRO, NO PERMITIDA LA ENTRADA SIN AUTORIZACION", shall be posted at the road entry point to the Facility and every 50 feet along the perimeter fence, as specified at Permit Attachment B, Section 5.1.2, *Warning Signs*. These bilingual signs shall be legible from a distance of 25 feet and shall also be visible from any approach to the Facility. In addition, the warning signs shall be posted at each entrance to an active portion of the Facility, and in sufficient numbers to be seen from any approach to each active portion, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(c)).

1.7 GENERAL INSPECTION REQUIREMENTS

The Permittee shall keep Permit Attachments D, *Inspection Procedures*; and D1; at the Facility until final closure of the Facility.

1.7.1 Inspection Frequencies

1.7.1.a Inspection Schedules

The Permittee shall implement the Inspection Schedules contained at Permit Attachment D1, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(b)).

1.7.1.b Additional Inspection Requirements

The Permittee shall inspect areas subject to spills, such as loading and unloading areas, daily when in use, as required by 20.1.500 NMAC (incorporating 40 CFR 264.15(b)(4)).

1.7.1.c Testing and Maintenance of Emergency Equipment

The Permittee shall inspect the monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment identified at Permit Attachment C1,

Emergency Equipment, to detect any malfunctions and deterioration, operator errors, and discharges, as specified at Permit Attachment D, *Inspection Procedures*, Section 5.2.8, *Safety and Emergency Response Equipment Inspection Procedures*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.33); in order to assure proper operation in time of emergency.

1.7.1.d Inspection Logs and Checklists

The Permittee shall use the inspection logs or checklists contained at Permit Attachment D1. The Permittee shall ensure that inspectors record the date and time of the inspection, the status of items inspected (items not inspected shall be marked "NI"), the date and nature of any repairs or other remedial actions needed, and sign the checklist, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d)).

1.7.2 Remedial Action

The Permittee shall remedy any deterioration or malfunction of equipment or structures which an inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard, as specified at Permit Attachment D, Section 5.2.1.2, *Remedial Action*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(c)). When the hazard is imminent or has already occurred, the Permittee shall take remedial action immediately.

1.7.3 Recordkeeping - Inspection Logs

The Permittee shall maintain all inspection logs in the Operating Record required under Permit Condition 2.12.1.a. Inspection logs need be retained only for a period of three years, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d) and 264.73(b)(5)).

1.8 PERSONNEL TRAINING

The Permittee shall keep a copy of Permit Attachment E, *Personnel Training*, at the Facility, and shall maintain a Personnel Training Program as specified at Permit Attachment E, Section 7.0, *Personnel Training*; as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.14(b)(12)) and 20.4.1.500 NMAC (incorporating 40 CFR 264.16).

1.8.1 Personnel Training Requirements

The Permittee shall train all persons involved in the management of hazardous waste in procedures relevant to the positions in which they are employed, as specified at Permit Attachments E and F, Section 4.6.5.1, *Training Requirements for Personnel Responsible for Sampling Collection* and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16).

1.8.2 Personnel Training Procedures

The Personnel Training Program shall include the material and procedures outlined at Permit Attachment E, Section 7.2, *Training Content and Frequency*, and shall otherwise comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.16(a)(3)).

The Permittee shall ensure that Facility personnel successfully complete the Personnel Training Program within six months after their employment at the Facility, or to their assignment to a new position at the Facility, whichever is later. Employees shall not work in unsupervised positions until they have successfully completed the training requirements for their positions, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(b)).

Facility personnel shall take part in an annual review of the initial training required for their positions, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(c)).

1.8.3 Recordkeeping - Personnel Training Documents and Records

The Permittee shall maintain training documents and personnel training records, as specified at Permit Attachment E, Section 7.3, *Record Keeping*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(d)). Training documents and personnel training records shall be kept until completion of closure or for at least three years from the date an employee last worked at the Facility, whichever is earlier, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(e)).

1.9 SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

1.9.1 Precautions

The Permittee shall manage ignitable, reactive, or incompatible wastes as specified at Permit Attachment B, Section 5.5, *Precautions to Prevent Ignition or Reaction of Ignitable, Reactive, or Incompatible Wastes*; and shall otherwise comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.17(a) and (b)).

1.9.2 Recordkeeping - Precautions for Ignitable, Reactive, or Incompatible Waste

The Permittee shall document compliance with Permit Condition 2.9.1 in the Operating Record, in accordance with Permit Condition 2.12.1.a; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(3)).

1.10 PREPAREDNESS AND PREVENTION

The Permittee shall maintain Permit Attachment B at the Facility until final completion of closure, as specified by Permit Part 8, has been approved by the Secretary.

1.10.1 Required Equipment

At a minimum, the Permittee shall maintain at the Facility the equipment identified at Permit Attachment C1, *Emergency Equipment*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.32).

1.10.2 Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system as specified at Permit Attachment B, Section 5.3, *Preparedness and Prevention Procedures*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.34).

1.10.3 Roadways

The Permittee shall maintain roadways within the Facility as specified at Permit Attachment L, Section 2.1.3, *Facility Traffic Plan*, to allow the unobstructed movement of personnel,

fire protection equipment, spill control equipment, and decontamination equipment in an emergency.

1.10.4 Arrangements with Local Authorities

The Permittee shall maintain preparedness and prevention arrangements with State and local authorities, contractors, and other governmental agencies, at a minimum as specified at Permit Attachment C, *Contingency Plan*, Sections 6.3.1.1, *Life-Threatening Situations*, and 6.3.4, *Off Site Notification and Evacuation Criteria*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37(a) and 264.52(c)). The Permittee shall maintain these documents at appropriate locations at the Facility.

1.10.5 Notification of Agreements with Local Authorities

The Permittee shall submit signed copies of the preparedness and prevention agreements with local authorities listed at Permit Attachment C3, *Cooperating Local Authorities*, or documentation of refusal to enter into preparedness and prevention agreements, to the Secretary 30 days prior to initiation of operations at the Facility, in accordance with Permit Condition 1.10, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37(b)).

If a local authority with which the Permittee has an agreement terminates the agreement, Permittee shall document the termination in the Operating Record and shall provide a copy of this documentation and alternative emergency response arrangements to the Secretary within 15 days.

1.10.6 Response Action Plan

The Permittee shall keep Permit Attachment J, *Action Leakage Rate and Response Action Plan*, at the Facility until completion of closure for the Facility is approved by the Secretary.

1.10.7 Operations and Maintenance Plan

The Permittee shall keep Permit Attachment N, *Operations and Maintenance Plan*, at the Facility until completion of closure is approved by the Secretary.

1.11 CONTINGENCY PLAN

1.11.1 Implementation of Contingency Plan

The Permittee shall immediately implement Permit Attachment C, *Contingency Plan*, whenever there is a fire, explosion, or release of hazardous waste or hazardous constituents that could threaten human health or the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.51(b)).

If the Permittee implements the Contingency Plan as a result of a spill or release to the environment and after 30 calendar days the Permittee has not been able to remove all contaminated soil or water to appropriate action levels, in accordance with Permit Condition 9.2, the Permittee shall comply with the requirements of either Permit Part 9 or 10, as appropriate. The Permittee may submit for the Secretary's approval a one time, 30 day extension to the above 30 calendar days compliance period.

1.11.2 Copies of the Contingency Plan

The Permittee shall maintain copies of the Contingency Plan and all revisions and amendments to the Contingency Plan at all document locations throughout the Facility until the completion of closure for the Facility is approved by the Secretary. The Permittee shall also submit a copy of the Contingency Plan and current revisions and amendments thereto to all federal, State, and local entities that may be called upon to provide emergency services and/or with which the Permittee has preparedness and prevention arrangements, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.53). As a part of the submittal to all federal, State, and local entities, the Permittee shall also submit Permit Attachment A, *General Facility Description and Information*.

1.11.3 Amendments to the Contingency Plan

The Permittee shall review and immediately amend, when necessary, the Contingency Plan as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.54). The Permittee shall submit all revisions and amendments to the Plan to the Secretary through a Permit modification before implementation of such revisions and amendments as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

1.11.4 Emergency Coordinator

A trained Emergency Coordinator (EC) or an alternate EC, as identified at Permit Attachment C, Section 6.1, *General Responsibilities of the Emergency Coordinator*, shall be available 24 hours a day, seven days a week, in case of an emergency. The EC or 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, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.55).

In the event of an imminent or actual emergency, the EC shall implement the emergency procedures specified at 20.4.1.500 NMAC (incorporating 40 CFR 264.56) and Permit Attachment C.

1.11.5 Updated Contingency Plan

The Permittee shall submit an updated Contingency Plan to the Secretary for approval at the time of Facility certification, as specified at Permit Attachment C and in accordance with Permit Condition 1.10. The updated Contingency Plan shall include, at a minimum, the following.

1.11.5.a List of Emergency Coordinators

The Permittee shall submit to the Secretary an updated list of the names, addresses, and phone numbers of all persons designated to act as ECs 15 days prior to initiation of operations, in accordance with Permit Condition 1.10; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.52(d)).

This updated list of ECs shall be inserted as replacement pages into this Permit at Permit Attachment C2, *Emergency Coordinators*.

The Permittee shall inform the Secretary in writing of changes to the list of ECs and telephone numbers within 15 calendar days from the date of the changes, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.52(d)).

1.11.5.b Emergency Response Team Members

The Permittee shall submit to the Secretary a list of the names and qualifications of all individuals qualified as members of the on-site emergency response team discussed at Permit

Attachment B, *Procedures to Prevent Hazards*, Section 5.4.6. This list shall be provided to the Secretary 15 days prior to initiation of operations at the site.

1.11.5.c Evacuation Plan

The Permittee shall include in the updated Contingency Plan a finalized, building- or unit-specific evacuation plan for Facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe evacuation routes, and alternate evacuation routes in cases where the primary routes could be blocked by releases of hazardous waste or fires. The plan shall include a clear map of the evacuation routes, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.52(f)).

This plan shall be inserted as replacement pages at Permit Attachment C4, *Evacuation Plans*.

1.11.6 Reporting and Recordkeeping - Contingency Plan Implementation

Whenever the Contingency Plan is implemented, the Permittee shall note the time, date, and details of the incident in the Operating Record and submit a written report to the Secretary within 15 calendar days, as specified at Permit Attachment C, Section 6.4.2, *Required Reports and Notification*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.56(j)).

1.12 RECORDKEEPING AND REPORTING

1.12.1 Recordkeeping Requirements

The Permittee shall maintain at the Facility all the records, data, certifications, and other information listed at Table 2-2, *Recordkeeping Requirements*. Records kept shall include, but are not limited to, the following.

1.12.1.a Operating Record

The Permittee shall maintain a written Operating Record at the Facility as required by this Permit and 20.4.1.500 NMAC (incorporating 40 CFR 264.73). The Operating Record shall include all information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)). Information placed in the Operating Record shall be kept until final closure of the

Facility is approved by the Secretary, except as noted elsewhere in this Permit.

1.12.1.b Facility Notification to Off-Site Generators

The Permittee shall keep a copy of the written notice to off-site generators that the Facility has the appropriate permit(s), and will accept the waste the generator is shipping, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.12(b)).

1.12.1.c Generator Notifications and Certifications

The Permittee shall keep copies of the notices, and the certifications and demonstrations if applicable, required of the generator or the Permittee, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(11) through (b)(16)).

1.12.1.d Manifest Records

The Permittee shall retain at the Facility a copy of each manifest received from an off-site generator of hazardous waste accepted at the Facility for a period of at least three years, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.71(b)(5)).

1.12.1.e Waste Analysis for Waste Acceptance

The Permittee shall maintain waste analysis records and copies of all certifications, demonstrations, and other documents relevant to waste analyses required for waste acceptance (including both pertinent Facility records and records from off-site generators) in the Operating Record, as required by 20.4.1.500 NMAC (incorporating CFR 264.73(b)(3)) and 20.4.1.800 NMAC (incorporating 40 CFR 268.4(a) and 268.7).

1.12.1.f Recordkeeping - 40 CFR 264, Subpart BB Exemption

The Permittee shall record in a log, for use in determining exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart BB), all the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(k)). The documentation to determine exemption shall be kept with, or made readily available with, the Operating Record for a period of three years.

1.12.1.g Recordkeeping - 40 CFR 264, Subpart CC Exemption

The Permittee shall record in a log, for use in determining exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), all the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(f)). The documentation to determine exemption shall be kept with or made readily available with the Operating Record for a period of three years.

1.12.1.h Recordkeeping - 40 CFR 264, Subpart CC Compliance

The Permittee shall maintain at the Facility the information required under Permit Condition 3.4.

1.12.1.i Waste Stream Tracking

Information on each hazardous waste stream (including underlying hazardous constituents) managed at the Facility shall be recorded in the Waste Tracking System described at Permit Attachment F1, Section 4.8, *Waste Tracking*, and maintained in the Operating Record or at another location approved by the Secretary until completion of post-closure care has been approved by the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(1)).

The information to be maintained shall describe the waste, the hazard characteristics, the basis for hazard designation, and the date deposited in the Landfill, the grid location within the landfill, and shall include the laboratory report results (if chemical analysis is used) detailing the chemical and physical analysis of the waste. The information provided for each waste stream shall be complete for each movement of the waste from acceptance through storage, treatment, and disposal at the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264, Appendix I);

1.12.1.j Waste Minimization Program

The Permittee shall annually, by December 1 for the previous year ending September 30, enter into the Operating Record a certified statement specifying that the Permittee has a program in place, in accordance with Permit Condition 2.13, to reduce the volume and toxicity of hazardous wastes generated by the Facility's operation to the degree determined by the Permittee

to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(9)).

A current description of the program shall also be maintained in the Operating Record;

1.12.1.k Monitoring Records

1.12.1.k.i Monitoring Information

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, for a period of at least three years from the date of the sample, measurement, or record, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2)). This period may be extended by the Secretary at any time.

The Permittee shall retain monitoring records for the Surface Impoundment Leak Detection and Removal System (LDRS) and Vadose Zone Monitoring System (VZMS) and associated water level elevations until the completion of Surface Impoundment closure, or if necessary post-closure, is approved by the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.226(d)(1)).

The Permittee shall retain records for the Landfill Leachate Collection and Removal System (LCRS), LDRS, and VZMS until the completion of post-closure care for the Landfill is approved by the Secretary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.303(c)(1));

1.12.1.k.ii Record Information

Records for monitoring information shall include, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270(30)(j)(3)):

- the date, exact place, and time of sampling or measurements;
- the name of the individual(s) who perform the sampling or measurements;

- the date(s) analyses are performed;
- the name and address of the laboratory that performed the analyses;
- the name of the individual(s) who perform the analyses;
- the analytical techniques or methods used; and
- the result of such analyses;

1.12.1.1 Corrective Action Records

For a unit undergoing corrective action under Permit Parts 9 or 10, the Permittee shall retain, until completion of the corrective action has been approved by the Secretary, records of all monitoring information, waste analyses, and all other pertinent data and information used to prepare the appropriate documents required for the action by this Permit, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2) and 270.31(b)).

1.12.1.m Grid "Cell" Map

The Permittee shall maintain the grid "cell" map of the Landfill and location identification of the waste placed in the Landfill in the Operating Record, in accordance with Permit Conditions 6.7.1.a; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(2) and 264.309).

1.12.1.n Other Records

The Permittee shall retain records of all other data used to prepare documents required by this Permit, copies of all other reports and records required by this Permit, and records of all data used to complete the Permit Application, for a period of three years from the date of the report, record, certification, or application, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2)).

1.12.2 Reporting Requirements

In addition to the documents, certifications, and other information required before the initiation of operations at the

Facility under Permit Condition 1.10, the Permittee shall submit to the Secretary as applicable during the operating life and closure and post-closure care periods of the Facility all the reports, documents, certifications, notifications, and other submittals as applicable, required at Table 2-3, *Reporting/Notification/Certification Requirements*. Reports which shall be submitted include, but are not limited to, the reports identified at Permit Conditions 2.12.2.a through 2.12.2.d.

1.12.2.a Biennial Report

The Permittee shall submit to the Secretary a single copy of the biennial report by March 1 of each even-numbered year. The biennial report shall include the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.75), and shall be submitted on EPA form 8700-13B. The biennial report shall include a copy of the annual certified statement regarding the Waste Minimization Program required at Permit Condition 2.13, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.75(h) through 40 CFR 264.75(j)).

1.12.2.b Quarterly Report

The Permittee shall submit a quarterly report on the status of operations for the previous three months at the Facility to the Secretary. The report shall be due 60 days after the reporting period has ended. The report shall provide an update on activities carried out during the reporting period, including:

- quantities of hazardous wastes stored, treated, and/or disposed in the Landfill (including waste generated on-site), by EPA Hazardous Waste Number;
- a discussion of spills and releases which have occurred during the reporting period, and subsequent actions taken;
- any variances or discrepancies from this Permit;
- monitoring results, including raw data, of the monitoring of the LCRS and LDRS at the Surface Impoundment and Landfill, of the monitoring of

the VZMS, and all other monitoring requirements of this Permit, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(4) and 270.31(c)); and

- a summary of operation and maintenance activities for the VZMS, in accordance with Permit Condition 7.6, and for the LCRS and LDRS, at the Surface Impoundment and Landfill.

The report shall also include a discussion of planned activities for the upcoming three-month period, including any necessary changes or modifications in operating activities approved under this Permit.

1.12.2.c Waste Minimization Program Certification

The Permittee shall submit a copy of the annual certified statement regarding the Waste Minimization Program required at Permit Condition 2.13 to the Secretary by December 1 for the previous year ending September 30, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.75(i)).

1.12.2.d Reporting - Noncompliance with the 40 CFR 264, CC Exemption

The Permittee shall report to the Secretary each occurrence, within 15 calendar days of the time the Permittee becomes aware of the occurrence, whenever hazardous waste is placed in a waste management unit in noncompliance with the exemption from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC) provided at Permit Condition 2.15.2.a; as specified at Permit Attachment G, *Air Quality*; and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1090(a)).

1.13 WASTE MINIMIZATION PROGRAM

The Permittee shall institute a program, as specified at Permit Attachment A, Section 9.0, *Waste Management*, to reduce the volume and toxicity of hazardous wastes generated at the Facility to the degree determined by the Permittee to be economically feasible. Suggested criteria for the program include:

- (1) any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the Facility;
- (2) any employee training or incentive program designed to identify and implement source reduction and recycling opportunities;
- (3) any source reduction and/or recycling measures implemented in the last five years or planned for the near future;
- (4) an itemized list of the dollar amounts of capital expenditure (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste;
- (5) factors that have prevented source reduction and/or recycling;
- (6) an investigation of additional waste minimization efforts that could be implemented at the Facility. This investigation would analyze the potential for reducing the quantity and toxicity of each waste stream through recycling and all other appropriate means. The analysis would include an assessment of the technical feasibility, cost, and potential waste reduction for each option;
- (7) a flow chart or matrix detailing all hazardous wastes produced by quantity, type, and building or area;
- (8) a demonstration of the need to use those processes which produce a particular hazardous waste due to a lack of alternative processes or available technology which would produce less hazardous waste;
- (9) a description of the waste minimization methodology employed for each related process at the Facility which shows whether source reduction or recycling is being employed; and

- (10) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years.

1.14 TRANSPORTATION OF HAZARDOUS WASTE

1.14.1 Transportation of Hazardous Waste to the Facility

1.14.1.a Manifest Requirements

The Permittee shall comply with the manifest requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.71).

1.14.1.b Manifest Discrepancies

Upon discovering a significant discrepancy, as identified at Permit Attachment F, Section 4.4, and at 20.4.1.500 NMAC (incorporating 40 CFR 264.72(a)), between the quantity or type of waste designated on the manifest and the quantity or type of waste actually received at the Facility, the Permittee shall attempt to reconcile the discrepancy with the generator or transporter. If the discrepancy is not resolved within 90 days after receiving the waste, the Permittee shall immediately submit to the Secretary a letter describing the discrepancy and attempts to resolve it, and a copy of the manifest, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.72(b)).

1.14.1.c Unmanifested Waste Report

If the Permittee accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, and if the waste is not excluded from the manifest requirements by the conditionally exempt small quantity generator exclusions contained at 20.4.1.500 NMAC (incorporating 40 CFR 261.5), then the Permittee shall prepare and submit to the Secretary a single report within 15 calendar days after receipt of the waste. The unmanifested waste report shall contain the information required at 20.4.1.500 NMAC (incorporating 40 CFR 264.76).

1.14.2 Transportation of Hazardous Waste On-Site at the Facility

1.14.2.a Traffic Control Procedures

The Permittee shall transport hazardous waste on-site using the traffic control procedures and traffic patterns specified at Permit Attachment A, Section 1.4, *Traffic Patterns*. All vehicles carrying hazardous waste shall use only the entrance, access, and perimeter roads depicted at Permit Attachment L1, Drawing No. 26 (2 of 2).

1.14.2.b Dust Control Procedures

1.14.2.b.i Dust Suppression

The Permittee shall not use waste or used oil or any other material which is contaminated with dioxins, PCBs, or any other hazardous waste, other than a waste identified solely on the basis of ignitability, for dust suppression or road treatment, as required by 20.4.1.700 NMAC (incorporating 40 CFR 266.23(b)).

1.14.2.b.ii Other Dust Control Procedures

The Permittee shall apply the dust control procedures specified at Permit Attachment A, Section 2.5.1.7, *Wind Dispersal Control Procedures*, to control the dust generated from the surface of the daily landfill soil cover.

1.14.3 Decontamination of Equipment and Vehicles

The Permittee shall ensure that any vehicles or equipment which have come in contact with hazardous waste in any storage or treatment area and/or which have been in contact with hazardous waste in the Landfill are sufficiently decontaminated prior to their further movement to prevent contamination of uncontaminated areas of the Facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31)). Wash water generated from truck or equipment decontamination shall be collected, tested, and treated, and disposed as specified at Permit Attachment F, Section 4.5.6.

1.15 AIR QUALITY PROTECTION

1.15.1 40 CFR, Subpart BB

1.15.1.a Compliance and Exemption

The Permittee shall manage waste with an organic concentration of at least 10 percent by weight in compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.1050(b)(1)). Waste with an organic concentration of less than 10 percent by weight is exempt from the requirement to comply with 20.4.1.500 NMAC (incorporating 40 CFR, Subpart BB).

Alternatively, the Permittee may elect to demonstrate compliance with this Permit Condition through compliance with a New Source Air Emissions Permit, to the extent that the documentation required under the New Source Air Emissions Permit duplicates the documentation required under this Permit Condition, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(m)).

1.15.1.b Waste Determination

The Permittee shall use the test methods contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.1063(d)), to make a determination of compliance with Permit Conditions 2.4.2.b.i and 2.15.1.a for each waste stream managed at the Facility, as specified at Permit Attachment F1, Section 4.5.1.3, *Additional Analysis to Ensure Compliance with Regulatory and Operational Limits*.

1.15.2 40 CFR, Subpart CC

1.15.2.a Compliance and Exemption

The Permittee shall manage waste with an average volatile organic concentration equal to or greater than 500 parts per million by weight (ppmw) at the point of waste origination in compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC). Waste with an average volatile organic concentration less than 500 ppmw at the point of waste origination is exempt from the requirement to comply with 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)).

Alternatively, the Permittee may elect to demonstrate compliance with this Permit Condition by documentation of compliance with a New Source Air Emissions Permit, to the extent that the documentation required under the New Source Air Emissions Permit duplicates the documentation required under this Permit Condition, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(h)).

1.15.2.b Initial Waste Determination

The Permittee shall use the test methods contained at 20.4.1.500 NMAC (incorporating 40 CFR 264.1083) to make an initial determination of compliance with Permit Conditions 2.4.2.b.i and 2.15.2.a for each waste stream managed at the Facility, as specified at Permit Attachment F1, Section 4.5.1.3. The initial determination shall be made before the first time a waste stream is placed in a permitted unit, and thereafter the determination for that waste stream shall be reviewed as necessary once every 12 months following the date of the initial determination, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)).

1.15.2.c Waste Determination after Process Change

The Permittee shall perform a new waste determination of compliance with Permit Conditions 2.4.2.b.i and 2.15.2.a for any waste stream whenever changes to the source generating the waste stream are reasonably likely to cause the average volatile concentration of the waste stream to increase to a level that is equal to or greater than the applicable volatile organic limit, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(b)(1)(ii)).

1.15.2.d Waste Determination by the Secretary

The Secretary may at any time perform or request the Permittee to perform a waste determination for the average volatile organic concentration at the point of waste origination for a hazardous waste that is exempted from the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264, Subpart CC), in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(d)).

1.16 GENERAL CLOSURE REQUIREMENTS

The Permittee shall close the Facility, or any permitted unit at the Facility, as specified at Permit Attachment O, *Closure Plan*; and as required by Permit Part 8 and 20.4.1.500 NMAC (incorporating 40 CFR 264.110 through 264.116).

1.17 GENERAL POST-CLOSURE CARE REQUIREMENTS

The Permittee shall conduct post-closure care for the Landfill, or any other permitted unit that must be closed as a landfill, as specified at Permit Attachment P, *Post-Closure Care*; and as required by Permit Part 8 and 20.4.1.500 NMAC (incorporating 40 CFR 264.117 through 264.120).

1.18 LIABILITY COVERAGE

1.18.1 Sudden Accidental Occurrences

1.18.1.a Liability Coverage Requirements for Sudden Accidental Occurrences

The Permittee shall have and maintain liability coverage for sudden accidental occurrences in the amount of one million dollars (\$1,000,000) per occurrence, with an annual aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.147(a)).

1.18.1.b Documentation of Liability Coverage for Sudden Accidental Occurrences

The Permittee shall demonstrate to the Secretary, for approval, continuous compliance with the liability coverage required under Permit Condition 2.18.1.a, in accordance with Permit Condition 1.10, at least 60 days before receiving hazardous waste for management, treatment, storage, or disposal at the Facility, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.147(f)(4)). This liability coverage shall be effective before the first receipt of hazardous waste at the Facility.

1.18.2 Nonsudden Accidental Occurrences

1.18.2.a Liability Coverage Requirements for Nonsudden Accidental Occurrences

The Permittee shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of three million dollars (\$3,000,000) per occurrence, with an annual aggregate of at least six million dollars (\$6,000,000), exclusive of legal defense costs, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.147(b)).

1.18.2.b Documentation of Liability Coverage for Nonsudden Accidental Occurrences

The Permittee shall demonstrate to the Secretary, for approval, continuous compliance with the liability coverage required under Permit Condition 2.18.2.a, at least 60 days before receiving hazardous waste for management, treatment, storage, or disposal at the Facility, in accordance with Permit Condition 1.10. The liability coverage shall be as required at 20.4.1.500 NMAC (incorporating 40 CFR 264.147(b)).

This liability coverage shall be effective before the first receipt of hazardous waste at the Facility, in accordance with Permit Condition 1.10.

1.19 FINANCIAL INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

1.19.1 Bankruptcy

The Permittee shall notify the Secretary by certified mail of the commencement of bankruptcy, and the name of any guarantor, within ten days after commencement of the proceeding, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.148(a)).

1.19.2 Other Financial Assurance

The Permittee shall establish other financial assurance or liability coverage within 60 days from the date the trustee or institution issuing the surety bond, letter of credit, or insurance policy declares bankruptcy; otherwise the Permittee shall be deemed to be without the required financial assurance,

as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.148(b)).

1.20 FINANCIAL RESPONSIBILITY

The Permittee shall maintain financial assurance for both closure and post-closure costs and comply with all applicable requirements of 20 4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart H), and Permit Condition 8.3.

TABLE 2-1

PERMITTED HAZARDOUS WASTES

D Codes¹	F Codes²	K Codes³	P Codes⁴	U Codes⁵
D001 - Ignitability ⁶	F001-F012	K001-K011	P001-P018	U001-U012
D002 - Corrosivity ⁶	F019	K013-K052	P020-P024	U014-U039
D003 - Reactivity ⁶	F024-F025	K060-K062	P026-P031	U041-U053
D004-D043	F032	K064-K066	P33-P034	U055-U064
	F034-F035	K069	P036-P051	U066-U099
	F037-F039	K073	P056-P060	U105-U138
		K083-K088	P062-P078	U140-U174
		K090-K091	P081-P082	U176-U194
		K093-K118	P084-P085	U196-U197
		K123-K126	P087-P089	U200-U211
		K131-K132	P092-P099	U213-U223
		K136	P101-P106	U225-U228
		K141-K145	P108-P116	U234-U240

		K147-K151	P118-P123	U243-U244
				U246-U249
				U328
				U353
				U359

- 1 Wastes exhibiting the characteristics of ignitability, reactivity, corrosivity, and/or toxicity
- 2 Wastes from non-specific sources
- 3 Wastes from specific sources
- 4 Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof
- 5 P Code wastes identified as toxic wastes
- 6 Only those ignitable, corrosive, or reactive wastes that can be treated by permitted methods at the Facility prior to placement in the Landfill shall be accepted.

TABLE 2-2
RECORDKEEPING REQUIREMENTS

PERMIT NUMBER	PERMIT CONDITION
1.9.1	Documents to be Maintained until Completion of Closure
1.9.2	Documents to be Maintained until Completion of Post-Closure Care
2.5.1	General Waste Analysis Requirements
2.5.3.a.ii	Representative Sample Evaluation
2.5.6	Individual Sampling and Analysis Protocols
2.7.3	Recordkeeping - Inspection Logs
2.8.3	Recordkeeping - Personnel Training Documents and Records
2.9.2	Recordkeeping - Precautions for Ignitable, Reactive, or Incompatible Waste
2.10.5	Arrangements with Local Authorities
2.11.2	Copies of the Contingency Plan
2.11.6	Reporting and Recordkeeping - Contingency Plan Implementation
2.12.1	Recordkeeping Requirements
2.12.1.a	Operating Record
2.12.1.b	Facility Notification to Off-Site Generators
2.12.1.c	Generator Notifications and Certifications

PERMIT NUMBER	PERMIT CONDITION
2.12.1.d	Manifest Records
2.12.1.e	Waste Analysis for Waste Acceptance
2.12.1.f	Recordkeeping - 40 CFR 264, Subpart BB Exemption
2.12.1.g	Recordkeeping - 40 CFR 264, Subpart CC Exemption
2.12.1.h	Recordkeeping - 40 CFR 264, Subpart CC Compliance
2.12.1.i	Waste Stream Tracking
2.12.1.j	Waste Minimization Program
2.12.1.k.i	Monitoring Information
2.12.1.l	Corrective Action Records
2.12.1.m	Grid Map
2.12.1.n	Other Records
	CONTAINERS
3.7.1.a	General Recordkeeping Requirements
3.7.1.b	Ignitable or Reactive Wastes
3.7.1.c	40 CFR Part 264, Subpart BB and CC Exemptions
3.7.1.d	40 CFR 264, Subpart CC Compliance
3.7.1.e	40 CFR 264, Subpart CC
	TANKS
4.2.6	Required Certification
4.7.1.a	Inspection Records
4.7.1.b	Ignitable, Reactive, or Incompatible Wastes

PERMIT NUMBER	PERMIT CONDITION
4.7.1.c	40 CFR 264, Subpart BB Records
4.7.1.d	40 CFR 264, Subpart CC Records
	SURFACE IMPOUNDMENT
5.5.3	Action Leakage Rate
5.7.1	Recordkeeping Requirements
5.7.1.a	Inspection Logs
5.7.1.b	Ignitable, Reactive, or Incompatible Waste
5.7.1.c	LDRS and VZMS Data
5.7.1.d	40 CFR 264, Subpart BB Records
5.7.1.e	40 CFR 264, Subpart CC Records
	LANDFILL
6.7.1	Recordkeeping Requirements
6.7.1.a	Grid "Cell" Location
6.7.1.b	Inspection Logs
6.7.1.c	LDRS, LCRS, and VZMS Monitoring Data
	VADOSE ZONE MONITORING
7.2.4	Well Surveys
7.2.6	Continuous Core
7.2.9	Well Completion Logs
7.3.2	Leachates
7.4.10	Sampling Record

PERMIT NUMBER	PERMIT CONDITION
7.7.1	Recordkeeping - General
	CLOSURE / POST-CLOSURE
8.1.11.d	Landfill VZMS Monitoring
8.3.1.d	Recordkeeping - Cost Estimates for Closure and Post-Closure Care
	CORRECTIVE ACTION FOR REGULATED UNITS
9.5	Recordkeeping - General

TABLE 2-3

REPORTING/CERTIFICATION/NOTIFICATION REQUIREMENTS

PERMIT NUMBER	PERMIT CONDITION
1.2.2	Permit Renewal
1.2.4	Transfer of Permit
1.5.6	Duty to Provide Information
1.5.7	Disclosure Statement
1.5.9.a	Reporting Planned Changes
1.5.9.b	Reporting Anticipated Noncompliance
1.5.9.c.i	Submittal of Construction Certification and As-Built Specifications
1.5.9.d	Twenty-Four Hour and Subsequent Reporting
1.5.9.d.i	Oral Report
1.5.9.d.iii	Written Submission
1.5.9.e	Contingency Plan Implementation
1.5.9.f	Other Noncompliance
1.5.9.g	Other Information
2.3.1	Imported Waste Notification
2.10.5	Notification of Agreements with Local Authorities
2.11.2	Copies of the Contingency Plan
2.11.3	Amendments to the Contingency Plan
2.11.5	Updated Contingency Plan

PERMIT NUMBER	PERMIT CONDITION
2.11.5.a	List of Emergency Coordinators
2.11.5.b	Emergency Response Team Members
2.11.5.c	Evacuation Plan
2.11.5.d	Procedures in Case of Surface Impoundment Failure
2.11.5.e	Decontamination of Personnel and Equipment
2.11.5.f	Loss of Electrical Power in the Stabilization Building
2.11.6	Reporting and Recordkeeping - Contingency Plan Implementation
2.12.2	Reporting Requirements
2.12.2.a	Biennial Report
2.12.2.b	Quarterly Report
2.12.2.c	Waste Minimization Program Certification
2.12.2.d	Reporting - Noncompliance with the 40 CFR 264, Subpart CC Exemption
2.14.1.b	Manifest Discrepancies
2.14.1.c	Unmanifested Waste Report
2.18	Liability Coverage
2.19	Financial Incapacity
	CONTAINERS
3.7.2.a	40 CFR 264, Subpart CC Noncompliance
	TANKS
4.5.1.b	Containment of Visible Releases

PERMIT NUMBER	PERMIT CONDITION
4.7.2.a	Leak or Spill Reporting
4.7.2.a.i	Oral Report
4.7.2.a.ii	Written Report
4.7.2.b	Reporting Noncompliance - 40 CFR 264, Subpart CC
4.7.3.b	Certification Reporting after Major Repairs
	SURFACE IMPOUNDMENT
5.7.2.a	Notification of Sudden Drop in a Pond Liquid Level
5.7.2.a.i	Oral Report
5.7.2.a.ii	Written Report
5.7.2.b	Submittals after ALR Exceedance
5.7.2.b.i	Written Notification of ALR exceedance
5.7.2.b.ii	Preliminary Assessment
5.7.2.b.iii	Data submittal
5.7.2.c	Noncompliance with the 40 CFR 264, Subpart CC Exemption Requirements
5.7.3.b	Dike Recertification
5.7.3.c	Liner Recertification
	LANDFILL
6.2.1.f	Access Ramps
6.2.1.g.i	Landfill Stormwater Collection Basin
6.2.1.g.ii	Landfill Contaminated Water Collection Basin Construction and Removal

PERMIT NUMBER	PERMIT CONDITION
6.7.2.a	Waste Identification and Location within the Landfill
6.7.2.c	Response Actions
	VADOSE ZONE MONITORING
7.1.2	Duty to Initiate Corrective Action
7.1.3	Duty to Remove Non-Leachates
7.3.1.a	Time-Frame for Establishment of a Non-Leachate Indicator Parameter List and Baseline Concentrations
7.3.1.b	Reporting - Baseline Values for Non-Leachates
7.3.2.a	Monthly Sampling
7.3.2.b	Biennial Sampling
7.5	Release Assessment
7.6	VZMS Maintenance
7.7.2.a	First Quarterly Report
7.7.2.b	Quarterly Reports
7.7.2.c	Biennial Report
7.7.2.d	Special Reports
	CLOSURE / POST-CLOSURE
8.1.3.a	Notification of Closure

PERMIT NUMBER	PERMIT CONDITION
8.1.5	Closure Certification
8.1.6	Survey Plat
8.1.7.a	Sampling Records
8.1.7.b	Quarterly Reports
8.1.7.c	Final Closure Report
8.1.10.b	Surface Impoundment Permit Modification
8.1.10.c	Permit Modification for Closure as a Landfill
8.1.11.b	Landfill Permit Modification
8.2.2	Post-Closure Care Plan Modification
8.2.2.a	Amendment When necessary
8.2.2.b	Surface Impoundment Post-Closure Care Plan Modification
8.2.2.c	Tank System post-Closure Care Plan Modification
8.2.8	Annual Reports
8.2.9	Certification of Post-Closure Care Completion
8.2.11	Post-Closure Notices
8.2.11.b.i	Record of Notation
8.2.11.b.ii	Certification of Deed Notification
8.2.12	Removal of Hazardous Materials
8.3.1.a	Latest Closure Cost Estimates
8.3.2	Financial Assurance for Closure and Post-Closure Care

PERMIT NUMBER	PERMIT CONDITION
	CORRECTIVE ACTION FOR REGULATED UNITS
9.3.1	Notification of Release
9.3.2	Verification Sampling Report
9.3.3.a	Immediate Response Action Report
9.3.3.b	Response Action Effectiveness Report
9.3.4	Independent Assessment
9.3.6	Monthly Corrective Action Progress Report
9.3.7	Regulated Unit Investigation Work Plan
9.3.8	Ground Water Monitoring Work Plan
	CORRECTIVE ACTION FOR SWMUs
10.1.2	Notification of Newly Discovered SWMUs and AOCs
10.2	Facility Corrective Action Work Plan
10.3.2	Background Soil Concentrations Work Plan
10.4.1	Notification of Newly Discovered SWMUs and AOCs
10.4.2	Notification of a Release From a SWMU or AOC
10.4.3	SWMU Assessment Report
10.5.1	Notification of a Release
10.6.1	Confirmatory Sampling Work Plan
10.6.4	Confirmatory Sampling Report
10.7.1	RCRA Facility Investigation Work Plan
10.7.3.a	RCRA Facility Investigation Report

PERMIT NUMBER	PERMIT CONDITION
10.7.5	Quarterly Reports
10.8.1	Interim Measures Work Plan
10.8.3.a	Interim Measures Progress Report
10.8.3.b	Interim Measures Final Report
10.9.1	Corrective Measures Study Work Plan
10.9.3	Corrective Measures Study Final Report
10.10.2	Financial Assurance Report
10.10.4	Permit Modification for Completion of Corrective Action
10.11	Ground Water Monitoring Work Plan

