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**FACT SHEET
INTENT TO ISSUE A HAZARDOUS WASTE FACILITY PERMIT
UNDER THE NEW MEXICO HAZARDOUS WASTE ACT TO
TRIASSIC PARK WASTE DISPOSAL FACILITY
EPA ID NUMBER: NM0001002484
June 2016**

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A. GENERAL BACKGROUND

The New Mexico Environment Department (Department or NMED) intends to issue a hazardous waste Permit to Gandy Marley, Inc. (GMI), as the owner and operator of the Triassic Park Waste Disposal Facility (Facility), to dispose of hazardous waste in accordance with the New Mexico's Hazardous Waste Act (§74-4 New Mexico Statutory Authority [NMSA] 1978) and its associated Hazardous Waste Management regulations (20.4.1 New Mexico Administrative Code [NMAC], which incorporates the Resource Conservation and Recovery Act (RCRA), a federal regulation. The Facility may also dispose of certain wastes contaminated with low level polychlorinated biphenyls (PCBs), subject to the Toxic Substances Control Act (TSCA). Gandy Marley, Inc. is the "Applicant." The action to be taken by the Department would renew an existing permit. The Department is charged with issuing a permit that will ensure the Facility's hazardous waste operations are properly managed to protect human health and the environment. If an applicant meets all of the conditions required for an operating facility, the State will issue a permit.

The draft Permit is a renewal of the permit that was first issued in March 2002. The initial permit authorized the Facility to store hazardous waste in a Drum Handling Unit, a Roll-Off Container Storage Unit, and Liquid Waste Storage Tanks; treat hazardous waste by evaporation in a Surface Impoundment and by solidification in Stabilization Bins; and dispose of hazardous waste in a Landfill. The Facility has not been constructed and GMI has submitted an application to renew the permit for the Landfill only. No other hazardous waste management units are included in this permit.

Prior to issuing a permit, the Department is required by regulation to release a draft of the permit for public comment in accordance with 20.4.1.900 and 901 NMAC. The Department is also required to issue a fact sheet which serves two functions: 1) to facilitate public review of that draft permit; and 2) to provide the basis for any specific requirements in the permit.

This Fact Sheet describes the general background for the draft Permit, including; a physical description of the Facility, its hazardous waste activities, and how the public may be involved in the permitting process.

Triassic Park Waste Disposal Facility

The proposed Facility is located in southeastern New Mexico on approximately 480 acres of privately owned land in Chaves County. The site is located in Sections 17 and 18 of Township 11 South, Range 31 East, and is approximately 43 miles east of Roswell and 36 miles west of Tatum and approximately 3.5 miles south of U.S. Highway 380. The Applicant's primary contact and address for this action is: Mr. Larry Gandy, Post Office Box 1658, Roswell, New Mexico 88202.

Permit Contents

The Permit addresses and authorizes the disposal of hazardous waste at the Facility. The Applicant does not seek a permit to treat or store hazardous waste. This Permit also requires the Permittee to conduct monitoring and corrective action activities and tasks that must be conducted if releases to the environment were to occur after construction and the start of operation of the Facility. This Permit establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act (HWA) and the New Mexico Hazardous Waste Management Regulations (HWMR). This Permit also establishes standards for closure and post-

closure care of the permitted land disposal unit at the Facility pursuant to the HWA and the HWMR.

The draft Permit includes ten Permit Parts and 18 Permit Attachments (A through R). The Permit Parts address how the Applicants are to adhere to specific hazardous waste management and disposal procedures, how they are to terminate use of the disposal Facility (referred to as “closure” of a unit), and how they are to conduct cleanup of contaminated soil, surface water, or groundwater (referred to as “corrective action”). The Permit Parts also include general requirements common to all hazardous waste permits throughout New Mexico (*e.g.*, duration of a permit); and general requirements that apply to the Facility (*e.g.*, characterization of waste, security, preparedness and prevention, leak detection).

The Permit authorizes the Applicants to receive certain limited types of hazardous wastes generated from outside the Facility. First are wastes generated from off-site sources, located in the United States. Second are wastes generated from off-site sources located outside of the United States. The final types of wastes are those generated at the Facility itself.

The Permit requires the Applicants to implement an emergency response plan if there is a fire, explosion, or release of waste at the permitted hazardous waste management unit that may endanger human health or the environment. This plan is called the Contingency Plan. Terms of the Permit include required emergency equipment, testing and maintenance of emergency equipment, communication and alarm systems, emergency response procedures, establishment of a chain of command, and post-emergency procedures. The Applicants must notify the NMED in the event of emergencies. Although the NMED does not take part in directing or managing emergency responses, the NMED is available for consultation to resolve an emergency.

The Permit also requires the Applicant to maintain a program that minimizes the amount of wastes generated at the Facility and reduces the toxicity of those wastes.

Public Participation

The HWMR (20.4.1 NMAC) require an opportunity for public involvement any time there is a modification to change a permit, or issue a new or renewal permit. That process involves public notice and includes an opportunity for public comment on major permit modifications or permit issuance or rejection. Public notices are provided in local newspapers and are included with written correspondence to individuals on the Facility mailing list. The Facility mailing list is maintained by the NMED and any interested person may request to be placed on it to be informed of such actions.

There are significant opportunities for the public to learn about and become involved in the regulation of hazardous waste at the Facility, including major permit-related actions and corrective action activities. Documents pertinent to permitting and corrective action activities submitted to or issued by the NMED are available for public review in the Administrative Record maintained by the NMED at the address provided in Section B below, which describes how the public may comment on the draft Permit.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

A copy of the administrative record may be reviewed at the following location:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen
(505) 476-6000

A copy of the draft Permit, this Public Notice, and the Fact Sheet are also available on the Department's website at www.nmenv.state.nm.us/HWB/tpperm.html. To obtain a copy of the administrative record or a portion thereof, or for further information, contact Mr. Dave Cobrain at (505) 476-6000 or at the address given below.

The 60-day public comment period begins on **June 15, 2016 and ends on August 14, 2016**. Any person who wishes to comment on this action or request a Public Hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments or requests received on or before **5:00 p.m. August 14, 2016** will be considered. Written comments may be sent to:

Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Ref: Triassic Park Draft Permit Public Comments
email: dave.cobrain@state.nm.us

Written comments must be based on the information available for review and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a Public Hearing shall provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requester represents; (3) a statement of any objections to the Permit; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a minimum 30 days notice of a Public Hearing, if scheduled.

All comments submitted will be considered in formulating a final decision and may cause the draft Permit to be modified. The Department will respond in writing to the comments. This response will specify which provisions, if any, of the draft Permit have been changed in the final decision and the reasons for the changes. All persons who have submitted written comments or who requested notification of the final decision will be notified of the decision by mail. These responses also will be posted on the NMED website.

After consideration of all written public comments received, the Secretary of the New Mexico Environment Department may issue a final Permit. The Secretary will make the final decision publicly available and will notify the Applicants by certified mail. All persons that submitted written comments, requested a hearing, or requested notification of the final decision will be

notified of the decision by first class mail. The Secretary's decision will constitute a final agency decision and may be appealed as provided by the HWA (Chapter 74, Article 4 NMSA 1978).

B. ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability and requiring assistance or auxiliary aid to participate in this process should contact J.C. Borrego, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, TDD or TDY users please access Mr. Borrego's number via the New Mexico Relay Network at 1-800-659-8331.

C. REGULATORY BACKGROUND

In 1976 the Resource Conservation and Recovery Act (RCRA) was passed by the U.S. Congress to regulate "cradle to grave" management of hazardous waste. RCRA was enacted as an amendment to the Solid Waste Disposal Act of 1965, and mandates the development of regulations governing the actions of owners or operators of facilities that generate, transport, treat, store, or dispose of solid and hazardous wastes.

On November 19, 1980, the RCRA regulations became effective, and it became unlawful under certain conditions to treat, store, or dispose of hazardous waste without having, or having applied for, a permit. For then-existing treatment, storage, or disposal facilities (TSDFs), the requirement to submit a permit application was satisfied by submitting the "Part A" portion of the application; the "Part B" portion could be submitted at a later time. The roles of these application parts are clarified in 40 Code of Federal Regulations (CFR) §§ 270.1(b) and 270.10.

The United States Environmental Protection Agency (EPA) has authorized the State of New Mexico (the State) to implement and enforce hazardous waste management requirements, including corrective action requirements, under its own hazardous waste management program. The State's authority for the program is the HWA, which: (1) authorizes the State's Environmental Improvement Board (EIB) to adopt hazardous waste management regulations, and (2) authorizes the Department to implement and enforce regulations issued under the HWA. These regulations are known as the HWMR.

The EIB has adopted regulations concerning hazardous waste management and the issuance of hazardous waste permits. These regulations incorporate by reference pertinent sections of the CFR – 40 CFR Parts 260 through 270, 273, and 280 – and are codified in the HWMR at 20.4.1 NMAC.

Whenever the Permit cites a provision of 20.4.1 NMAC or Title 40 CFR, the Permit is meant to incorporate the citation by reference, including all subordinate provisions of the cited provision, and make binding the full text of the cited provision. Hazardous waste management regulations are frequently cited throughout the Permit. The federal hazardous waste management regulations, 40 CFR Parts 260 through 273, are generally cited rather than the HWMR. The federal regulations are cited because only the federal regulations set forth the detailed regulatory requirements; the State regulations incorporate by reference, with certain exceptions, the federal regulations in their entirety. Citing only the federal regulations also serves to avoid encumbering each citation with references to two sets of regulations. However, it is the State regulations that are legally applicable and enforceable. Therefore, for the purpose of the draft Permit, and enforcement of its terms and conditions when finalized, all references to provisions of federal

regulations that have been incorporated into the State regulations are to be deemed to include the State incorporation of those provisions. The same method of citation of the regulations apply to this Fact Sheet - the federal hazardous waste management regulations, 40 CFR Parts 260 through 273, are generally cited rather than the HWMR.

The HWA and HWMR require corrective action for all releases of hazardous waste or hazardous constituents, regardless of when waste was placed in such a unit, from any solid waste management unit (SMWU) at a facility seeking a permit. [42 United States Code § 6924(u); NMSA 1978 § 74-4-4.2(B); 20.4.1.500 NMAC, incorporated by reference 40 CFR § 264.101(a)]. RCRA facilities also must conduct corrective action at areas of concern (AOCs). An AOC is an area to be investigated for potential releases. Depending on the type and extent of contamination, an AOC may subsequently be designated as a SWMU. Corrective action is required to be conducted beyond the facility boundary (42 U.S.C. § 6924(v); 20.4.1.500 NMAC, incorporated by reference 40 CFR § 264.101(c)) where necessary to protect human health or the environment. There are currently no SWMUs or AOCs at the Facility; however, the corrective action requirements are included for completeness.

On January 26, 1983, “units” managing and disposing of hazardous waste became subject to the closure and post-closure standards of 40 CFR Part 264, Subpart G and Part 265, Subpart G, requiring a post-closure care permit in some circumstances.

On January 25, 1985, the State of New Mexico received authorization from the EPA to implement its hazardous waste program under the HWA. *See* 50 Fed. Reg. 1515 (Jan. 11, 1985). Subsequent program revisions were approved effective on April 10, 1990; July 25, 1990; December 4, 1992; August 23, 1994; December 21, 1994; July 10, 1995; January 2, 1996; March 10, 1997; July 13, 1998; October 9, 2001; October 16, 2007, May 26, 2009, and December 27, 2010.

On July 25, 1990, the State received from EPA authorization to expand its hazardous waste program under the HWA, including the authority to regulate the hazardous component of mixed waste. *See* 55 Fed. Reg. 28397 (July 11, 1990).

On January 2, 1996, the State received authorization from the EPA to implement a corrective action program under the HWA. *See* 60 Fed. Reg. 53708 (Oct. 17, 1995); 61 Fed. Reg. 2450 (Jan. 26, 1996).

D. PERMIT APPLICATION REQUIREMENTS

Owners or operators of hazardous waste disposal facilities, including interim status facilities, are required to submit a comprehensive permit application covering all aspects of design, operation, maintenance, and closure of their facilities. A permit application consists of Parts A and B. Part A is a standard form that requires the name and location of the owner/operator, a list of the types of wastes managed, a facility layout diagram, and the activities requiring a permit. Part B is an extensive document submitted in a narrative, tabular, and schematic format that includes general and specific information for all hazardous waste management units at a facility. The Part B also includes information necessary to establish corrective action requirements for releases of hazardous waste or hazardous constituents to the environment.

E. TRIASSIC PARK DISPOSAL FACILITY PERMIT HISTORY

Gandy Marley, Inc. (GMI) submitted a RCRA permit application to NMED in November 1994, which was subsequently revised and resubmitted in February 1995, to manage, treat, store, and dispose hazardous waste at its proposed Triassic Park Waste Disposal Facility. NMED determined the application to be administratively complete in March 1995. NMED and GMI worked on technical revisions and a revised permit application was resubmitted that NMED found to be complete in October 1998. After additional technical revisions, GMI submitted a final revised permit application in September 2000. NMED determined this application to be technically adequate in January 2001.

On March 18, 2002, NMED issued a final hazardous waste permit to GMI for the storage, treatment, and disposal of hazardous waste at their southeastern New Mexico facility. The current permit allows for and addresses the requirements for management of commercial hazardous waste at three storage units; a drum-handling unit, a roll-off container unit, and liquid waste storage tanks, two hazardous waste treatment units (treatment tanks and surface impoundments), and one double-lined hazardous waste landfill with a capacity of 553,200 cubic yards and covering approximately 35 acres.

The permit is effective for a term of ten years but remains in effect, if a timely renewal application is submitted to the NMED (40 CFR 270.51(a)(2)). In October 2011, a permit renewal application was submitted to NMED and is a renewal of the permit issued in March 2002. After working with GMI on technical revisions, a revised permit renewal application was submitted to NMED in July 2013. This renewal permit only includes the hazardous waste landfill and does not renew any other previously permitted activity (i.e., drum-handling unit, roll-off container unit, liquid waste storage, treatment tanks, and surface impoundments). No portion of the Triassic Park Waste Disposal Facility has been constructed to date.

F. PART A APPLICATION

On July 5, 2013, the Applicant timely submitted to the Department a Part A application concurrently with their Part B application for renewal of the operating Permit for the Hazardous Waste Disposal Unit. Proposed non-permitted units at the Facility are 90-day generator storage units and satellite accumulation points for waste generated onsite during the operation of the Facility. These units are not permitted, but are subject to regulation under 40 CFR § 262. The Part A permit application is part of the Department's basis for issuing a permit to operate the hazardous waste management unit (HWMU) at the Facility, the waste management processes the Applicant proposes to utilize at the unit, and the waste types to be managed at that unit. The Part A permit application contains information on the hazardous waste disposal unit and its post-closure care, as listed in Section K of this Fact Sheet.

G. PART B APPLICATION

On July 5, 2013, the Applicant also timely submitted a Part B application for renewal of their current Permit for the Hazardous Waste Management Unit (Landfill) and information concerning corrective action for the Facility's potential SWMUs and AOCs. The Part B application addresses the requirements that apply to hazardous waste disposal facility operations at the Facility and contains a description of the Facility and its various operating plans.

H. TYPES OF HAZARDOUS WASTES MANAGED AT THE FACILITY

The Applicant may manage “D”, designated characteristic hazardous wastes and also “F”, “K”, “P” and “U”, designated listed hazardous wastes, which are categories of hazardous waste found at 40 CFR §§ 261.20-261.33, as described below.

The criteria for establishing a waste as a hazardous waste are provided in 40 CFR § 261, incorporated by reference in 20.4.1.200 NMAC. A waste is considered hazardous if it meets the definition of a solid waste as described in 40 CFR § 261.2; is not exempted by 40 CFR § 261.4; and exhibits any of the characteristics of hazardous waste identified in 40 CFR Part 261 Subpart C; or is listed in 40 CFR Part 261 Subpart D. Specifically: (1) D hazardous waste numbers (codes) denote the characteristics of ignitability (D001), corrosivity (D002), reactivity (D003), and toxicity (D004- D043); (2) F codes signify wastes from non-specific sources; (3) K codes signify wastes from specific sources; and (4) P and U codes denote discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, with the P codes signifying acutely hazardous wastes and the U codes signifying toxic wastes.

Hazardous waste types may be of uniform physical composition (*i.e.*, homogeneous) or of dissimilar or diverse composition (*i.e.*, heterogeneous). Homogeneous waste contains only one material, substance, or waste, and when a sample of the waste is collected, it represents the entire waste type. Homogeneous waste types can be either solids or liquids. Heterogeneous waste contains multiple components that differ in density, specific gravity, or other physical properties, are located in different places within the waste, or are discrete and different particles. Representative samples are often difficult to obtain for heterogeneous wastes (*e.g.*, debris).

I. TYPE OF UNIT TO BE PERMITTED

The Permit would authorize the Permittee:

1. To dispose of hazardous wastes in a landfill in the following unit:

Hazardous Waste Management Unit (HWMU): The Landfill is the hazardous waste management unit at the facility. This permit application is exclusively for operation of Phase 1A. Potential expansions of the landfill to future phases are included in the general layout drawings but are not included in this Permit.

J. PERMIT ORGANIZATION

The draft Permit comprises Permit Parts (1-10) and Permit Attachments (A-R). The Parts contain requirements that the Applicant must adhere to while managing and disposing of hazardous waste, conducting post-closure care, and conducting corrective action at the Facility (should corrective action be required).

Permit requirements are established to ensure compliance with New Mexico’s HWA and HWMRs and are derived from applicable regulatory requirements, the Applicant’s commitments in their permit application, or additional facility- or unit-specific requirements established by the NMED to ensure adherence with the regulations or to protect human health or the environment as provided at 20.4.1.500, 800 and 900 NMAC, incorporating 40 CFR Parts §§ 264 and 268 and 40 CFR §270.32(b)(2), respectively.

This Fact Sheet and the draft Permit generally refer to regulations by citing the federal hazardous waste management regulations, 40 CFR Parts 260 through 273, rather than the New Mexico

Hazardous Waste Management Regulations, 20.4.1 NMAC, which incorporate by reference the federal regulations, with some exceptions. In some cases, the New Mexico HWMR are cited directly.

K. PERMIT PARTS: Each draft Permit Part is briefly described below.

Permit Part 1: General Permit Conditions provides the regulatory authority and basis for the permit including modification and compliance requirements, definitions and general permit conditions regarding duties and requirements that apply to hazardous waste management at the Facility, most of which are based upon mandatory permit conditions set forth at 40 CFR Parts 264 and 270.

Permit Part 2: General Facility Requirements contains permit conditions for construction and operation of the hazardous waste disposal unit set forth at 40 CFR Part 264, Subparts B through E. The conditions include limitations on the types of waste that can be accepted at the Facility, waste characterization, personnel training, monitoring, recordkeeping, emergency preparedness and financial assurance requirements.

Permit Part 3: Hazardous Waste Disposal in the Landfill contains the conditions and limitations for disposal of hazardous waste in the landfill at the Facility. The Part 3 provisions address conditions for the types of hazardous waste that may be placed in the landfill, landfill design, landfill capacity, liner systems, leak detection systems, and stormwater management. Part 3 also includes waste tracking requirements, waste prohibitions and closure and post-closure care requirements. The landfill is permitted to receive all hazardous waste accepted at the Facility; however, all waste placed in the landfill must meet the Land Disposal Restrictions (LDR) treatment standards contained at 40 CFR Part 268 Subpart D. Waste may be received from off-site generators and also from the on-site leachate and leak collection systems, and from other activities at the Facility that generate hazardous waste.

The Applicant is authorized to dispose of only those hazardous wastes listed in the Part A Application and Permit Attachment F (*Waste Analysis Plan*). The Applicant may also dispose of soils with PCB concentrations of less than 50 ppm and bulk PCB-contaminated remediation waste, as defined in 40 CFR § 761.3 and 40 CFR § 761.61(a)(4)(i), in the landfill. Permit Part 3 addresses the requirements for disposing of hazardous waste in a landfill in accordance with 40 CFR Part 264, Subpart N. Requirements and a general description of the permitted unit and its location are provided in Permit Attachment A (*General Facility Description and Information*).

Permit Part 4: Vadose Zone Monitoring contains conditions to ensure the earliest possible detection of a containment release from the landfill. The Permit conditions include the location, design, construction, operation, and maintenance of the Vadose Zone Monitoring System (VZMS); the methodology for sampling and characterizing the fluids and organic vapors that may accumulate in the system; the methods for distinguishing between leachates and non-leachates; monitoring frequency; laboratory analyses; and data documentation and reporting requirements.

The New Mexico Hazardous Waste Regulations under 20.4.1.500 NMAC (incorporating by reference 40 CFR § 264.90 through § 264.99) and 20.4.1.900 NMAC (incorporating by reference 40 CFR § 270.32(b)(2)) require owners and operators of facilities that treat, store and/or dispose of hazardous waste to monitor the groundwater of the uppermost aquifer for possible contaminant releases and to operate under the necessary permit conditions to be protective of

human health and the environment. The regulations allow the Secretary to waive the ground water monitoring requirements, if the Permittee demonstrates that there is no potential for migration of liquid from any of the proposed regulated units to the uppermost aquifer during the life of the units. The Department approved a waiver of the requirements for groundwater monitoring at the facility in accordance with 40 CFR § 264.90(b)(4) as a part of a Final Order dated March 18, 2002. Instead of groundwater monitoring, the Permittee must conduct vadose zone monitoring, which is more appropriate and more protective of health and the environment than groundwater monitoring based on the subsurface conditions beneath the facility.

The facility will be developed within low-permeability, geologically stable sediments of the Triassic age Dockum Group. The base of the proposed landfill will rest upon an approximately 600-foot thickness of unsaturated mudstone of the Lower Dockum that has an average permeability equivalent to clay and represents a significant geologic barrier to the downward migration of potential contaminants to the uppermost groundwater aquifer, which is in the Santa Rosa Sandstone. The Santa Rosa Sandstone underlies the Lower Dockum Formation. The Ogallala Aquifer is not present beneath the facility; the western boundary of that aquifer is located between 0.5 and 2 miles east and stratigraphically above the site.

Potential releases of liquids or organic vapors from the facility are expected to migrate horizontally through the alluvium on top of the Dockum Group sediments and/or along the upper surface of the Lower Dockum mudstone, following the easterly dip of the units. This type of horizontal migration is most effectively detected by vadose zone monitoring wells that are located along preferential pathways down-dip of the facility. Vadose zone monitoring will more effectively provide detection monitoring at the facility than a groundwater monitoring system, given the depth to groundwater and the low permeability of the geologic units above the aquifer. Contaminant flow modeling, based on conservative assumptions, predicts that any contaminants released from the facility would not reach groundwater within 800 years. Therefore, the groundwater waiver remains in effect. The waiver is subject to review by the Department upon discovery of any release from the Landfill.

Permit Part 5: Closure and Post-Closure Care contains the closure and post-closure care requirements of 40 CFR 264 subparts G and N, which apply to the HWMU. Also included are the financial responsibility requirements for the Permittee for closure and post-closure care as required by 40 CFR Part 264 Subpart H. Provisions of Part 5 include requirements for notification of closure and time of closure, modifications to the closure plan, if necessary as well as information regarding closure activities. Part 5 also addresses the post-closure plan and its modification, and the requirements for, and length of, post-closure care; planned monitoring and maintenance activities; cost estimates, and other aspects of post-closure care. These aspects include record keeping and reporting, closure and post-closure certifications and financial assurance requirements. Further descriptions of the closure plan and post-closure care procedures for the HWMU are presented in Attachments O and P of the Permit.

Permit Part 6: Corrective Action for Hazardous Waste Management Units contains conditions that ensure an adequate response in the event that a release of hazardous wastes or hazardous constituents occurs at the Facility. Requirements include initial response actions, notification requirements, release verification and procedures, response action assessment evaluation and reporting, hazardous waste management unit investigation and subsurface

investigation work plan requirements, and recordkeeping and reporting requirements for the regulated unit. .

Permit Part 7: Corrective Action for Solid Waste Management Units describes the process the Applicant must follow to implement corrective action as necessary to protect human health and the environment for all releases of hazardous waste and hazardous constituents pursuant to sections 3004(u) and 3013 of the RCRA, Sections 74-4-4.A.5.h and 74-4-4.2 of the HWA, 40 CFR § 264.101, and 42 U.S.C. § 6924(u) and (v). Requirements also include corrective action beyond the Facility property boundary, where necessary to protect human health and the environment pursuant to Section 3004(v) of RCRA, Section 74-4-4.A5.i of the HWA and 40 CFR § 264.101(c). This Part includes sections discussing action levels for contaminants detected in the Vadose Zone Monitoring System and cleanup levels applicable to both human and ecological receptors. Part 7 also discusses the process for conducting corrective action from initial assessment and interim measures through corrective action investigation and corrective measures selection and implementation.

Permit Part 8: Investigation and Sampling Methods and Procedures contains the requirements for methods and procedures to conduct site investigation, remediation, and monitoring activities sufficient to fulfill the requirements of this Permit and provide valid data for the evaluation of site conditions, determining the nature and extent of contamination, and for remedy selection and implementation, where necessary. The methods presented in Permit Part 8 are minimum requirements for environmental investigation and sampling, and are not intended to include all methods that may be necessary to fulfill the requirements of the Permit. The methods for conducting investigations, corrective action, and monitoring at the Facility must be determined based on the conditions and contaminants that exist at each location where a release of contaminants has occurred.

Permit Part 9: Monitoring Well Construction Requirements contains the requirements for construction of vadose zone or groundwater monitoring wells at the Facility. General drilling procedures are presented in Permit Part 9.1 and monitoring well construction requirements are presented in Permit Part 9.2.

Permit Part 10: Reporting Requirements contains general reporting requirements and report formats for corrective action activities, if required under this Permit. The reporting requirements listed in this Part do not include all types of work plans or reports that may be necessary to address activities conducted pursuant to this Permit.

L. PERMIT ATTACHMENTS

Attachment A, *General Facility Description and Information*, contains a general description of the Facility, the location of the landfill and its design and construction and the Facility contact information. Also included are general descriptions of the site conditions, including geography geology, flood plain and climate, planned traffic routes and signage, waste management activities and procedures and also operations information including leak detection and action leakage rates and response plans.

Attachment B, *Procedures to Prevent Hazards*, provides information on the prevention of hazards to both the public and the environment upon construction and operation of the landfill in accordance with 40 CFR 264 subpart C. Specific procedures for implementing the safeguards,

emergency response, communication with local authorities and precautions to prevent accidents or exposure to hazardous wastes are addressed in this attachment.

Attachment C, Contingency Plan, is required by 40 CFR §§ 264.51 and 264.52. Under 40 CFR § 264.52, the contingency plan describes the actions facility personnel will take in response to a fire, explosion, or any release of hazardous waste or hazardous constituents to air, soil, surface water, or groundwater at the Facility that pose a threat to human health or the environment. The plan also addresses arrangements with local first responders, lists emergency coordinators, lists emergency equipment, and includes an evacuation plan.

Attachment D, Inspection Procedures, describes inspection procedures for maintaining monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) and the landfill in accordance with the requirements of 40 CFR § 264.15.

Attachment E, Personnel Training, documents training procedures to be used by the Facility for all new employees and refresher training for experienced workers to ensure that all employees perform their work in accordance with 40 CFR § 264.16.

Attachment F, Waste Analysis Plan, fulfills the requirements for accepting and characterizing hazardous waste generated both off- and on-site. The Waste Analysis Plan (WAP) requirements are established at 20.4.1.500 NMAC incorporating 40 CFR § 264.13 and 20.4.1.800 NMAC incorporating 40 CFR § 268.7, as required by 20.4.1.900 NMAC incorporating 40 CFR §270.14(b)(3).

Section 1.1 identifies wastes that will be accepted at the Facility and wastes that are prohibited. Section 1.2 lists criteria for waste acceptance and management. Sections 1.3 and 1.4 contain pre-acceptance procedures for initial acceptance of hazardous waste received from off-site generators and management procedures for incoming shipments of waste. The various analysis protocols that will be required at the Facility are contained in Section 1.5. Sampling and analytical methods and protocols for quality assurance/quality control (QA/QC) are discussed in Sections 1.6 and 1.7. Section 1.8 explains the Facility's waste tracking system. Section 1.9 summarizes notification, certification, and recordkeeping requirements related to waste analysis.

Attachment G, Air Quality discusses the applicability of air emissions regulation and includes a brief summary of other regulations which may be applicable to the Facility.

Attachment H, Listing of Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs), lists the HWMUs, SWMUs, and AOCs at the Facility. Currently, the only unit listed is the landfill.

Attachment I, Vadose Monitoring System Work Plan: the design, installation and operating parameters for the Vadose Zone Monitoring System (VZMS) are included in in this attachment. The vadose zone monitoring program for the facility allows for measurement and collection of fluids and organic vapors beneath or downgradient of the facility and identification of the potential source(s) associated with these fluids or organic vapors. Establishment of baseline liquid and vapor concentrations of constituents as well as analytical methods, data validation and record keeping are addressed in this attachment.

Attachment J, Action Leakage Rate and Response Action Plan, are required under 40 CFR §§ 264.302 and 264.304. This Permit exclusively addresses the first phase landfill (1A). This

attachment presents a proposed Action Leakage Rate (ALR) based on the landfill-specific design and calculated leakage rates based on methods recommended by the U.S. Environmental Protection Agency (EPA). The ALR is the maximum design flow rate that the leak detection and removal system can remove without the fluid head on the bottom liner exceeding one foot. The Response Action Plan (RAP) describes the steps to be taken in the event the ALR is exceeded in the landfill. The RAP specifies the initial notifications, steps to be taken in response to the leakage rate being exceeded, and follow-up reports.

Attachment K, *Reserved*, is reserved for future use.

Attachment L, *Engineering Report*, contains the detailed landfill construction design and engineering analyses required under 40 CFR, Part 264 subpart N and 20.4.1 NMAC in support of the Facility.

Attachment M, *Construction Quality Assurance Plan*, addresses the construction quality assurance of the landfill components including soils, geosynthetics, and related liner system materials for the waste receiving facilities, the landfill, and the storm water control system including the storm water detention basins and access roadways. In addition, requirements for materials inspections, placement and surveying are addressed in this attachment.

Attachment N, *Operations and Maintenance Plan*, contains long-term operation and maintenance plans for the landfill and the site runoff and drainage control system.

Attachment O, *Closure Plan*, describes specific activities required for closure of the landfill to meet the closure performance standards in accordance with 40 CFR §264.111. The closure activities are designed to minimize the need for further maintenance and any potential impacts to human health and the environment in compliance with 40 CFR Part 264 Subpart G. The landfill shall be capped with a final cover in compliance with CFR § 264.310(a), and post-closure care shall be implemented for the landfill. The attachment also addresses the closure of non-permitted units, modification of the Closure Plan, and certification of closure.

Attachment O1, *Compliance Schedule for Closure*, explains that closure is expected to begin when the landfill is nearing final capacity but contains enough remaining capacity in the landfill to dispose of all solid wastes generated on site during closure activities. Notification shall be provided to the New Mexico Environment Department in writing at least sixty days prior to beginning closure of a hazardous waste management unit or of the entire Facility.

Attachment O2, *Financial Assurance for Closure*, summarizes the landfill closure cost estimate in Table O2-1.

Attachment P, *Post-Closure Care*, contains the post-closure care plan for the landfill, which involves long-term maintenance, monitoring, and reporting of activities that are carried out after closure is completed. The post-closure care period for the landfill will begin after completion of closure activities and continue for an anticipated thirty years. The landfill post-closure care plan incorporates the requirements of 40 CFR § 264.117 through § 264.120 and CFR § 264.310(b) including long-term monitoring requirements, record keeping and certification of the completion of post-closure care.

Attachment Q, *Statistics for Release Determination*, contains the statistical analysis procedures that will be used to determine whether monitoring results show that a release has occurred from the Facility. In accordance with Permit Condition 4.6.1.a, Release Determination, these

procedures shall be used to perform release determinations for metals in water (i.e., fluid) samples obtained from the vadose zone monitoring system wells.

Attachment R, *Action Levels for Corrective Action*, provides a placeholder for the future determination of action levels that will trigger the initiation of corrective action.